



WASHOE COUNTY

**WASHOE COUNTY
BOARD OF ADJUSTMENT
NOTICE OF MEETING AND AGENDA**

Board of Adjustment Members

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

**Thursday June 6, 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)

- **Administrative Permit Case No. AP13-003 – Lake Tahoe Summerfest**
- **Special Use Permit Case No. SB13-008 – De La Luz Horse Racing Events**
- **Variance Case No VA13-002 - Ellis**
- **Amendment of Conditions Case No. AC13-003 – City of Reno**
- **Amendment of Conditions Case Number AC13-004 - William Kunz grading to amend approved Special Use Permit Case Number SB12-008**

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.

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**
April 4, 2013
8. **Consider and Adopt a Resolution Commending R.J. Cieri for His Service to Washoe County**

1:30 p.m. 9. **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: 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

B. 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

C. 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

D. 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

E. 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

10. 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. 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.
- B. *Report on Previous Board of Adjustment Items
- C. Future Agenda Items and Staff Reports

11. Director's Items

- A. *Legal Information and Updates

12. *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.

13. 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 April 4, 2013
1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

According to discussion regarding Item 8C, Special Use Permit Case No SB13-004 - Wild West Motorsports Park, the motion noted on Page 6 appears to have been intended to approve the special use permit with a change to 2D but was misstated in error. (This box will be removed from the final approved minutes.)

April 4, 2013

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, April 4, 2013 at 1:30 p.m., in the Washoe County Health Department Conference Rooms, 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

Members absent: Kim Toulouse
Philip Horan

Staff present: William Whitney, Director, Planning & Development
Eva Krause, 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

Chair Wideman 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 Cieri moved to approve the agenda of April 4, 2013 as written. The motion, seconded by Member Lawrence, passed by a vote of three in favor and none against.

7. Approval of Minutes

Member Cieri moved to approve the minutes of February 7, 2013. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none against.

8. Planning Items and Public Hearings

Agenda Item 8A

PUBLIC HEARING: Variance Case No VA13-001 - Friedrich – To allow a reduction in the front yard setback from twenty (20') feet to five feet nine inches (5' 9") to facilitate construction of a single-family residence on a currently undeveloped parcel.

- Applicant / Developer Gary R. Taylor, PO Box 1715, Crystal Bay, NV 89402
- Property Owner Felix Friedrich, 175 Pinetree Circle, Alpharetta GA, 30009
- Location: 400 Tuscarora Road approximately 300 feet south of the intersection with Teresa Court
- Assessor's Parcel No: 123-142-07
- Parcel Size: ±0.164 acres
- Master Plan Category: Suburban
- Regulatory Zone: High Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Development Code: Article 804
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated March 19, 2013. He noted a detached garage would be allowed by right up to the front property line. He stated staff recommended

denial based on the fact the lot was 88 feet wide and therefore was not exceptionally narrow. If it was, that would be a special circumstance which would justify the variance. He reviewed other aspects of the lot, opining it was unremarkable when judged against standards and similar parcels in the area.

Chair Wideman noted nearby lots seemed to have the same general shape. He asked if any of them were developed, if any had been granted variances and if the circumstances were similar. Mr. Pelham replied they were developed, some had variances and that he could not speak regarding the circumstances, as each case was evaluated on its own merits and limitations.

Applicant's Representative Gary Taylor opined the variance should be granted. Applicant Felix Friedrich noted it was their opinion an approval would not grant a special privilege. Mr. Taylor stated the lot was 59.89 feet wide by 117 feet long for a total square footage of 7,132 square feet. The location selected for the home was the safest and most logical considering the site constraints. He noted that Variance Case No. VA07-014 had been approved on the lot in 2007 for a setback of 5 feet 6 inches, but the planned home had not been constructed. He displayed a map which showed the surrounding parcels in the area that had been granted variances.

Mr. Friedrich stated he and his family would reside in the home and a detached garage would not be safe.

Chair Wideman asked if the home would be built within the setbacks previously approved, and Mr. Taylor stated it was three inches closer to the lot line and six feet wider. Discussion ensued regarding other potential locations for the garage and Mr. Taylor explained why they would not work.

Member Cieri noted a condition requiring the roof pitch to assure snow load did not fall towards the driveway and roadway. Mr. Taylor explained the structure was already designed to accommodate that request.

Mr. Pelham replied he had not, but it was possible he had been mistaken regarding that fact. He pointed out the applicant had not requested the variance based on special circumstance due to the shape or width of the lot.

Member Cieri asked Mr. Pelham, if the footage was as Mr. Taylor claimed, there was still a special circumstance. Mr. Whitney verified the lot was 60 feet wide and suggested it would be prudent to continue the item so staff would have an opportunity to reanalyze the department's position. Alternatively, if the Board felt they had enough information, they could proceed with a decision.

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

Member Cieri recommended sending the case back to staff for re-evaluation. Member Lawrence stated his support for that approach. Chair Wideman agreed that idea had merit, but felt he had enough information to make a decision. He proposed they consider the facts that in 2007 a reasonably similar variance was approved and a number of nearby properties had been granted variances for similar situations. He stated he was prepared to support the variance.

Mr. Pelham distributed proposed conditions of approval to the Board and applicant. Mr. Taylor reiterated Condition 3C, requiring the roof to pitch away from the front of the house, had already been addressed.

Chair Wideman asked staff if the case could be continued and DDA Salter stated it could.

Member Cieri moved to approve Variance Case No VA13-001 - Friedrich, amended by the removal Condition 3C, based on testimony received at the hearing. The motion was seconded by Member Lawrence and passed three in favor and none against.

Member Cieri stated he was able to make all five of the following findings:

1. Special Circumstances.
2. No Detriment.
3. No Special Privileges.
4. Use Authorized.
5. Effect on a Military Installation.

Agenda Item 8B

PUBLIC HEARING: Administrative Permit Case No AP13-001 – Saint Rose of Lima Catholic Parish - To allow the expansion of an existing church of 2,372 square feet by an additional 700 square feet to construct an office for the pastor and an area to serve refreshments.

- Applicant / Property Owner: Saint Rose of Lima Catholic Parish
- Location: 695 US Highway 395, Washoe Valley
- Assessor's Parcel No: 046-070-60
- Parcel Size: 2.42 acres
- Master Plan Category: Commercial and Rural
- Regulatory Zone: General Commercial and Public and Semi-Public Facilities
- Area Plan: South Valleys
- Citizen Advisory Board: West Washoe Valley
- Development Code: Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 23, T17N, R18E, 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 dated March 19, 2013.

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

Board members agreed no discussion was required.

Member Cieri moved to approve conditionally Administrative Permit Case No AP13-001 – Saint Rose of Lima Catholic Parish. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none 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 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 chapel 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 any military installation.

Agenda Item 8C

PUBLIC HEARING: Special Use Permit Case No SB13-004 - Wild West Motorsports Park – Request approval of for the mass grading done to create a race track and grandstand areas, and to operate the site as a commercial outdoor entertainment venue for off-road racing and other outdoor entertainment activities.

- Applicant: Hayfed, LLC
- Property Owner: Lockwood Investment Co. Ltd
- Location: 12005 East I-80
- Assessor's Parcel No: 084-060-13
- Parcel Size: 170.53 acres of a 624-acre parcel
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Article 810, Special Use Permit
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 9, T19N, R21E, MDM, Washoe County, NV
- Staff: Eva M. Krause - AICP, Planner
- Phone: 775.328.3796
- E-Mail: ekrause@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated, March 21, 2013. She explained the conditions of approval were quite extensive as they were meant to address any type of outdoor entertainment that may occur on the property. She noted Granite Construction had expressed concerns regarding accesses. Condition 1P addressed this. It clarified the applicant agreed to not take action to limit or restrict Granite Construction or their successors from any mineral

extraction activities, and the applicant is encouraged to work with the surrounding property owners to avoid any conflicts of use.

Ms. Krause explained Condition 1O gives the Director of Planning and Development the right to determine hours of operation for events. Condition 2D limits the number of spectators based on the number of parking spaces. It states the Director of Planning and Development, with the approval of the traffic engineer, may increase the number of spectators if the applicant increases the number of parking spaces. She also pointed out the maximum number of spectators allowed without further review was 9,999.

Applicant's Consultant Phil Bowman explained he had miscounted the number of parking spaces on the plans and there are actually 5,056. Based on the calculation of two people per car, he opined the site could handle 9,999 people. Ms. Krause had no objections but requested the Board require the approval of the County engineer regarding traffic flows. She explained the Board would be approving the condition as opposed to the Director doing so, as the condition currently stated.

Member Cieri expressed concern with over 5,000 cars merging onto an uncontrolled highway. Ms. Krause replied the Nevada Highway Patrol (NHP) had conditioned that if there were over 1,600 people expected, the applicant would be required to hire NHP for traffic control. This arrangement had occurred during past events and worked very well. Member Cieri asked about water availability and Ms. Krause replied it would all be brought in. None would be pumped at the site.

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

Ms. Krause proposed Condition 2D be revised to state: "The number of spectators and participants is limited to 9,999 based on the parking plan once it has been approved by the traffic engineer."

Member Cieri moved to approve conditionally Special Use Permit Case No SB13-004 - Wild West Motorsports Park with the deletion of Condition 2D being replaced by Condition 2E, composed of language as read by staff. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none 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 Truckee Canyon 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 Outdoor Entertainment 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 8D

PUBLIC HEARING: Special Use Permit Case No. SB13-003 - Traditional Mexican Rodeo - To establish an equestrian facility for the hosting of "Traditional Mexican Rodeos" also known as "Charreada". Proposed events will consist of horse competition, team roping, and Mexican Charreada events. No boarding stables or new structures are proposed.

- Applicant Adalberto Ortega-Peralta
- Property Owner Claudia Ortega
- Location: 6505 Ernie Lane, Reno, NV 89510
- Assessor's Parcel No: 076-200-10
- Parcel Size: ±40.33
- 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 23, T23N, R20E, 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 dated March 20, 2013. She explained the applicant had self-imposed a number of conditions designed to minimize any negative impacts. She found the site clean and well-maintained.

Ms. Sannazzaro reviewed concerns submitted by neighbors and what she had done in an attempt to alleviate them. She suggested commercial parking design and landscaping standards were inappropriate for the area and noted Condition 1O removed the requirements.

Member Cieri asked if the Nevada Department of Transportation (NDOT) had responded to the request for review and Ms. Sannazzaro stated they had not, but the Washoe County Traffic Engineer responded that she had no comments. Member Cieri discussed the dangers of the intersection of Winnemucca Ranch Road and Pyramid Highway.

Sharon Spencer suggested the applicant did not control his site and provided examples of situations she had witnessed and experienced.

Hugh Ezzell opined the applicants had worked with the neighbors to make the events tolerable. He explained dust was still a problem.

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

Member Cieri further expounded upon the dangers of the intersection of Winnemucca Ranch Road and Pyramid Highway. He reiterated his disappointment in the lack of response from NDOT and the County.

Member Cieri moved to approve conditionally Special Use Permit Case No. SB13-003 - Traditional Mexican Rodeo. The motion was seconded by Member Lawrence. DDA Salter recommended the motion approve reference to the Second Amended Conditions as submitted. Member Cieri modified his motion, Member Lawrence agreed with the change, and the motion passed by a vote of three in favor and none 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 Rodeo 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.

9. 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 told the Board he would have a staff report ready for the June meeting which would compare the current rules with the proposed rules so the changes were clear.

B. Report on Previous Board of Adjustment Items.

Mr. Whitney informed the Board that David Wood, Applicant for Case No. AP12-009 which the Board had denied, had decided not to develop his property.

10. Director's Items

None

11. Public Comment

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

12. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 3:32 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on _____, 2013

William Whitney
Secretary to the Board of Adjustment



Administrative Permit Staff Report

Meeting Date: June 6, 2013

Subject: [Administrative Permit Case No: AP13-003](#)

Applicant(s): Lake Tahoe SummerFest – Georgette Porter.

Agenda Item No. 9A

Summary: 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.

Recommendation: [Approval with Conditions](#)

Prepared by: Eric Young - Planner
Washoe County Community Services Department
Division of Planning 328-3613
E-Mail: eyoung@washoecounty.us

Description

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, 2012 (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 – Berkbigler.
- Section/Township/Range: Within Section 23, T16N, R18E, MDM, Washoe County, NV.

Staff Report Contents

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[Conditions of Approval..... Exhibit A](#)

[Building and Safety..... Exhibit B](#)

[Agency responses not requiring conditions..... Exhibit C](#)

[District Health Exhibit D](#)

[North Lake Tahoe Fire Protection District Exhibit E](#)

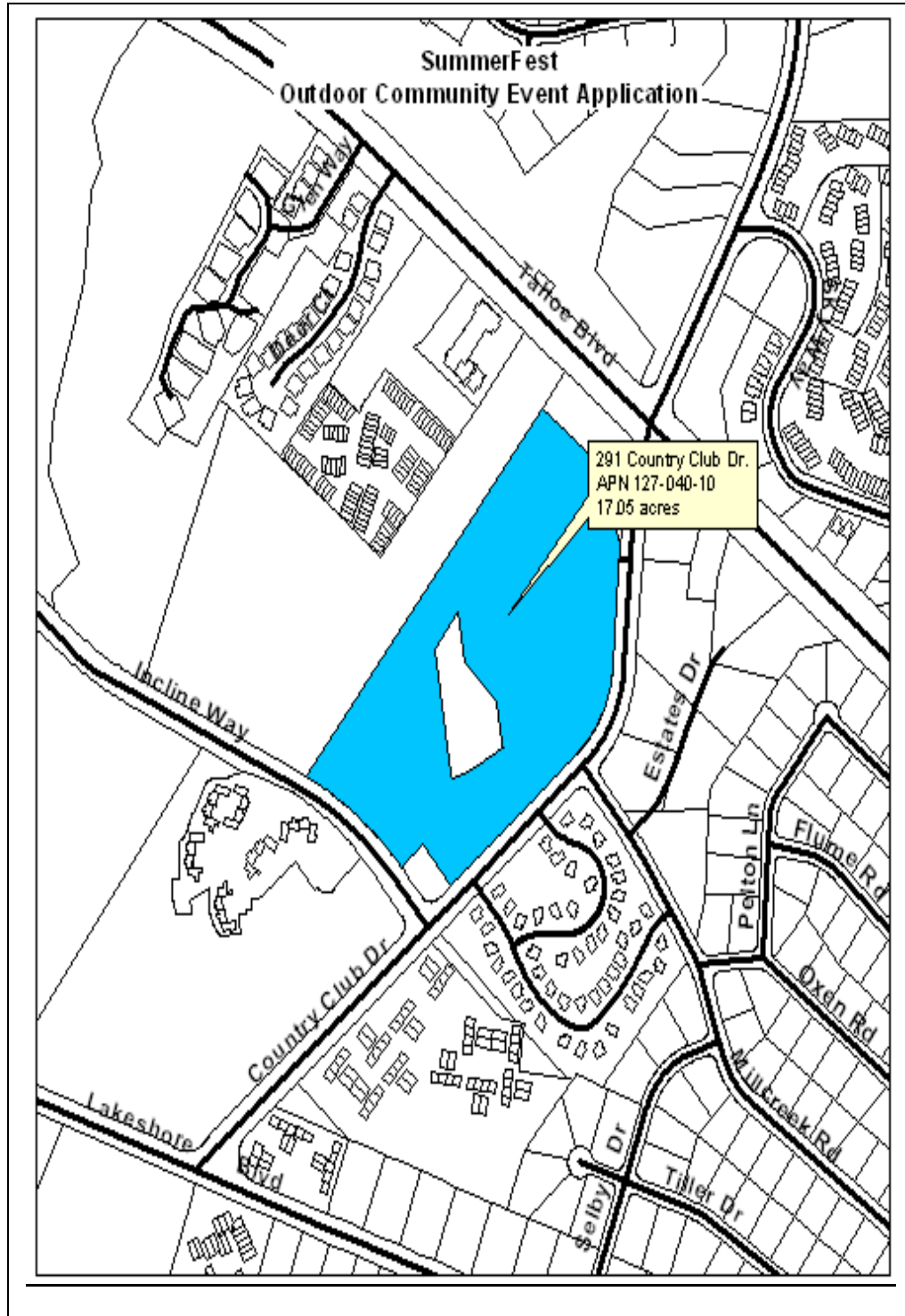
[Public Notice..... Exhibit F](#)

[Project ApplicationExhibit G](#)

Administrative Permit Definition

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for [Administrative Permit Case No. AP13-003](#) is attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

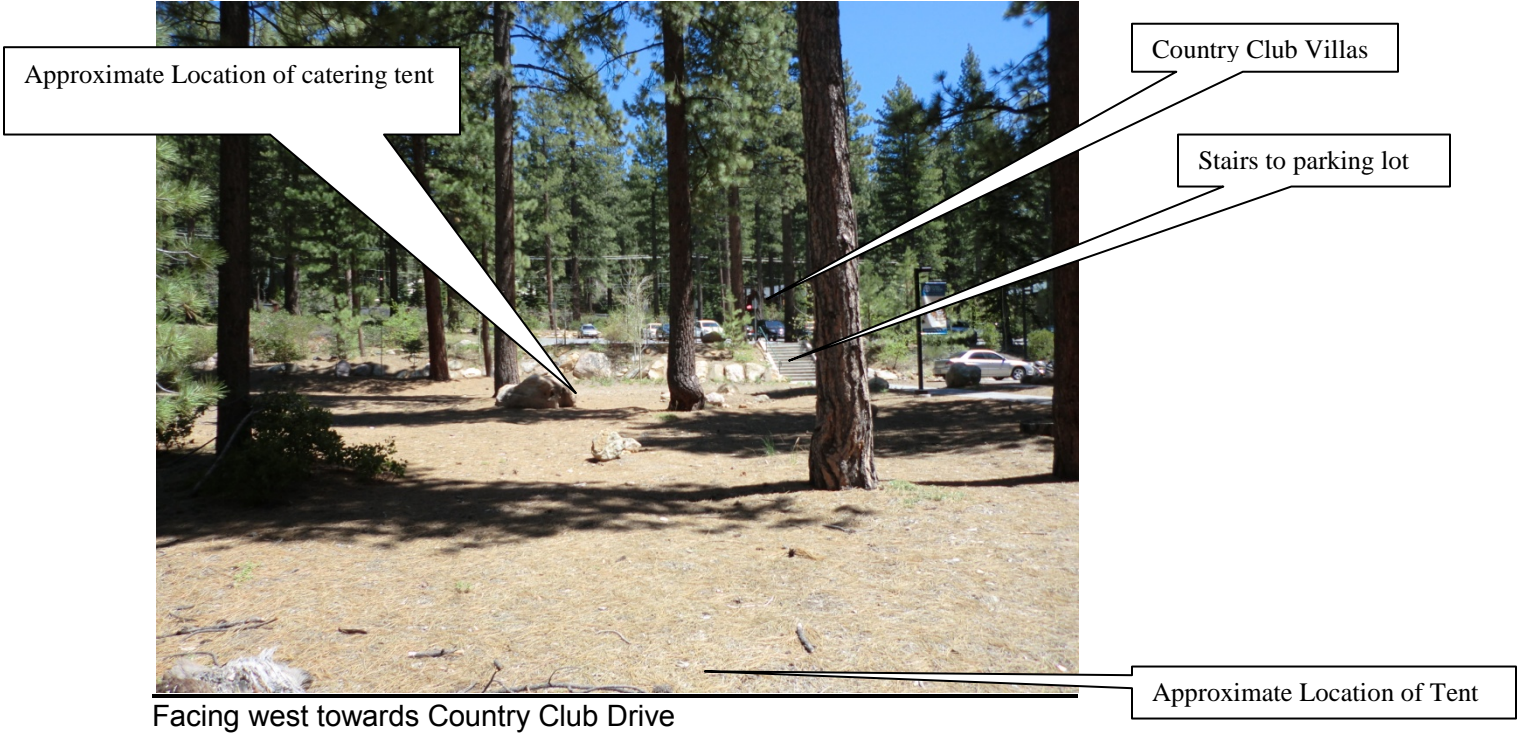
Lake Tahoe SummerFest is a series of concert events being held under a tent set-up on the Sierra Nevada College property. The tent is proposed to be set up in the area between the Prim Library and Patterson Hall. There are residential dwellings to both the east (Country Club Villas) and west (Tahoe Racquet Club) of the college property. The concert tent will be located approximately 500 feet from any of the residential structures.

Concerts will be held on Friday and Saturday nights between 7:00 and 9:00 p.m., and on Sundays between 4:00 and 7:00 p.m. The concert performances will not use amplification equipment, but there will be one microphone system for making announcements if necessary.

In addition to the concert, there will be food and beverages provided by a private company sold before and during the concert. The catering tent will be set-up near the stair to the parking lot closest to Country Club Drive (east of Prim Library). The area where the caterer will set up is several feet below the parking lot. This lower location will serve to screen the tent from the roadway.

There are three parking lots on Sierra Nevada Campus providing 238 parking spaces. In 2012, the applicant proposed to use the Church parking lot across Tahoe Boulevard (917 Tahoe Boulevard) and 25 parking spaces at the IVGID Recreation Center on Incline Way (893 Incline Way) for overflow parking, if necessary. That much overflow parking proved unnecessary, so this year only the IVGID Recreation Center will serve overflow parking if necessary. The concert musicians will be bused in from the Northstar at Tahoe Resort each afternoon.

The restroom facilities in the campus buildings will be open for use by the concert attendees. Sierra Nevada College security staff will be on site during the concert. Volunteer staff will be assigned to direct traffic and assist the public.





Facing Northeast



Facing Southwest

Incline Village Crystal Bay Citizen Advisory Board (IVCB CAB)

Administrative permits are not required by Washoe County Code to be presented at a Citizen Advisory Board meeting. However, the Incline Village/Crystal Bay CAB members were noticed of this BOA meeting following the provisions outlined in WCC Chapter 110.

Reviewing Agencies

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

- Washoe County Planning and Development
- Washoe County Engineering and Capital Projects Division
- Washoe County Health District
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Washoe County Building and Safety
- Washoe County Risk Management
- Washoe County Sheriff's Department

Four out of the nine 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 the hours of operation and imposed operational conditions that will be in effect for the duration of the event.
Contact Eva Krause, 775.328.3796, ekrause@washoecounty.us
- Washoe County Division of Building and Safety addressed the need for building permits for all structures.
Contact: Don Jeppson, Director, Building and Safety Division, 328-2020.
- Washoe County Engineering and Capital Projects did not request conditions.
Contact Clara Lawson, 775.328.3603, Clawson@washoecounty.us
- North Lake Tahoe Fire Protection District addressed fire and safety concerns regarding the concert tent.
Contact Mark Regan, 775.831.0351, ext. 8107
- Incline Village General Improvement District had no comments or conditions.
- Washoe County Health District addressed the need for emergency EMT services on site.
Contact Name Stacey E. Akurosawa, 775.328.2420 Sakursawa@washoecouty.us
- Washoe County Risk Management did not request conditions.
Contact Name Jim Jeppson, 775.328.2075, jjepson@washoecounty.us

Staff Comment on Required Findings

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before granting approval of the administrative permit request. Staff has completed an analysis of the 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 [Tahoe Area Plan](#).

Staff Comment: The proposed outdoor community event, a series of outdoor concerts to be conducted on the grounds of the Sierra Nevada College, is a permitted use with acquisition of an administrative permit and business license. There are no programs policies maps or standards in any of the relevant Washoe County Plans that are inconsistent with this use.

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 administrative permit review process ensure that Washoe County staff and that of other appropriate agencies apply conditions to this use that will ensure that all of the above mentioned improvements, services and facilities are provided for this event. Staff is confident that the necessary facilities are in place or will be in place as the result of a condition for the duration of the event.

3. Site Suitability. That the site is physically suitable for an Outdoor Community Event, and for the intensity of such a development.

Staff Comment: The proposed site is particularly suitable for this event. The lawn areas of Sierra Nevada College are capable of hosting the expected crowds and there is adequate room for the set up of the necessary facilities and equipment. The successful use of this area last year is an indication that the site is suitable for this event.

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 administrative permit review process ensures that all appropriate agencies have provided all necessary conditions for this event to remain non detrimental to the public health safety and welfare of the area, nor will surrounding properties be unduly injured nor will the character of the surrounding area be harmed. .

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: NA.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case No. AP13-003 and the associated Outdoor Community Event business license are being recommended for approval with conditions.

Should the Board of Adjustment approve the issuance of the permit and license, staff recommends that applicant provide Washoe County Business License with proof of compliance for each applicable condition by July 20, 2013. Washoe County Business License will issue the Community Events business license, under the signature of the Division Director, only after determination that all conditions have been met and that all applicable fees and deposits have been paid (WCC Section 25.283).

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approves with conditions, Administrative Permit Case No. AP13-003, and the accompanying Outdoor Community Event business license, for Lake Tahoe SummerFest, *having made all five findings in accordance with Washoe County Development Code Section 110.808.25, and further* authorizes the Planning and Development Director to sign the business license after all appropriate conditions have been met or satisfied.

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.

Appeal Process

[Board of Adjustment](#) action will be effective 10 days after the [public hearing](#), 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:](#) [Georgette Porter, Executive Director, Lake Tahoe SummerFest](#)
[948 Incline Way, Incline Village NV 89451](#)

[Property Owner:](#) [Sierra Nevada College, 291 Country Club, Incline Village, NV 89451](#)

EXHIBIT A



Conditions of Approval Administrative Permit Case No. AP13-003

The project approved under Administrative Permit Case No: AP112-005 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 6, 2013. The Board of Adjustment has established conditions which must be met prior to the issuance of an Outdoor Community Event License pursuant to Washoe county Code, Article 25. 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.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to July 20, 2012. 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 or other documentation required by these conditions shall have a copy filed with the Department of Community Development.

Compliance with the conditions of approval related to this Administrative Permit and Business License is the responsibility of the Licensee at the Licensee's Expense. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may cause Washoe County to not issue the business license or for the County to take appropriate measures to revoke or suspend the business license.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative 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 of the business license.
- 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 APPLICANT SHALL SUBMIT ALL REQUIRED PLANS, PERMITS, DOCUMENTATION, ETC., TO THE IDENTIFIED RESPONSIBLE AGENCY. THE APPLICANT SHALL PROVIDE WASHOE COUNTY BUSINESS LICENSE WITH PROOF OF COMPLIANT WITH ALL APPLICABLE CONDITONS BY JULY 20 2012. WASHOE COUNTY BUSINEES LICENSE WILL ISSUE THE OUTDOOR COMMUNITY EVENT BUSINESS LICENSE AFTER

DETERMINING THAT ALL OF THESE CONDITIONS HAVE BEEN MET AND THAT ALL APPLICABLE FEES AND DEPOSITS HAVE BEEN PAID.

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 Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Eric Young, Planner 775.328.3613

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. The Department of Community Development shall determine compliance with this condition.
- b. 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 administrative permit.
- c. **By July, 20, 2012**, the applicant shall provide Community Development a pass to gain access to concert site, including parking, for inspection to verify that all conditions of approval are being adhered to. The pass must be good for any and all concerts. Inspection shall be random and unannounced.
- h. The following **Operational Conditions** shall be required for the approved dates of the Outdoor Community Event:
 1. An Outdoor Community Event license for Tahoe SummerFest shall be issued prior to commencing of concerts.
 2. Catering services shall obtain appropriate Washoe County business and intoxicating liquor licenses.

3. Hours of Operation. All concerts shall end by 9:30 p.m. each Friday and Saturday evening, and by 7:30 p.m. on Sundays. Pre Concert activities shall not start before 4:30 p.m., and all activities shall end by 10:00 p.m. on Friday and Saturday nights. Pre Concert activities shall not start before 12:30 p.m. and all activities shall end by 8:00 on Sundays.
4. Noise. The music shall not be amplified during any concert.
5. Restroom Facilities must be open and available to the concert goers at least 30-minutes before and after the concert, and during the entire time that food or beverages are sold.
6. Lighting. All outdoor lighting, other than standard campus lighting, shall be turned off by 10:00 p.m. on Friday and Saturday nights, and by 8:00 p.m. on Sundays.
7. Clean up. The applicant shall be responsible for total clean up of the site. The tent structure shall be removed within 48 hours of the final concert on August 19, 2012. The applicant shall contact Washoe County Community Development to arrange final site inspection after clean up is complete.
8. Failure to comply with the conditions of approval shall render this approval null and void.

Washoe County Division of Building and Safety

2. The following conditions are requirements of the Building and Safety Division, which shall be responsible for determining compliance with these conditions. The applicant shall provide all required documentation showing proof of compliance with Engineering conditions **by July 20, 2012.**

Contact Name – Don Jeppson, AIA, Director 775.328.2020, Djeppson@washoecounty.us

- a. The event organizers must obtain building permits by submitting plans and calculations for review and approval of all temporary structures, including tent structures. Plan submittals should include manufacturer's recommendations for anchoring and specifications regarding wind loads, flame spread and smoke-development.

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.

Contact Name – Stacey E. Akurosawa, 775.328.2420 Sakursawa@washoecounty.us ,

- a. The event organizers shall have a First Aid Station on site staffed with at least one EMT during the hours of operation of the event. This is based on the information supplied on their application and in accordance with the Washoe

County District Board of Health EMS Mass Gathering Guidelines. **By July 20, 2012**, the applicant shall provide Health Department with a letter or email from REMSA (or equivalent provider) confirming that this condition shall be met.

North Lake Tahoe Fire Protection District (NLTFPD)

4. The following conditions are requirements of the NLTFPD, which shall be responsible for determining compliance with these conditions. The NLTFPD is directed and governed by its own board. Therefore, any conditions set by the NLTFPD must be appealed to that board. The applicant shall provide all required documentation showing proof of compliance with **conditions a., and b., by July 20, 2012.**

Contact - Mark Regan, 775.831.0351, ext. 8107

- a. The applicant shall submit full tent and engineering plans to Washoe County Building Department for review and issuance of set-up permit.
- b. The applicant shall apply for a Special Activity Permit from North Lake Tahoe Fire Protection District.
- c. Fire inspection is required before opening night each weekend.

*** End of Conditions ***

Exhibit B Building and Safety.

From: Jeppson, Don C
Sent: Thursday, April 25, 2013 10:32 AM
To: Spinola, Dawn; Parish, Charlene; Vesely, Leo; Corbridge, Kimble; Babione, Terry; 'tim_buxton@ivgid.org'; 'mregan@nltpd.net'; Teasley, Doreen
Cc: Young, Eric
Subject: RE: New Development Application - AP13-003

Must obtain building permits by submitting plans and calculations for review and approval of all temporary structures, including tent structures. Plan submittals should include manufacturer's recommendations for anchoring and specifications regarding wind loads, flame spread and smoke-development.

Don C. Jeppson, AIA
Director
Washoe County
Building & Safety Department
Mail: P.O. Box 11130, Reno, NV 89520
Phone: 775-328-2030; Fax: 775-328-6132
e-mail: dcjeppson@washoecounty.us web: www.washoecounty.us
? Please consider the environment before printing this message.

From: Spinola, Dawn
Sent: Thursday, April 25, 2013 8:46 AM
To: Jeppson, Don C; Parish, Charlene; Vesely, Leo; Corbridge, Kimble; Babione, Terry; 'tim_buxton@ivgid.org'; 'mregan@nltpd.net'; Teasley, Doreen
Cc: Young, Eric
Subject: New Development Application - AP13-003

Dear Agency Staff:

Attached please find an Agency Review memo and a link to a new development application you are requested to review and comment on. Contact the assigned planner with any questions or concerns.

<http://www.washoecounty.us/repository/files/20/ap13003app.pdf>

Thank you,

Dawn
Dawn Spinola
Office Support Specialist

775.328.3634

dspinola@washoecounty.us

Exhibit C – Agency responses indicating no conditions required.

Public Works and Engineering:

From: Lawson, Clara
Sent: Friday, April 26, 2013 4:37 PM
To: Krause, Eva
Subject: Lake Tahoe Summerfest

Second year of event, they have provided adequate parking, I have no conditions for approval

Clara Lawson, PE, PTOE
Washoe County Community Services Dept
Engineering & Capital Projects Division
PO Box 11130 Reno, NV 89520-0027
775-328-3603

Risk management:

From: Jeppson, Jim
Sent: Thursday, April 25, 2013 1:35 PM
To: Spinola, Dawn
Cc: Teasley, Doreen; Smith, Carol A
Subject: FW: New Development Application - AP13-003

Dawn,

The memorandum included several different subjects, but I'm assuming you wanted review of the application for Summer fest? If so, the application looks good and is approved by Risk Management.

JIM JEPPSON

Incline village General Improvement District (IVGID)

AP13-003

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

Exhibit D – District Health

From: Akurosawa, Stacey

Sent: Tuesday, May 15, 2012 11:14 AM

To: Webb, Bob

Subject: RE: Outdoor community event application for review by May 18

I have completed my review of the outdoor community event application for the Lake Tahoe Summerfest. My recommendation would be that the event organizers include a First Aid Station staffed with at least one EMT during the hours of operation of the event. This is based on the information supplied on their application and in accordance with the Washoe County District Board of Health EMS Mass Gathering Guidelines. Please let me know if you have any questions.

Thank you,

~Stacey

Stacey E. Akurosawa

Emergency Medical Services Coordinator

Washoe County Health District

EXHIBIT E – NLTFPD



NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

866 Oriole Way – Incline Village, NV 89451-9439
(775) 831-0351 Fax (775) 831-2072 www.nltfpd.net

Michael D. Brown Fire Chief

May 10, 2012

Karin Kremers
Washoe County Department of Community Development
P.O. Box 11130
Reno, NV 89520-0027

Lake Tahoe Summer Fest Concerts AGENCY REVIEWS

The following application has been reviewed by the North Lake Tahoe Fire Protection District with comments as noted below:

Special Use Permit Case No. Lake Tahoe Summer Fest Concerts

1. Must submit full tent and engineering plans to Washoe County Building Dept. for review and Permit.
2. Special Activity Permit from North Lake Tahoe Fire Protection District is needed. Can pick up if approved by the board. (I have had a meeting on site with the applicant and they can meet the permit requirements.)
3. Fire inspection is required before opening night each weekend.

Prepared by:
NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

Mark Regan
BC/Assistant Fire Marshal

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: May 24, 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, June 6, 2013**County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512**

RE: **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

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.

OUTDOOR COMMUNITY EVENT APPLICATION

(Requires a non-refundable \$50 application fee)

Application date: April 9th 2013

Applicant Information

Applicant's name: Lake Tahoe SummerFest / Georgette A. Porter

Mailing address: 948 Incline Way Incline Village, NV 89451

Phone: 775-298-0245 (Business) (Home) (Cell)

All applicants, to include corporate officers or partners must complete a personal history form

Is the applicant a(n): [] Corporation [] Partnership [] Individual [x] Nonprofit

If a corporation or a partnership, list corporate officers or partners:

Table with 3 columns: Name, Address, Title. No entries are present.

Event Information

Name of Event: Lake Tahoe SummerFest Concerts

Date(s) of Event: August 2nd - 18th (Fri-Sun) Hours of operation: 7pm - 9pm (Fri-Sat) 4-7pm (Sun)

Location of Event: Sierra Nevada College, 291 Country Club Dr

Assessor Parcel Number(s): 127-040-10

Description of Event: Classical Music Concerts

Name of the designated event representative who will be on-site during the event and who has authority to bind the applicant: Georgette A. Porter, Executive Director

Will an admission fee be charged for your event? [x] Yes [] No

If yes, amount and type of fee(s): Ticket price \$25-50-75

When will fee be collected? [x] Pre-sales [x] At entrance

Approximate number of participants and other persons: 300-500 max

Approximate number of customers and spectators: approx. 1,300 / 3 day weekend max.

Approximate maximum number of persons on any one day of the event: 500 max

Will food and/or beverages be served? [x] Yes [] No

(all food and beverage vendors must have the appropriate Washoe County Health District permits)

Will alcoholic beverages be served? [x] Yes [] No

(all intoxicating liquor vendors must be individually licensed with Washoe County Business License)

Will there be live music? [x] Yes [] No

Unamplified. page 5

MASTER PLAN

WHERE WE'RE GOING



SIERRA
NEVADA
COLLEGE

LAKE TAHOE



EXISTING STRUCTURES:

1. Tahoe Center for Environmental Sciences
2. Prim Library
3. Patterson Hall
4. Campbell-Friedman Hall
5. Prim-Schultz Hall
6. David Hall
7. Parking

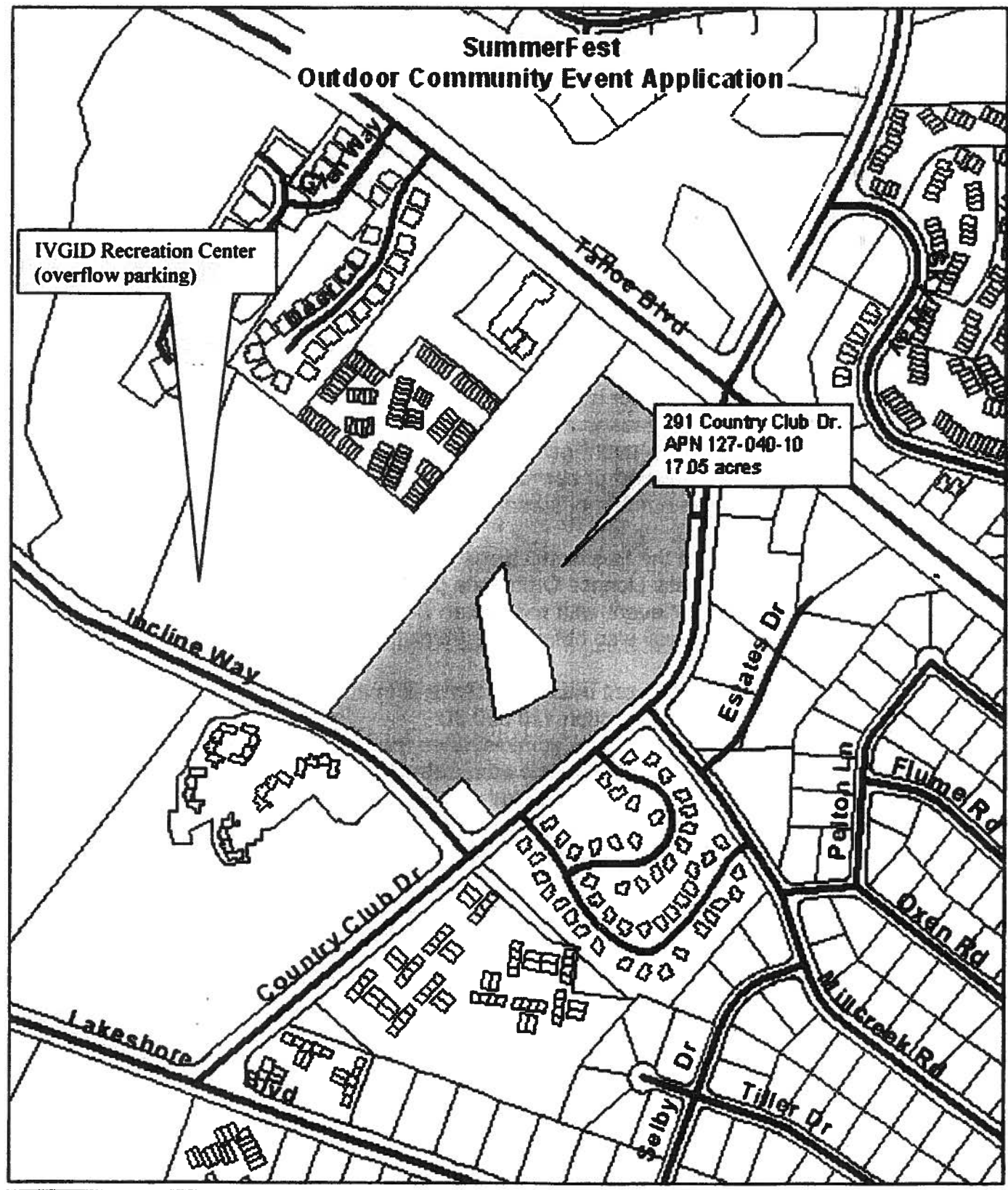
FUTURE STRUCTURES:

7. Residence Hall
8. Residence Hall with Parking Structure
9. Community Center for Performing Arts
10. Academic Building

**SummerFest
Outdoor Community Event Application**

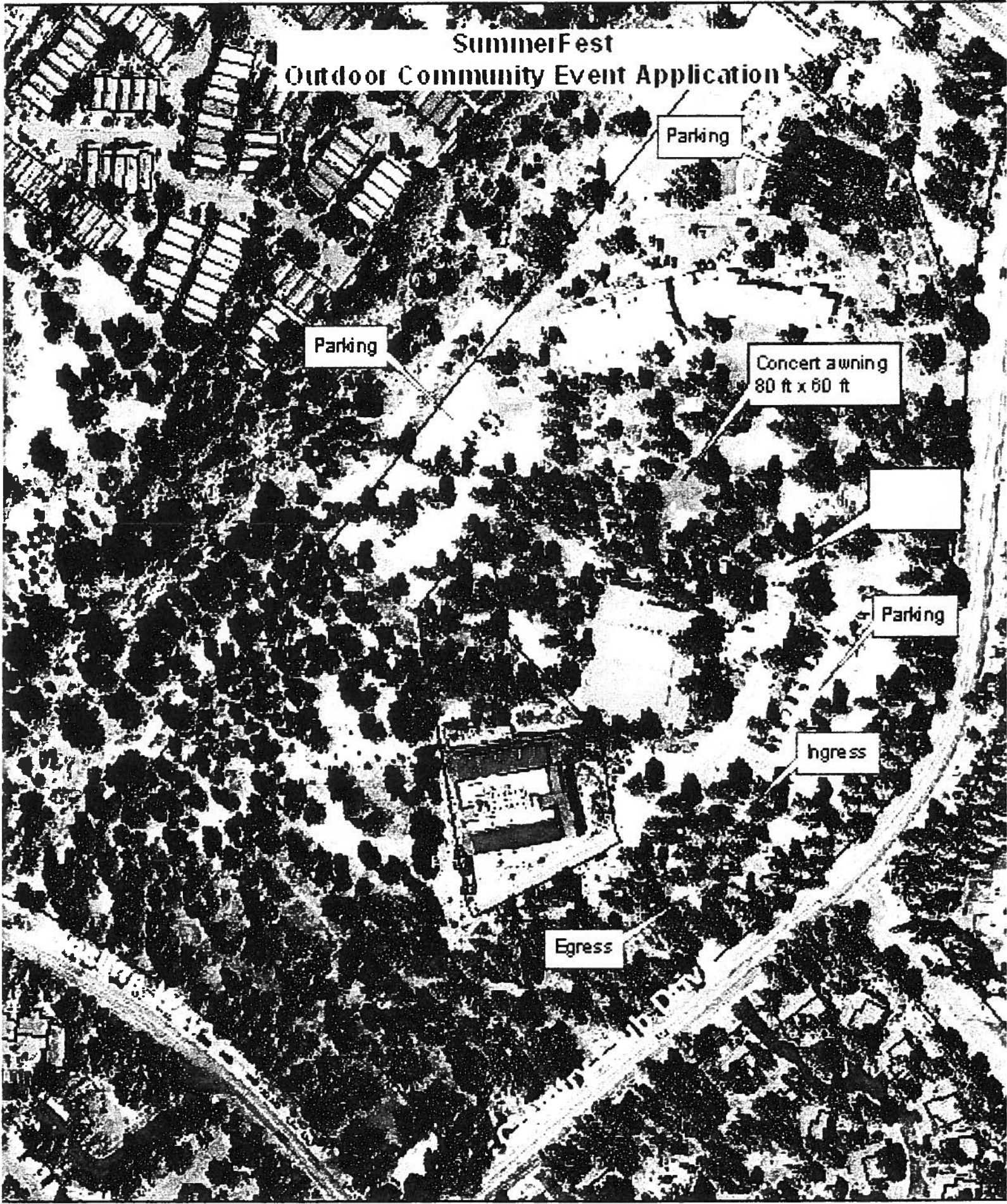
IVGID Recreation Center
(overflow parking)

201 Country Club Dr.
APN 127-040-10
17.05 acres



Vicinity Map

SummerFest Outdoor Community Event Application



Site Plan

Event Operation Details:

Security and Fire protection:

Security will be provided by the on-site college security staff of Sierra Nevada College. If it is deemed necessary to provide additional security Lake Tahoe SummerFest (LTSF) is prepared to get private security. A temporary electronic security monitoring system will also be installed in the tent.

The staff and board of LTSF have had an on-site inspection and preliminary meetings with Mark Regan, Fire Chief. LTSF along with Mark White of White House staging -our tent provider- will be working with the Fire Department to assure that we comply with all fire regulations and requirements. LTSF and White house staging will also have Mark Regan conduct all the fire inspections.

Water Supply and Sanitation:

LTSF will be using the current water and sanitation facilities of Sierra Nevada College. Signage will direct attendees to sanitation facilities.

The college campus exceeds requirements for anticipated attendees.

Medical facilities and services:

Medical facilities will not be necessary this event.

Vehicle parking spaces:

238 parking spaces are available for event use at Sierra Nevada College. It was determined that this will be sufficient for the 400 event attendees. If additional parking spaces are necessary the Recreation Center parking facilities (200 parking spots) have been identified. They have agreed with LTSF on providing these additional spots.

Communication system:

One microphone on stage can be utilized for attendees' announcements if necessary. Event director and designated event emergency team will have both cell and radio communication. There will be no amplification of music at this event.

Illuminating the premises:

All event activity will be over by 9:00pm, which will be the beginning of dusk during this time of the year. Event parking and path lighting is already installed at Sierra Nevada College. The tent and stage lighting will be provided by White House Staging.

Camping:

No camping will be allowed at this event

Clean-up and Rubbish removal:

Volunteers and Sierra Nevada College catering Sodexo, Inc. will be looking after the clean-up and rubbish removal. IVGID will be providing LTSF with two lockable trash containers with scheduled pick up.

**Memorandum of Understanding
Regarding Campus Use
Between Sierra Nevada College and
Lake Tahoe SummerFest**

Sierra Nevada College (SNC) is willing to act as the venue for the Lake Tahoe SummerFest (SummerFest) during summer 2012, 2013 and 2014, subject to the following conditions:


1. SNC shall act solely as the host venue for the SummerFest, and is not to be represented as a sponsor, supporter, donor or other,
2. Donors will not be led to believe, in any manner, that the SummerFest is a fundraising initiative for or by the college,
3. Anything put in writing referring to the college, depicting its campus, logo or other intellectual property, must be approved by SNC, and is subject to SNC revision. No license for use beyond these limits is expressed or implied,
4. SNC shall not incur any cost in the effort; SummerFest shall compensate all facilities, food, beverage, entertainment, insurance, security and others involved and shall return the campus to its pre-event condition upon completion.
5. SummerFest shall indemnify SNC from any claims arising from SummerFest's use of the SNC campus and shall provide insurance coverage as required by SNC's risk management and insurance, and shall provide insurance certificates in an amount and form to meet said requirements,
6. SummerFest shall provide controls over alcohol consumption as needed to ensure no minors are served. If alcohol is served, you must secure a vendor who is licensed and properly insured and trained to sell alcohol (we suggest Sodexo),
7. SNC shall have full participation in establishing the performance date schedule for the events, and shall have the right to reasonably deny access to the SummerFest where necessary,
8. SummerFest shall take all necessary steps to secure all permits, including TRPA, and shall ensure that SNC experiences no economic burden from permit/regulatory impacts

Agreed to this 5 day of July, 2011

Madylon Meiling


Chairman of the Board
Lake Tahoe SummerFest

Richard Rubsamen


President
Sierra Nevada College

THANK YOU FOR JOINING OUR 2012 TEAM OF LAKE TAHOE SUMMERFEST DONORS

FOUNDER \$10,000 AND ABOVE

Anonymous Family Foundation
Maureen and Ron Ashley
Carol Franc Buck Foundation
Judith and David Collins
E.L.Cord Foundation
Joan and Jim Davis
DB Grazier Fund
Robin Lynch and Rob Holman
Kelly Houston, Gregg Gibboney and Staff
at smith + jones
Incline Village/Crystal Bay Visitors Bureau
Cynthia Joyce
Nancy and Brian Kennedy
Madylon and Dean Meiling
Lucinda and Jonathan Mountainsong,
Mountainsong Galleries
Wendy and John Mueller
Dress The Part(y) Linda and Richard Offerdahl
Cindy Rhys and Maestro Joel Revzen
Kem Schumacher
Elbridge and Debra Stuart Family Foundation
Mama Broida and Ian Weiss

SUPPORTER \$5,000 TO \$9,999

Susan and Ron Antinori
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Charlotte and Richard McConnell
Nevada Commission on Tourism
Smallwood Family Trust
Lisa Wendel Memorial Foundation

MUSIC LOVER \$1,000 TO \$4,999

Carole and Robert Anderson
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Ralph and Eliana Kubn
Jan and Paul Laxalt
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FRIEND UP TO \$999

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Joann Lippert and William Cooper
Michael and Lynne Dittmore
Giancola Family Foundation
Bob and Marilyn Gilbert
Charles Greene
Margaret Jackson and Neil Hadfield
Dolores and Daniel Holets
Lalchandani Family Foundation
Patty Engels and Dick Medland
Gladys and Louis Nahmias



Board of Adjustment Staff Report

Meeting Date: June 6, 2013

Subject: Special Use Permit Case No: SB13-008
Applicant/Property Owner: Hilaria De La Luz
Agenda Item No. 9B
Project Summary: To establish an equestrian facility for the hosting of Horse Racing Events.
Recommendation: Approval with Conditions
Prepared by: Grace Sannazzaro, Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3771
Email: gsannazzaro@washoecounty.us

Description

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, Warm Springs 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

Staff Report Contents

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 Washoe County Air Quality Division Exhibit C

 Washoe County Vector-Borne Diseases Division Exhibit D

 Washoe County Environmental Health Services Exhibit E

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 Washoe County Regional Animal Services Exhibit G

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 Washoe County Water Services Exhibit I

 Truckee Meadows Fire Protection District Exhibit J

 Palomino Valley General Improvement District Exhibit K

Public Comment

 Ortega-Peralta Exhibit L

 Santora Exhibit M

Public Notice Map Exhibit N

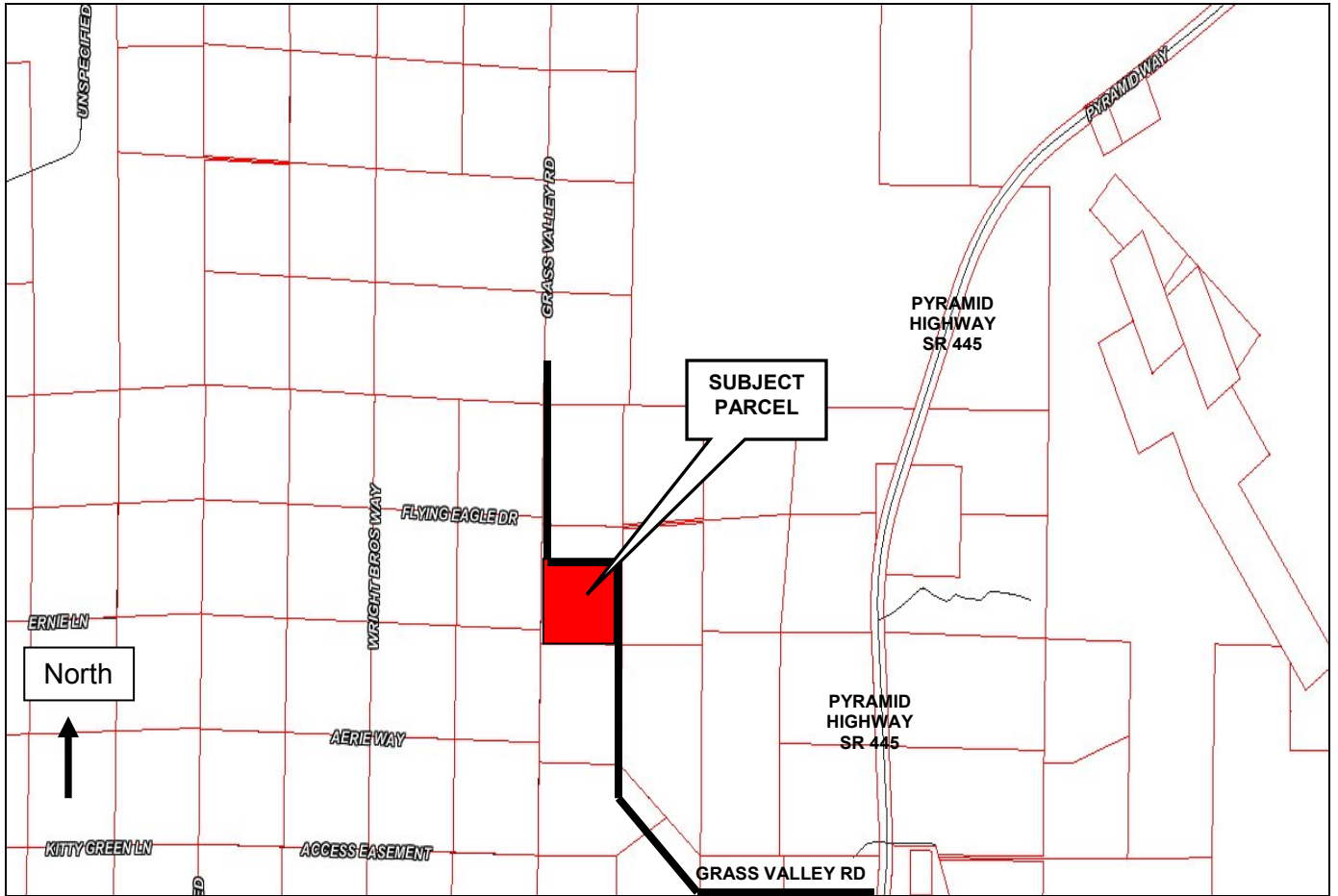
Project Application Exhibit O

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:

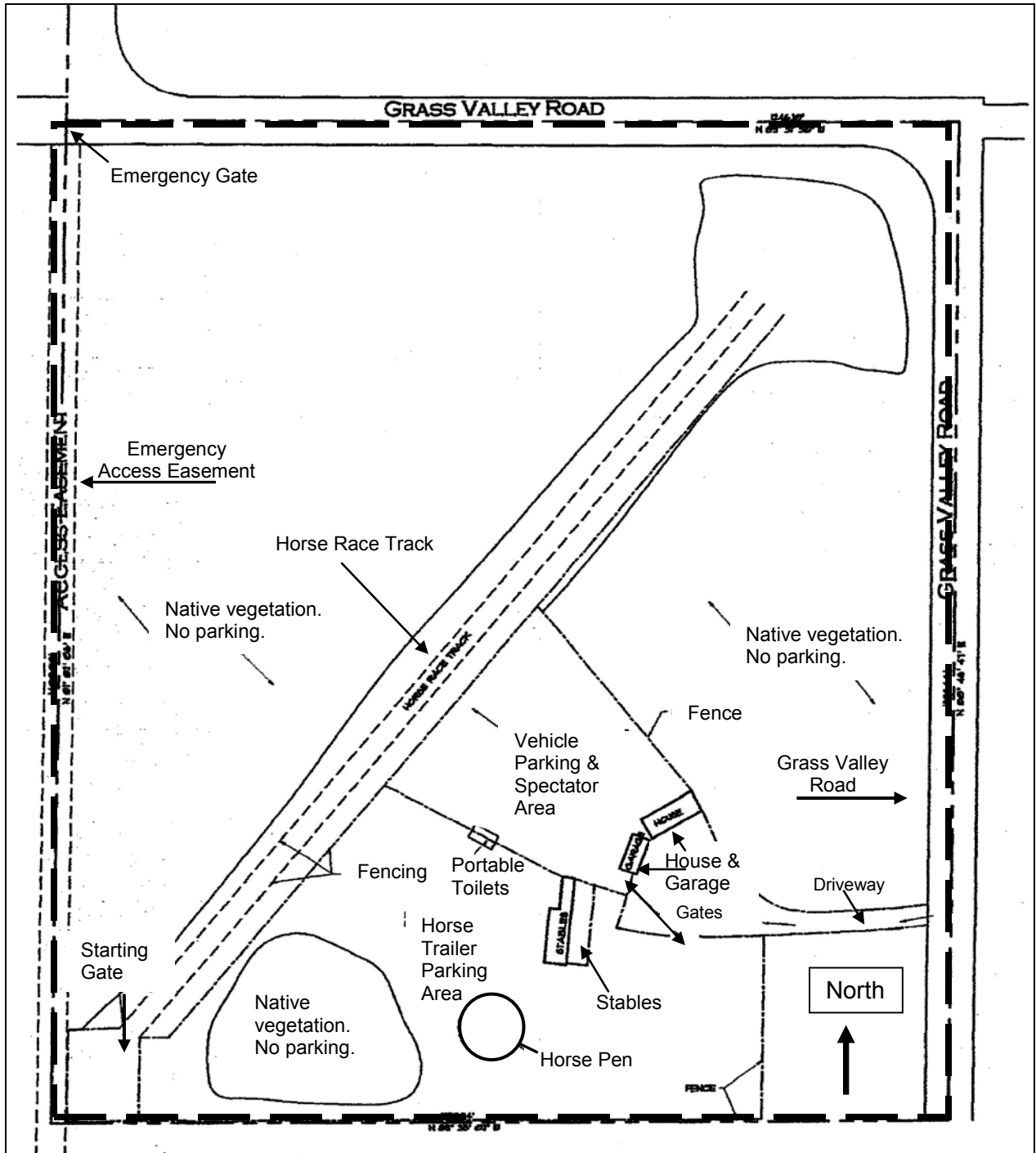
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational 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. SB13-008 are attached to this staff report, and if granted approval will be included with the Action Order.



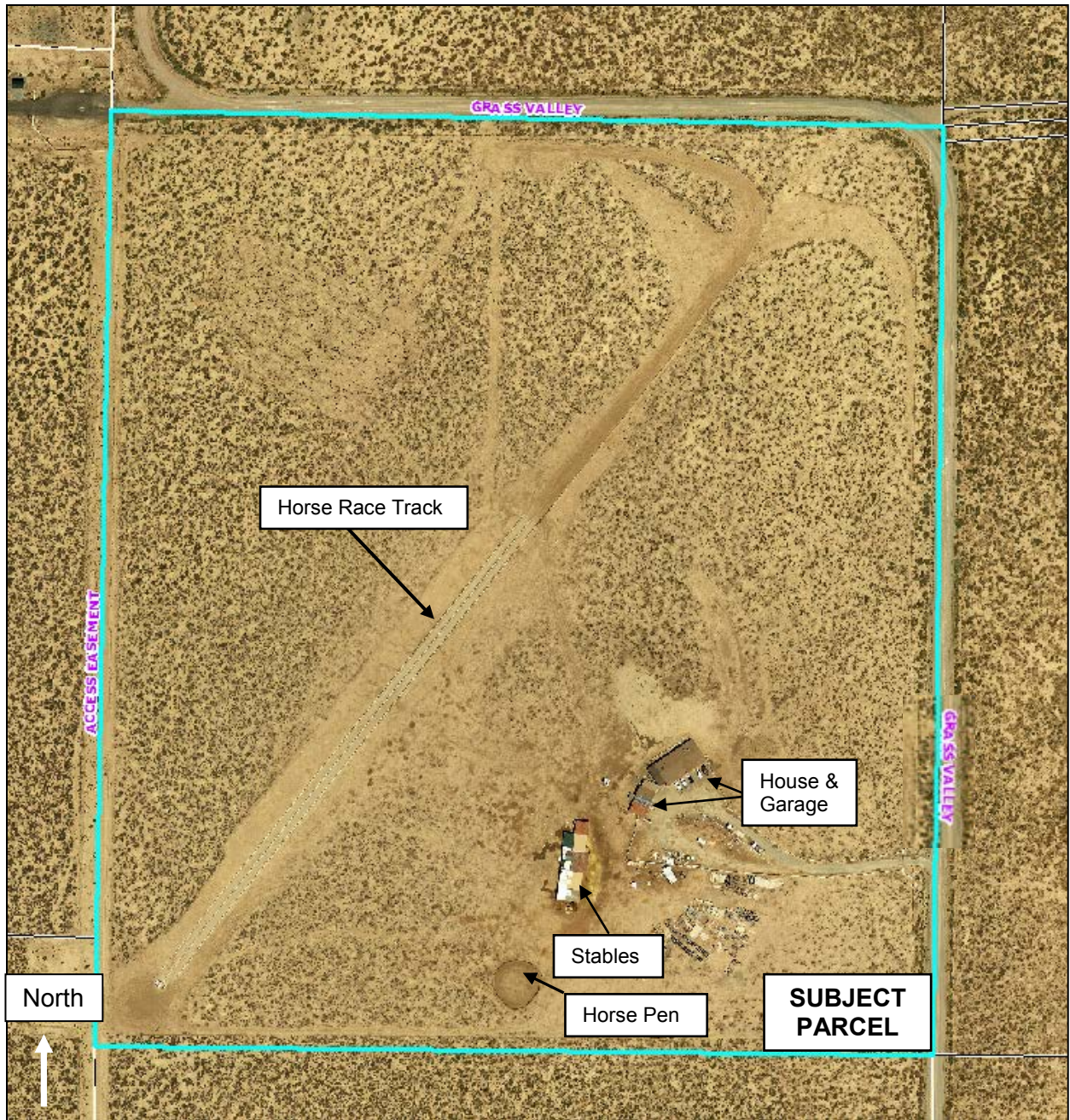
Vicinity Map

6205 Grass Valley Road
On the west side of the Pyramid Highway (SR 445)
In the Warm Springs Planning Area

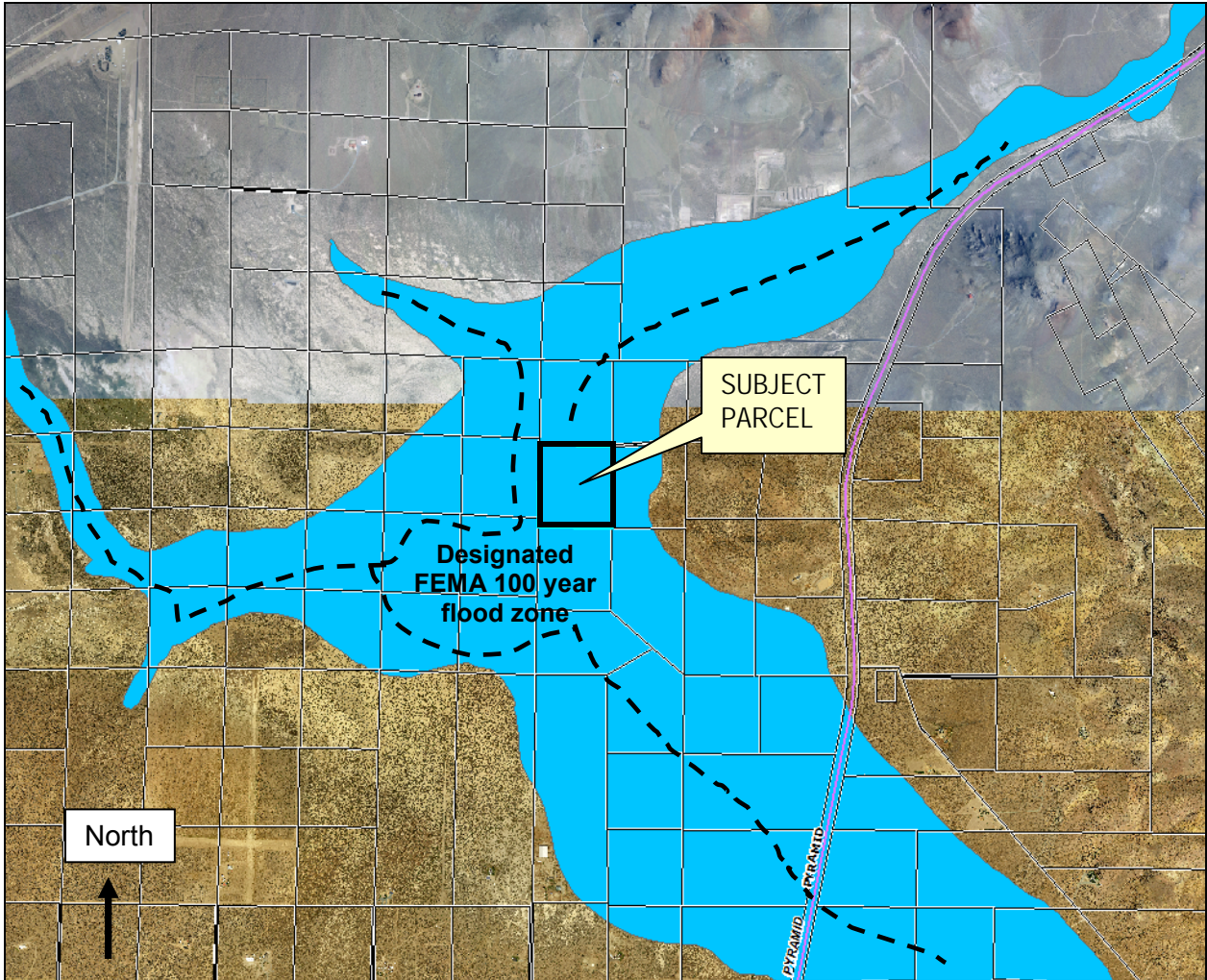


Site Plan

Subject ± 40 acre parcel



2011 Aerial Photo



100 Year Flood Zone Map

Public Notice

A “*Courtesy Notice*” regarding Special Use Permit SB13-008 was mailed on May 6, 2013, to 32 separate property owners who own parcels that are located within 4,000 feet of the subject parcel. A “*Courtesy Notice*” is not legally required, but is a preliminary notice to those property owners who will receive the legal notice.

Notification (legal notice) of the public hearing for Special Use Permit SB13-008 was mailed on May 24, 2013, to the same 32 separate property owners who own parcels that are located within 4,000 feet of the subject parcel. These notices also included the Warm Springs Citizen Advisory Board members. (See Exhibit N, Public Notice Map)

Nevada Revised Statutes (NRS) and Washoe County Development Code, Article 810, *Special Use Permits*, requires a minimum 500 foot radius from the subject parcel and a minimum of 30 separate property owners noticed. The notices must be mailed at least 10 days prior to the public hearing date.

Project Evaluation

The applicant is requesting a special use permit to allow a maximum of 20 one-day horse racing events per calendar year. Each event will be held on either a Saturday or a Sunday beginning in May and running through September. The subject parcel is ±40 acres, is within the Warm Springs Planning Area, and is designated with a Master Plan category of *Rural* and with a Regulatory Zone designation of *General Rural Agricultural (GRA)*.

Washoe County Development Code

Washoe County Development Code, Article 106, Section 110.106.10 *Master Plan Categories*, includes the following language to describe the Rural Master Plan category.

“The Rural Master Plan category is intended for areas of the County that are remote, have minimal infrastructure, contain significant amounts of open spaces, and which are suitable for commercial agricultural and grazing uses, extraction industries, natural resource conservation, energy production, rural commerce, and large lot residential uses....”

Washoe County Development Code, Article 106, Section 110.106.15 *Regulatory Zones*, includes the following language to describe the General Rural Agricultural (GRA) regulatory zone.

“The General Rural Agricultural (GRA) regulatory zone is intended to preserve areas where large lot residential uses, open space, agricultural and grazing uses predominate....”

Washoe County Development Code, Article 302 *Allowed Uses*, prescribes uses, (referred to as “Use Types”) that are allowed in each regulatory zone. The Development Code does not identify “Horse Racing” as a use type. Therefore, equestrian events are categorized the same as *Commercial Stables*, which is a use type defined in Article 304, *Use Classification System* as provided below.

Section 110.304.25 Commercial Stables. *Commercial stables refers to boarding or raising of three or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.*

Washoe County Development Code, Table 110.302.05.3 of Article 302, *Allowed Uses*, allows Commercial Stables in the General Rural Agricultural (GRA) regulatory zone with an approved special use permit.

Warm Springs Area Plan (a part of the Washoe County Master Plan)

The following excerpt is found in the Warm Springs Area Plan under “*Community Vision to Preserve the Agricultural and Rural Lifestyle*”.

“It is the guiding principle of the Warm Springs Area Plan to conserve and protect the individual property rights of all property owners to pursue agricultural activities in the planning area. There may be impacts associated with proximity to existing agricultural activities which might include sounds, odors and dust that may accompany agricultural activities. These impacts can be a natural result of living in or near agricultural uses and should be anticipated.”

“The property owners of Palomino Valley are good stewards of the land by keeping its agricultural and ranching heritage, and by maintaining the rural quality of its wide-open spaces, dark skies, and unique beauty. The vision includes the property owners engaging in activities such as agriculture, livestock and poultry raising, 4-H projects, equestrian activities, home businesses and other endeavors.”

The Land Use and Transportation Element of the Warm Springs Area Plan states the following about the General Rural Agricultural (GRA) regulatory zone.

“In the Warm Springs planning area, the General Rural (GR) classification is further refined into a General Rural Agricultural (GRA) classification. The extent of GRA in the planning area is shown on the Master Plan map. The rural character of the area will be enhanced by allowing agricultural uses consistent with the residential character of the area. The environment, ecology, scenic beauty, wildlife and the water resources of the GRA area shall be protected to ensure that future generations will have the opportunity to enjoy a rural lifestyle into the foreseeable future....”

History

In 2012, Washoe County issued the applicant 10 temporary Special Event permits for the parcel addressed as 6205 Grass Valley Road in the Warm Springs Valley. A temporary Special Event permit allows a gathering of less than 100 persons on any one day of the event. In 2011, the applicant was issued 9 temporary Special Event permits, and in 2009, one temporary Special Event permit was issued. Washoe County’s permit system shows no activity for the subject parcel in 2010.

In October of 2012, the Washoe County Health District responded to a complaint about dust control caused by equestrian activities at this location. The Health District informed the property owner that in the future they would need to water down the area on event days for dust control. The Health District noted that the property owner was very cooperative, and the nearest neighbor was approximately three-quarters of a mile away.

In September of 2009, the Washoe County Health District responded to a complaint of illegal food vending. There was no temporary food permit issued for the event. The Health District made a site visit on the day of the event and found a substandard food preparation area, including no soap or water for hand washing, and the concession stand was set up on a dirt surface, which allowed dirt to get everywhere. The Health District also noted that the event lacked an adequate number of portable toilets, garbage containers, hand-washing facilities, and grey water tanks. It was estimated that over 400 cars were parked on the subject property, and the event was permitted for a maximum of 99 attendees.

Project Proposal

The applicant is proposing 20 one-day Horse Racing events each year throughout the months of May, June, July, August, and September. No other events are being proposed. Each event will be for one day, on either a Saturday or a Sunday, will begin at 10:00 a.m. and will end no later than 7:00 p.m. No improvements of any kind are being proposed. The applicant has agreed however, to make any necessary improvements to satisfy conditions of approval.

The subject site is a ±40 acre parcel zoned as General Rural Agricultural (GRA), located at 6205 Grass Valley Road in the Warm Springs Valley, and is a little more than one mile northwest of the Grass Valley Road\Pyramid Highway (SR 445) intersection. The parcel is fenced with barbed wire, has one unpaved gated driveway off of Grass Valley Road and an unpaved gated emergency access along the northwest side of the parcel. The parcel is developed with a single family dwelling, a detached garage, horse stalls, a hen house, a round fenced corral and a fenced racetrack, approximately 300 feet in length, for the horse races. This parcel is served by private septic and well, and is surrounded by similar ±40 acre parcels with GRA zoning. All adjacent parcels remain undeveloped, with the nearest developed parcel being approximately a quarter mile to the south. The entire subject parcel is within a designated FEMA 100 year flood zone, and all construction must be in conformance with Washoe County Development Code, Article 416, *Flood Hazards*.

The applicant is requesting a maximum of 400 people per Horse Racing event. This shall include spectators, participants, volunteers, employees, contractors, vendors, and visitors. All event related traffic will utilize the Pyramid Highway (SR 445) and Grass Valley Road to the west of the highway. Grass Valley Road is an unpaved dirt road that is maintained by the Palomino Valley General Improvement District (PVGID). The entrance onto the subject parcel consists of a gated dirt driveway off of Grass Valley Road. The gate will be open for parking approximately one-half hour before each Horse Racing event and will close when the event begins at 10:00 a.m. There will be no more than 10 horses brought in to the subject site for each day of Horse Racing. Horse Race participants and the race horses will arrive and depart the same day. There will be a maximum of 12 horse races per event day and 6 to 8 participants. Temporary food and liquor permits will be required of all food and liquor vendors. The applicant states that Sani-huts will be brought in and maintained by an outside contractor, and will be removed at the end of each event day. The applicant is not

offering any spectator seating. Spectators will watch the races from the parking area, within their own vehicles, sitting outside on their own lawn chairs, or standing. With the Horse Racing events taking place during daylight hours, there will be no outdoor lighting. There will be no overnight camping.

The applicant will be required to provide surface moisture to corrals and the entire racetrack before and after activities. The parking areas and the length of Grass Valley Road between the subject parcel's main driveway and the Pyramid Highway will require water before vehicles arrive and before vehicles leave the event.

The applicant has stated that there will be no amplified sound system used, but spectators will oftentimes listen to music from their car stereo systems. With the applicant's representation of no need for an amplified sound system, a condition of approval prohibits the use of amplified sound during events.

Due to the large crowd (400 people) anticipated by the applicant, it is prudent to have security guards for the safety of all involved with the event. A condition of approval is requiring 5 security guards on site during each Horse Racing event. If there is any sign of disturbance during an event, the Washoe County Sherriff's Office must be called immediately.

With the challenging physical environment at equestrian events, Washoe County District Health is requiring emergency medical personnel on site during each event. The applicant will additionally be required to have other precautionary medical services in place at each event, such as a first aid station, EMS emergency vehicle route and access plan, and a pre-planned landing area for a medical helicopter, just to name a few.

Development Code Standards

Washoe County Development Code, Section 110.410.25 *Design of Parking Areas* requires wheel stops, surface pavement, marking/stripping, landscaping/screening, and lighting in commercial parking lots. Washoe County Development Code, Article 412 *Landscaping*, requires formal landscaping, including deciduous and coniferous trees, shrubs, and groundcover. All landscaping is required to be irrigated and maintained with regular pruning, staking, and replacement of damaged or dead plants. These parking and landscaping regulations do not make sense for an equestrian business on a ±40 acre parcel in the high desert that is accessed by dirt roads, surrounded by other ±40 acre parcels that are covered with sagebrush. Therefore, the Planning and Development Division is recommending a condition of approval (see Conditions of Approval 1m) that releases the applicant from meeting commercial parking design and landscaping regulations

The subject parcel meets the number of required parking spaces set by Washoe County Development Code, Section 110.410.10 *Required Parking Spaces*, which is 1 parking space per employee during peak business hours and .25 parking space for every horse when at capacity. The County Traffic Engineer commented that the size of the parking area will accommodate over 200 vehicles.

Washoe County Development Code, Article 810 *Special Use Permits*, Section 110.810.20 *Review Procedures* (for special use permits) allows the Board of Adjustment to vary the

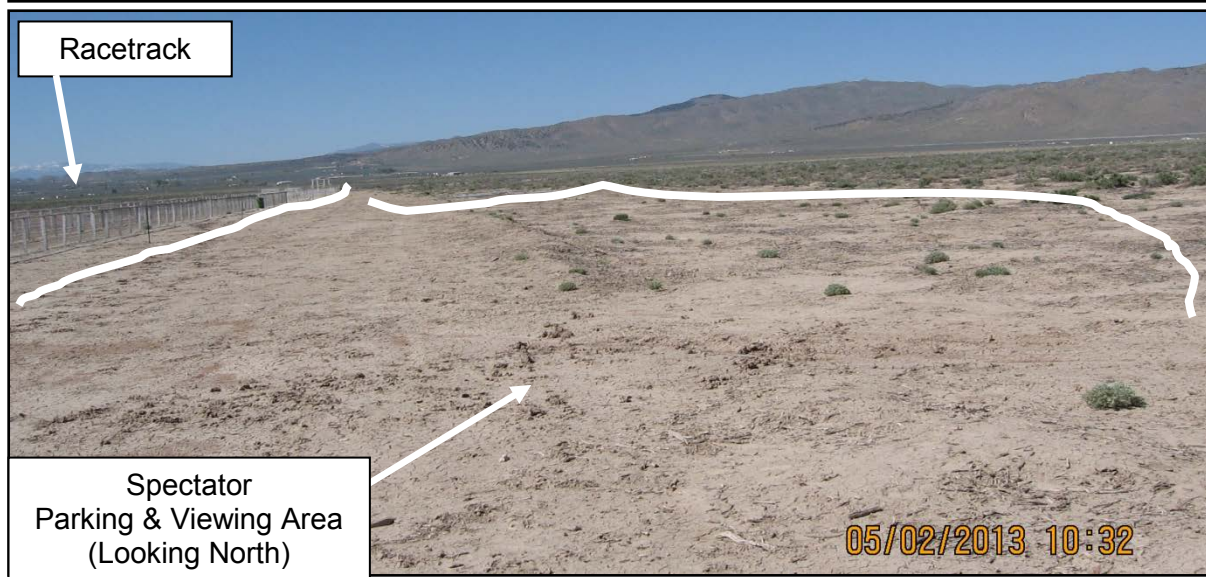
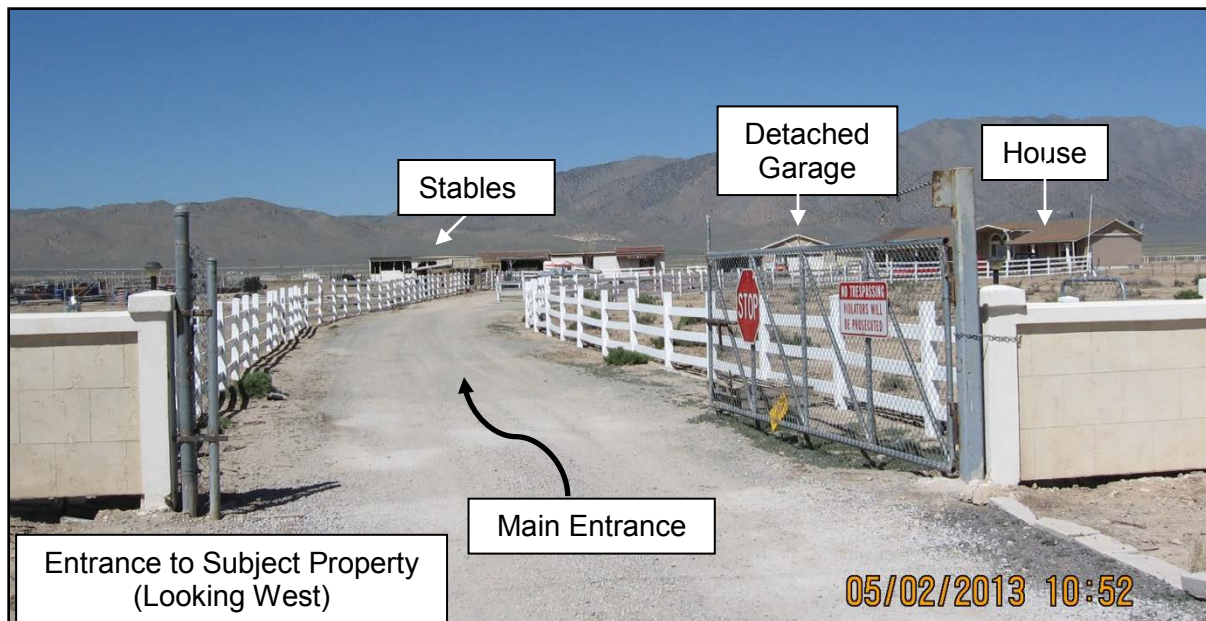
standards of the Development Code as part of the approval of the special use permit application. A portion of Section 110.810.20 is provided below.

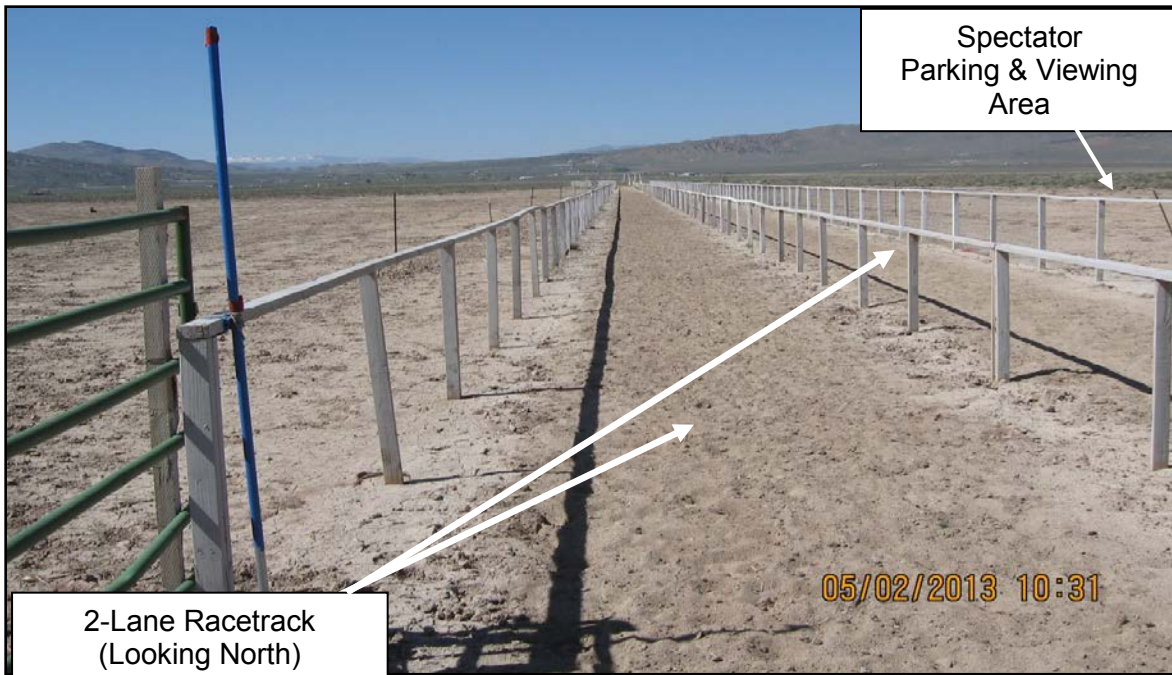
Section 110.810.20 Review Procedures.

(e) **Action.** The Planning Commission, Board of Adjustment or a hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the special use permit request. **The Planning Commission, Board of Adjustment or a hearing examiner may also vary standards of the Development Code as part of the approval of a special use permit application....**

Site Visit

On May 2, 2013, staff made a site visit. Some photos taken by staff during the site visit are provided below.





Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Traffic Division
 - Water Services Division
- Washoe County Health District
 - Air Quality Management
 - Vector-Borne Disease Division
 - Environmental Health Services
 - Emergency Medical Services
- Washoe County Regional Animal Services
- Truckee Meadows Fire Protection District
- Palomino General Improvement District
- Washoe County Building and Safety
- Warm Springs Citizen Advisory Board
- Nevada Department of Transportation
- Bureau of Land Management
- Palomino Volunteer Fire Department

The agencies listed below have provided comments or recommended conditions of approval. A **summary** of each agency's comments or conditions of approval and their contact information are provided below. A complete list of conditions is provided in the Conditions of Approval document, which is attached to this staff report as Exhibit A, and will be included with the Action Order if granted approval.

Summary of Conditions of Approval

- Washoe County Planning and Development Division sets limits on the operation such as number of days per year, number of attendees per event, hours of operation, and offsite trash cleanup.

Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us

- Washoe County Engineering Division states that the parcel is in the FEMA (Federal Emergency Management Agency) 100 year flood zone and all construction shall be in conformance with Washoe County Development Code, Article 416, Flood Hazards. All natural drainages shall not be impeded, and any grading over 50 cubic yards shall require a grading permit.

Contact: Leo Vesely, 775.325.8023, lvesely@washoecounty.us

- Washoe County Traffic Engineer advised that the proposed spectator parking area has adequate space to accommodate over 200 vehicles for Horse Racing events. The Traffic Engineer did not provide any conditions of approval or further comment.

Contact: Clara Lawson, 775.328.3603, clawson@washoecounty.us

- Washoe County Air Quality Division, a division of the Washoe County Health District, requires that a water truck be on site before, during, and after all events, and access roads, parking areas, arenas, and any other travel areas must be watered to control dust.

Contact: Charlene Albee, 775.784.7211, calbee@washoecounty.us

- Washoe County Vector-Borne Diseases Division, a division of the Washoe County Health District, provides requirements for the management of manure, including storage and disposal.

Contact: Jim Shaffer, 775.785.4599, jshaffer@washoecounty.us

- Washoe County Environmental Health Services, a division of the Washoe County Health District, is requiring a minimum of four portable toilets, a handwashing station, a manure management plan, and a contract with a franchised waste hauler to ensure adequate trash management.

Contact: James English, 775.328.2448, jenglish@washoecounty.us

- Washoe County Emergency Medical Services (EMS), a division of the Washoe County Health District, is requiring a first aid station staffed by qualified emergency medical personnel with properly equipped handwashing facilities, nearby ADA restrooms, an Automatic External Defibrillator (AED), a biological

waste disposal plan, identify emergency access on subject parcel for EMS vehicles, provide a pre-planned medical helicopter landing area, keep a record of medical incidents and submit those to the EMS Division after each event.

Contact: Stacey Akurosawa, 775.328.2420, sakurosawa@washoecounty.us

- Washoe County Regional Animal Services Division requires that all events comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals. There shall be a Large Animal Veterinarian Plan in place to care for injured animals and the plan must be submitted for approval to Regional Animal Services.

Contact: Bobby Smith, 775.353.8945, rasmith@washoecounty.us

- Truckee Meadows Fire Protection District requires that the access gate be maintained for emergency service response, and a calendar of events be submitted each year.

Contact: Amy Ray, 775.326.6005, aray@tmfcpd.us

- Palomino Valley General Improvement District (PVGID) is requiring Grass Valley Road be watered before and after events, repair of any culvert damage, and a calendar of events be submitted to PVGID before the event season begins, so PVGID can properly maintain the roads.

Contact: Larry Johnson, 775.848.6788, palvalqid@gmail.com

- Washoe County Water Services Division responded by stating that they have no comments for this special use permit.

Contact: John Cella, 775.954-4656, jcella@washoecounty.us

Public Comment

Following is a summary of public comment received from two nearby property owners, along with staff response. Each public comment letter is provided in its entirety as Exhibits L and M, attached to this staff report. Some of the stated concerns are addressed through recommended conditions of approval and some of the concerns are outside Washoe County's purview.

- Adalberto Ortega-Peralta

Mr. Ortega-Peralta owns property at 6505 Ernie Lane, APN: 076-200-10, which is approximately 1 ½ miles (±7,920 feet) west of the applicant's parcel. Mr. Ortega-Peralta operates a series of Traditional Mexican Rodeos throughout the summer months at his Ernie Lane property. The following summarizes Mr. Ortega-Peralta's opinion on what he believes should be required for this proposal, along with staff's responses to his comments. Mr. Ortega-Peralta's comments can be found in their entirety as Exhibit L, attached to this report.

1. The application is requesting horse racing, I think this person is confused because horse racing can only be carried out on the race courses because there they have the special facilities for this event; in the traditional Mexican language this activity is called "Horse Competition".

Staff Response: Washoe County Code does not regulate the type or design of horse racetracks.

2. Shade for the horses where they can rest before and after the competition;

Staff Response: All events must comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals.

3. Public parking for at least 100 vehicles;
4. Separate horse trailer parking;

Staff Response for 3 & 4: The Washoe County Traffic Engineer provided comments, stating that there is adequate parking for over 200 vehicles. The site plan shows a separate area for horse trailer parking.

5. A ticket booth;
6. A playground area for children;

Staff Response for 5 & 6: Washoe County Code does not require a ticket booth or children's' play area for events.

7. A horse nursing station for injured horses;
8. A hanger for the horses to be bathed after competition;

Staff Response for 7 & 8: A Large Animal Veterinarian plan shall be in place to care for injured animals and the plan must be submitted to Washoe County Regional Animal Services for approval at least 15 days prior to the first horse racing event. All events must comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals.

9. At least four water intakes located in different parts of the parcel for water in case of a fire or accident;
10. Two water trucks for fire;

Staff Response for 9 & 10: Truckee Meadows Fire Protection District provided conditions of approval, which include the requirement of all associated inspections and permits per Washoe County Code.

11. 12 to 15 feet of fenced separation area between the horse race track and spectators;
12. A 200 yard length of double rail track in the middle of the race track to protect the jockey in the event that he falls off the horse;
13. An emergency vehicle access gate onto the race track;
14. 10 yards of non-fenced area for emergencies for the jockey;

Staff Response for 11, 12, 13 & 14: Washoe County Code does not prescribe safety regulations for horse racetracks, however, the Emergency Medical Services Division of the Washoe County Health District is requiring a first aid station, an Automatic External Defibrillator (AED), plans showing access routes for emergency vehicles, a designated pre-planned landing area for a medical

helicopter, and submittal of the name and contact information for the on-site EMS Coordinator/Manager for each event.

15. An area at the end of the race track where the horses can safely slow down. This area should be three-quarters the length of the race track.

Staff Response: Washoe County Code does not prescribe design or safety measures for horse racetracks. The aerial photo and site plan show an area where the horses can slow down, and staff was shown this area upon the site visit. Regional Animal Services requires compliance with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to Animals, and a Large Animal Veterinarian Plan. Emergency Medical Services Division of Washoe County Health District is requiring a first aid station, an EMT on site during each entire event, a pre-planned area for a medical helicopter, clearly delineated routes and ingress/egress for emergency vehicles.

16. A minimum of one portable toilet for every 50 people;

Staff Response: Environmental Health Services, a Division of Washoe County District Health, is requiring a signed contract for a minimum of four portable toilets, a minimum of one handwashing station, including maintenance for the toilets.

17. Garbage containers every 30 feet along the race track viewing area;

Staff Response: Environmental Health Services, a Division of Washoe County District Health, is requiring a signed contract with a franchised waste hauler on horse racing event days. All garbage and trash generated by the event must be removed from the subject parcel within seven days of the event. Planning and Development Division is requiring that trash cleanup crews collect trash along Grass Valley Road immediately after the event.

- Lori Knopf Santora and William Santora

The Santora's own property at 6505 Grass Valley Road, APN: 076-530-06, which is approximately one-half mile ($\pm 2,755$ feet) north of the applicant's parcel. The following is a summary of the Santora's concerns, along with staff's responses. The Santora's comments can be found in their entirety as Exhibit M, attached to this report.

1. Noise generated by 400 people and their vehicles;

Staff Response: It is written into the "Community Vision" of the Warm Springs Area Plan that equestrian activities are to be included in the vision for the Warm Springs area. It also states that impacts from agricultural activities should be anticipated. The applicant states there will be no amplified sound with these events, and the Planning and Development Division has conditioned the project so no amplified sound shall be allowed.

2. *Trash along the highway and blowing onto nearby properties;*

Staff Response: Environmental Health Services, a Division of Washoe County District Health, is requiring a signed contract with a franchised waste hauler on horse racing event days. All garbage and trash generated by the event must be removed from the subject parcel within seven days of the event. Planning and Development Division is requiring that trash cleanup crews collect trash along Grass Valley Road immediately after the event.

3. *Smell from portable toilets and safety of our well water;*

Staff Response: Environmental Health Services, a Division of Washoe County District Health, is requiring a signed contract for a minimum of four portable toilets, including maintenance for the toilets, and a minimum of one handwashing station. Each event is limited to 10 horses, and Environmental Health Division and Vector-Borne Division are requiring a manure management plan.

4. *Wear and tear of Grass Valley Road, causing rutting, washboards and potholes.*

Staff Response: The Palomino Valley General Improvement District (PVGID) maintains Grass Valley Road, and is requiring that Grass Valley Road be watered from the Pyramid Highway to just past the subject parcel's access driveways before spectators arrive and just before vehicles leave the event. PVGID is also requiring the submittal of a schedule of event days so the PVGID can inspect the condition of Grass Valley Road after each event and then schedule Grass Valley Road for grading, if necessary.

5. *Evacuation in the event of an emergency and emergency vehicles coming in on Grass Valley Road.*

Staff Response: Washoe County Emergency Medical Services (EMS) is requiring an emergency plan, which includes ingress/egress routes for EMS vehicles, and a pre-planned landing area for a medical helicopter.

Staff Comment on Required Findings

Washoe County Development Code, Article 810, Section 110.810.30 of *Special Use Permits*, requires that 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. As previously discussed, the

Community Vision Statement of the Warm Springs Area Plan encourages equestrian activities.

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 reviewing agencies have provided conditions of approval to address these items. There are no public improvements required. The applicant is required to mitigate for potential dust and notify PVGID of upcoming events for access road maintenance. The applicant is also required to manage onsite manure according to Health District regulations, and all natural drainages shall remain unobstructed.

3. Site Suitability. That the site is physically suitable for equestrian events, and for the intensity of such a development.

Staff Comment: The subject ±40 acre parcel is designated with General Rural Agricultural (GRA) zoning and is within the Warm Springs Area Plan. GRA zoning and the Warm Springs Area Plan both support agricultural type uses and a rural environment.

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 reviewing agencies have responded with conditions of approval to mitigate dust and noise, ensure proper sanitation, and provide for the general safety and welfare of those attending the events and those owning property and/or residing in 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 nearby.

Recommendation

Those agencies which reviewed the application have recommended conditions in support of approval of the proposed project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-008 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 the information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case No. SB13-008 for Hilaria De La Luz, 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 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;
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

Washoe County Development Code, Article 810, Section 110.810.50, *Appeals*, states that 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: Hilaria De La Luz, 6205 Grass Valley Road, Reno, NV 89510

Consultant: Michael T. Peterson, 1520 Glendale Avenue, Sparks, NV 89431

Other Persons: Jose Luis De La Luz, Jr., 1921 Fargo Way, Sparks, NV 89431

Action Order xc:

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB13-008

The project approved under Special Use Permit Case No: SB13-008 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 6, 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.

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.

THE FOLLOWING ARE OPERATIONAL CONDITIONS OF APPROVAL SET BY THE REVIEWING AGENCIES. THESE OPERATIONAL CONDITIONS SHALL BE REQUIRED FOR THE LIFE OF THE BUSINESS. 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: Grace Sannazzaro, 775.328.3771, gsannazzaro@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 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.
- c. The applicant shall comply with all conditions of approval to the satisfaction of each reviewing agency before a business license is issued for horse racing events.
- d. Noncompliance with the conditions of approval shall be treated as a violation and may be grounds for the Planning and Development Division to take action in accordance with the Washoe County Development Code.
- e. There shall be no more than 20 one-day Horse Racing events per calendar year.
- f. Each Horse Racing event shall be for one day only and shall operate on either a Saturday or a Sunday between the hours of 10:00 a.m. and 7:00 p.m.
- g. There shall be no more than 400 people total in attendance for each Horse Racing event. This number shall include, but not be limited to participants, vendors, employees, contractors, visitors, and spectators.
- h. For the year 2013, the applicant shall submit an event calendar for the entire Horse Race Event season to the Planning and Development Division a minimum of 15 days prior to the first Horse Racing event approved under special use permit case number SB13-008, showing the exact dates and times of 2013

Horse Racing events for the months of May, June, July, August and September of 2013.

- i. For the years following 2013, the applicant shall submit an events calendar on an annual basis no later than April 1st of each year to the Planning and Development Division, showing the exact dates and times of the current year's Horse Racing events for the months of May, June, July, August and September. Any changes to the event calendar shall be submitted 15 days prior to the date that was changed.
- j. There shall be no more than 10 horses brought in on each day of Horse Racing events.
- k. Gates to the Rodeo event will open to the public no earlier than 9:30 a.m. on the day of the event. All event related vehicles shall be off the subject property no later than 7:30 p.m. on the day of the event.
- l. There shall be no off-site parking. All parking shall remain on the subject parcel.
- m. Pursuant to Washoe County Building Code, all existing and proposed structures over 120 square feet require a building permit. Building permits shall be issued prior to the first event of the season.
- n. There shall be no requirement to abide by the regulations in Washoe County Development Code, Section 110.410.25 *Design of Parking Standards* and Article 412, *Landscaping* due to the subject parcel being in a rural/agricultural community and an arid high desert area.
- o. There shall be no overnight camping.
- p. The applicant shall have a minimum of five (5) security guards on the premises at all times during each Horse Racing event. A signed contract for said security service shall be submitted to the Planning and Development Division a minimum of 30 days prior to the first event of the season or 30 days prior to each event day.
- q. The applicant shall immediately notify the Washoe County Sheriff's Office upon any sign of disturbance during a Horse Racing event.
- r. No amplified sound on Horse Racing event days shall be allowed.
- s. No outdoor lighting on Horse Racing event days shall be allowed.
- t. The applicant shall be responsible for total cleanup of the event site immediately after the event is over.
- u. The applicant shall have cleanup crews collect all trash along Grass Valley Road immediately after the last vehicle has departed each Horse Racing event; and the cleanup shall be completed the same day of each Horse Racing event.
- v. All trash collected from each Horse Racing event shall be securely stored until it is hauled off the subject property.
- w. This special use permit shall remain in effect until or unless it is revoked or is inactive for one (1) year.
- x. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

- y. Failure to comply with **all** Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning & Development Division.
- z. 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, business, 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 Division

- 2. The following conditions are requirements of Engineering, a Division of the Washoe County Public Works Department, which shall be responsible for determining compliance with these conditions.

Contact: Leo Vesely, P.E., 775.325.8023, lvesely@washoecounty.us

- a. The parcel is shown on the FEMA Flood Insurance Rate Map as being in a 100 year flood zone. All construction shall be in conformance with the Washoe County Code, Article 416.
- b. Natural drainages shall not be impeded by the development and use of the parcel. Natural drainage shall be perpetuated.
- c. A grading permit shall be obtained if grading in excess of fifty (50) cubic yards is to be done. Any grading shall be in conformance with the Washoe County Code, Article 438.

Washoe County Health District

- 3. The following conditions are requirements of **Air Quality Management**, a Division of the Washoe County Health District, 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 Washoe County Health District must be appealed to the District Board of Health.

Contact: Charlene Albee, 775.784.7211, calbee@washoecounty.us

- a. A water truck shall be available on site the day prior to through the day after all events.
- b. Access roads, parking areas, arena areas, and any other travel areas must be watered as necessary to control the generation of fugitive dust emissions.

- 4. The following conditions are requirements of **Vector-Borne Diseases**, a part of the Environmental Health Services Division of the Washoe County Health District, 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 Washoe County Health District must be appealed to the District Board of Health.

Contact: Jim L. Shaffer, 775.328.2434, jshaffer@washoecounty.us

- a. All manure generated by domestic animals from the outdoor arena, as well as the operation of the stables, shall be picked up and removed weekly (050.0150). The manure shall be stored in such a manner that there shall be no escape of odor, no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (050.155). The emergence of flies will be eliminated through the timely pickup and storage of manure from becoming an annoyance to adjacent residents.
 - b. Prior to the horse racing event, an inspection of premises is required to ensure that effective management practices of manure pickup and storage is in place.
5. The following conditions are requirements of **Environmental Health Services**, a Division of the Washoe County Health District, 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 Washoe County Health District must be appealed to the District Board of Health.

Contact: James English, 775.328.2448, jenglish@washoecounty.us

- a. A minimum of four (4) portable toilets and a minimum of one (1) handwashing station shall be located on the subject parcel during each horse racing event. A signed contract for providing said portable toilets, a handwashing station, and maintenance of said toilets and handwashing station shall be in place and submitted to Environmental Health Services a minimum of 15 days prior to the first day of horse racing events.
 - b. A Manure Management Plan shall be in place for the removal or spreading and tilling of manure into the soil; and said Manure Management Plan shall be submitted to the Environment Health Services Division a minimum of 15 days prior to the first day of horse racing events.
 - c. The applicant shall contract with a franchised waste hauler for additional garbage service to be provided on horse racing event days. A signed contract for said garbage service shall be submitted to the Environmental Health Services Division a minimum of 15 days prior to the first day of horse racing events. All garbage and trash generated by the event must be removed from the subject parcel and properly disposed of within seven (7) days of each horse racing event.
 - d. The applicant shall apply for Temporary Food Permits for any food service that will be provided at each horse racing event.
6. The following conditions are requirements of **Emergency Medical Services (EMS)**, a Division of the Washoe County Health District, 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 Washoe County Health District must be appealed to the District Board of Health.

Contact: Stacey Akurosawa, 775.328.2420, sakurosawa@washoecounty.us

- a. All items listed in (1) through (9) below shall require verification as determined by the Washoe County EMS Division, such as a signed contract(s), plans, and/or other documents, and shall be submitted to the Washoe County EMS Division for approval a minimum of 30 days prior to each horse racing event or submitted to the Washoe County EMS Division for approval a minimum of 30 days prior to the

entire horse racing event season depending on the terms of the contract and/or other documents to be submitted.

- (1) A First Aid Station shall be staffed by a minimum of one Emergency Medical Technician (EMT) or a person with a higher skill level capable of providing emergency medical care within their prescribed scope of practice;
 - (2) Hand Washing Facilities shall be provided for the First Aid Station and Medical Personnel, and shall be located in a separate area from general public facilities;
 - (3) Handicap Accessible temporary restrooms or ADA (Americans with Disabilities Act) approved fixed facility restrooms shall be located near the First Aid Station for patient access;
 - (4) There shall be a Disposal Plan for Biological Waste at the First Aid Station;
 - (5) An Automatic External Defibrillator (AED) shall be supplied at the First Aid Station;
 - (6) Distribution methods for the First Aid Station maps/information for participants and spectators, and identification method for visibility for Emergency Medical Services (EMS) Personnel;
 - (7) Ingress and Egress routes for Emergency Medical Services (EMS) vehicles;
 - (8) A plan designating a pre-planned landing area for a Medical Helicopter;
 - (9) For EACH event, the name and contact information for the on-site Emergency Medical Services (EMS) Coordinator/Manager shall be submitted to Washoe County EMS Division.
- b. Medical Records shall be kept and submitted to the EMS Division of the Washoe County Health District within 30 days after EACH event. The records shall include the following information:
- (1) Number of patients treated on site;
 - (2) Number of patients known to have been transported to a medical facility by private vehicle, ambulance or other means;
 - (3) Listing of individual types of illnesses or injuries seen.

Regional Animal Services Division

7. The following conditions are requirements of Regional Animal Services, a Division of the Washoe County Sheriff's Office, which shall be responsible for determining compliance with these conditions.

Contact: Bobby Smith, 775.353.8900, rasmith@washoecounty.us

- a. All events must comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals.
- b. There shall be a Large Animal Veterinarian Plan in place to care for injured animals and the plan must be submitted to Washoe County Regional Animal Services for approval a minimum of 15 days prior to the first horse racing event.

Truckee Meadows Fire Protection District

8. The following conditions are requirements of the Truckee Meadows Fire Protection District (TMFPD), which shall be responsible for determining compliance with these conditions.

Contact: Amy Ray, 775.326.6005, aray@tmfpd.us

- a. A schedule of events shall be submitted to TMFPD stating dates and any plans associated with the event at least 10 days prior to the first event.
- b. All associated inspections and permits for the event will be required per Washoe County Code.
- c. Access to the event shall be provided for fire and emergency service response.
- d. Any additions, changes, or modifications to the event shall be in accordance with Washoe County Code.

Palomino Valley General Improvement District (PVGID)

9. The following conditions are requirements of the Palomino Valley General Improvement District (PVGID), which shall be responsible for determining compliance with these conditions.

Contact Name – Larry Johnson, 775.848.6788, palvalgid@gmail.com

- a. On event days, the proponents shall water Grass Valley Road from the Pyramid Highway to just past the subject parcel's access driveways before spectators and participants arrive and re-water those roads just before any vehicles leave the event.
- b. Any future driveways accessing Grass Valley Road shall have 12" diameter culverts or larger in order to perpetuate drainage into roadside ditches. The culverts shall be of sufficient length to prevent damage to the ends of the culverts from the turning radius of longer vehicles, such as trucks and horse trailers.
- c. If the PVGID observes any culvert damage, the applicant shall be held responsible for any repairs to the subject culverts.
- d. The applicant shall inform the PVGID of their event schedule so the PVGID can inspect the condition of Grass Valley Road after each event, and then schedule Grass Valley Road for grading, if necessary.

*** 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: May 8, 2012
TO: Grace Sannazzaro, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB13-008**
APN 076-340-13
DE LA LUZ HORSE RACING EVENTS

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

1. The parcel is shown on the FEMA Flood Insurance Rate Map as being in a 100 year flood zone. All construction shall be in conformance with the Washoe County Code Article 416.
2. Natural drainages shall not be impeded by the development and use of the parcel. Natural drainage shall be perpetuated.
3. A grading permit shall be obtained if grading in excess of fifty (50) cubic yards is to be done. Any grading shall be in conformance with the Washoe County Code Article 438.

LRV/lrv

RE: SPECIAL USE PERMIT SB13-008 De La Luz Horse Racing

From: Albee, Charlene
Sent: Monday, April 29, 2013 10:59 AM
To: Spinola, Dawn
Cc: Sannazzaro, Grace
Subject: RE: New Development Application [SB13-008]

Hi Dawn & Grace,

Could you please provide the same language from the last Mexican Rodeo to the assigned planner for this project.

Thank you for including me in the review process.

Charlene Albee

Chief, Permitting & Enforcement Branch
Air Quality Management Division
Washoe County Health District
1001 E. 9th Street #B171
Reno, NV 89512

775.784.7211 Phone
775.784.7225 FAX

Conditions that were imposed for the Traditional Mexican Rodeo SB13-003:

- a. A water truck shall be available on site the day prior to through the day after all events.
- b. Access roads, parking areas, arena areas, and any other travel areas must be watered as necessary to control the generation of fugitive dust emissions.



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

May 3, 2013

Washoe County
Community development
C/O Grace Sannazzaro
1001 E. Ninth Street
Reno, NV 89512

RECEIVED

MAY 03 2013

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Dear Grace,

After having reviewed the special use permit from De la Luz to establish an equestrian facility for hosting horse racing events (SB13-008), please be advised of the following conditions.

1. All manure generated by domestic animals from the outdoor arena as well as the operation of the stables shall be picked up and removed weekly (050.0150). The manure shall be stored in such a manner that there shall be no escape of odor no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (050.155). The emergence of flies will be eliminated thru the timely pick up and storage of manure from becoming an annoyance to the adjacent residents.
2. When the special use permit is issued an inspection of premises is required prior to the event that effective management practices of manure pick up and storage is in place.

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

Sincerely

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

Cc: Jeppson

SPECIAL USE PERMIT SB13-008 De La Luz Horse Racing

From: English, James J. [Washoe County Environmental Health Services]
Sent: Wednesday, May 08, 2013 11:39 AM
To: Sannazzaro, Grace
Cc: English, James J.; Sack, Bob
Subject: RE: Special Use Permit SB13-008 De La Luz Horse Racing

Ms. Sannazzaro please add these conditions to the special use permit:

The WCHD would require a minimum of four (4) portable toilets and one handwashing station at the location for the races. A contract would need to be in place to ensure the units are serviced after each event.

1. The event promoter will have to apply for Temporary Food Permits for foodservice at the races.
2. The event promoter must have a manure management plan in place for the removal or spreading and tilling of manure into the soil within seven days of each race event.
3. Additional garbage service must be provided by the franchised waste hauler on the days of the event. All garbage and trash generated by the event must be removed and properly disposed of within seven days of the event.

Please let me know if you have any questions.

Thanks

Jim English
EHS Supervisor

RE: SPECIAL USE PERMIT SB13-008 De La Luz Horse Racing

From: Akurosawa, Stacey
Sent: Friday, May 17, 2013 11:07 AM
To: Sannazzaro, Grace
Subject: RE: Special Use Permit SB13-008 De La Luz Horse Racing

Grace,

For each event they would need to provide proof (e.g. a signed contract for services) of the following to the Washoe County Health District EMS Program a minimum of 30 days in advance. If they contract the services for the entire summer season, it may be submitted once – 30 days prior to the first event.

FIRST AID STATION

- A First Aid Station staffed by at least one Emergency Medical Technician or a person with a higher skill level capable of providing emergency medical care within their prescribed scope of practice.
- Hand washing facilities for the First Aid Station and Medical Personnel should be separate from general public facilities.
- Handicapped accessible temporary restrooms or ADA-approved fixed facility restrooms should be available near the First Aid Station so that patients can access them.
- Disposal plan for biological waste at First Aid Station
- An Automatic External Defibrillator (AED) would need to be supplied at the First Aid Station
- Distribution methods for the First Aid Station maps/information for participants and spectators and identification method for visibility of EMS Personnel.
- Medical Records to be kept and provided to the Washoe County Health District EMS program within 30 days of the event should include:
 1. Number of patients treated on scene
 2. Number of patients known to have been transported to a medical facility by private vehicle, ambulance, or other means.
 3. Listing of individual types of illness or injuries seen

PATIENT TRANSPORTATION

- Ingress and Egress route(s) for EMS vehicles
- Pre-planned landing area for a medical helicopter

OTHER REQUIREMENTS

- For each event, the name and contact information for the on-scene EMS Coordinator/Manager needs to be listed

Please let me know if you have any questions or require any additional information.

Thank you,
Stacey E. Akurosawa
Emergency Medical Services Coordinator
Washoe County Health District
PO Box 11130; Reno, NV 89520-0027
Phone: (775) 328-2420
Fax: (775) 328-3631
SAkurosawa@washoecounty.us

SPECIAL USE PERMIT SB13-008 De La Luz Horse Racing

From: Smith, Robert A [Regional Animal Services]
Sent: Thursday, May 02, 2013 12:25 PM
To: Sannazzaro, Grace
Subject: FW: New Development Application
Attachments: Agency Review 042513.docx

We would request that the same conditions are placed on this case as we did with the last one.

Washoe County Regional Animal Services

The following conditions are requirements of Washoe County Regional Animal Services, which shall be responsible for determining compliance with these conditions.

Contact Name – Bobby Smith, 775.353.8900, rasmith@washoecounty.us

- a. All events must comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals.
- b. There shall be a Large Animal Veterinarian plan in place to care for injured animals and the plan must be submitted to Washoe County Regional Animal Services for approval no later than 15 days prior to the first practice or Race

Thank you

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

SPECIAL USE PERMIT SB13-008 De La Luz Horse Racing

From: Lawson, Clara
Sent: Friday, April 26, 2013 4:42 PM
To: Sannazzaro, Grace
Subject: De La Luz Horse Racing

They appear to have enough room to park over 200 vehicles and I anticipate traffic entering in the morning and exiting in the afternoon will be spread out over a couple of hours. I have no conditions of approval for this project.

Clara Lawson, PE, PTOE
Washoe County Community Services Dept
Engineering & Capital Projects Division
PO Box 11130 Reno, NV 89520-0027
775-328-3603

From: Cella, John
Sent: Tuesday, May 21, 2013 8:32 AM
To: Sannazzaro, Grace
Subject: RE: SB13-008 De La Luz Horse Racing

Hi Grace,

No Comments or Conditions from DWR. Thanks for your patience!!

John Cella
Washoe County Community Services Dept
4930 Energy Way
Reno, NV 89502-4106
775-954-4656 office / 775-954-4610 fax

Amy Ray
Fire Marshal



Tim Leighton
Division Chief

Charles A. Moore
Fire Chief

May 6, 2013

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Special Use Permit Case Number: SB 13-008 – De La Luz Horse Racing Events

The Truckee Meadows Fire Protection District (TMFPD) will approve the above permit with the following conditions:

- A schedule of events shall be submitted to TMFPD stating dates and any plans associated with the event.
- All associated inspections and permits for the event will be required per Washoe County Code.
- Access to the event shall be provided for fire and emergency service response.
- Any additions, changes or modifications to the event shall be in accordance With Washoe County Code.

Please contact me with any questions at (775) 326-6005.

Thank you,

Amy Ray
Fire Marshal

TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

1001 E. Ninth St. Bldg D 2nd Floor • Reno, Nevada 89512 • PO Box 11130 • Reno, Nevada 89520
Office 775.326.6000 Fax 775.326.6003

May 8, 2013

Grace Sannazzaro, Planner
Community Services Department
Planning and Development Division
Via email to: gsannazzaro@washoecounty.us

Re: De La Luz Horse Racing Events Special Use Permit Case No. SB13-008

Dear Ms. Sannazzaro,

The above referenced project will generate additional traffic on Grass Valley Road, west of Pyramid Highway. The Palomino Valley General Improvement District (PVGID) maintains all of Grass Valley Road, which is an untreated, dirt road. The increased traffic from this proposed horse racing facility will result in dust generation that will potentially impact adjacent residences.

In order to mitigate the impacts, the PVGID hereby requests the following conditions of approval be placed upon this project:

1. On event days, the proponents shall water Grass Valley Road (from Pyramid Highway to just past any access driveways) before contestants and spectators arrive and re-water the road just before their guests leave.
2. Any future driveways accessing Grass Valley Road shall have 12" diameter culverts or larger in order to perpetuate drainage into roadside ditches. The culverts shall be of sufficient length to prevent damage to the ends of the culverts from the turning radius of longer vehicles, such as trucks and horse trailers.
3. If the PVGID observes culvert damage, the applicant shall repair any such culverts when requested by the PVGID.
4. The proponents shall inform the PVGID of their event schedule so the PVGID can inspect the condition of Grass Valley Road after each event, and schedule the road for grading, if necessary.

Sincerely,

Cathy Glatthar
for Larry J. Johnson
President

[Contact: Larry J. Johnson, President, 775-848-6788, palvalgid@gmail.com]

RECEIVED

MAY 14 2013

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Adalberto Ortega-Peralta

6505 Ernie Ln.

Reno, NV 89510

Re. Case #SB13-003

Traditional Mexican Rodeo

Mr. William Whitney

Secretary to the Board of Adjustment

Division of Planning and Development

Washoe County Community Services.

Dear Mr. Whitney,

The reason for this letter is to explain to you and Mrs. Grace Sannazzaro, planner of that department, what the Mexican Rodeo is about, since I recently learned that the neighbor located at 6205 Valley Road Reno, NV 89510 in the Palomino Valley area, applied for the same permit. The suggestions I make in this letter are based on the vast experience acquired over many years of doing this type of events in Mexico.

In 2012 I decided to undertake the project to carry out these activities in a legal manner as for the 3 years prior we were working on temporary permits. On May 15, 2012 I was approved by the Outdoor Community Event License, to do this I had to present a business plan which was designed with the help of the Young Hispanic who works for the business college of UNR.

Therefore I kindly request that you make a thorough analysis of the recent application given that I was informed that the ranch does not have the basic arrangements to carry out these types of events. So it does not have the safety

conditions for the horses, competitors, jockeys and above all the spectators.

Traditional Mexican Rodeo, is a Mexican tradition that is practiced in some rural areas of Mexico, the main activities are: Horse competition, roping, bull riding, and Mexican charreada, to practice these activities requires special facilities that ensure the life of the animals, participants and spectators.

The recent application is requesting a special permit for horse racing, I think this person is confused because horse racing can only be carried out on the race courses, because there they have the special facilities for this event, in the traditional Mexican language this activity is called "Horse Competition".

Below I will briefly outline some of the basic arrangements that the ranch should have to practice these types of activities, likewise I am enclosing some pictures for the greater comprehension and understanding.



Must have properly designed shade so that the animals on the competition can rest before and after the competition.



The Rancho must have a public parking area for at least 100 vehicles.



It should also have a separate area intended for the parking of trailers that transport the animals.



Must have a trailer for the sale of the ticket that offers protection to the seller and better control of the money.



Must have a Horse Nursing Station, to care for the horses in the event of an accident, this place needs to be of easy access and isolated for good ventilation.



Must have at least four water intakes located in different parts of the ranch to get water in case of a fire or accident.



Must have a hanger for horses where they can bathe and dry after competition.



Must have a restroom area well protected, at least one portable toilet per every 50 people.



It is very important to have a well-protected spectator area, it should have 12 to 15 feet of separation of rail fence, another close parallel to the rail separating the public area to avoid accidents, let's keep in mind that a horse's weight is between 350-500 pounds and run a speed of 45 to 50 miles per hour.



It is also important to have a double rail track through the middle of the race track; this is to protect the jockey in case he falls off the horse. It should be at least 200 yards long, that's the distance that the horse runs the fastest.



The lane where the competition takes place should have at least 2 gates, 12 feet long for emergency vehicles access, as well as the water truck, tractor, ect.



The lane where the completion takes place should have at least 10 yards for emergency exit to help the jocke in case of an accident.



Must have at least 2 water trucks, full at all times to be used in the event of a fire or emergency.



Usually the Traditional Mexican Rodeo, is a family activity and for that reason it should have a playground area for the kids that come to the event.



Must have garbage containers at least every 30 feet along the edge of the lane to avoid any excess trash, especially when it's windy.



At the end of the lane where the competition takes place it must have a stop or an area where the horse is manipulated by the jockey and slowly stopped his race, this area should have a length of at least $\frac{3}{4}$ parts compared to what the lane measures, if the lane measures 300 yards the stop area should measure 225 yards, that will avoid accidents.

As you may understand Mr. Whitney, the arrangements needed to make these events are several and very basic to guarantee the life of the animals, the competitors and the spectators. Therefore, I request that the application received is subjected to a thorough analysis of the case. I would also suggest that you request information to the Sheriff's office and the Animal Control; because the owner of the ranch located at 6505 Grass Valley Reno, NV 89510 on 2/08/2012 authorized the use of his ranch for illegal activities such as "pelea de gallos" (cockfight), activity prohibited here in the state of Nevada.

Thank you for your attention to this letter, and please do not hesitate to contact me at 775-722-3921 if you need additional information

Sincerely,


Adalberto Ortega-Peralta

XC: Assigned Planner, Mrs. Grace Sannazzaro; E-mail: gsannazzaro@washoecounty.us; -
Phone: 775-328-3771

XC: Mr. Bobby Smith, Regional Animal Services; 2825 Longley Lane Suite A Reno, NV 89520.

XC: Washoe County Sheriff Department. 911 East Parr Blvd. Reno, NV 89512

From: Lori Santora [leoknopf3@att.net]
Sent: Sunday, May 19, 2013 7:32 PM
To: Sannazzaro, Grace
Subject: the application to establish an equestrian facility

Attn: Grace Sannazzaro

May 19, 2013

Dear Board Members,

We, Lori Knopf Santora and Bill Santora, are the owners of the 80+ acre lot located at 6505 Grass Valley Road, Sparks, Nevada 98510.

Thank you for giving us the opportunity to address our concerns re: the application to establish an equestrian facility for hosting horse racing events.

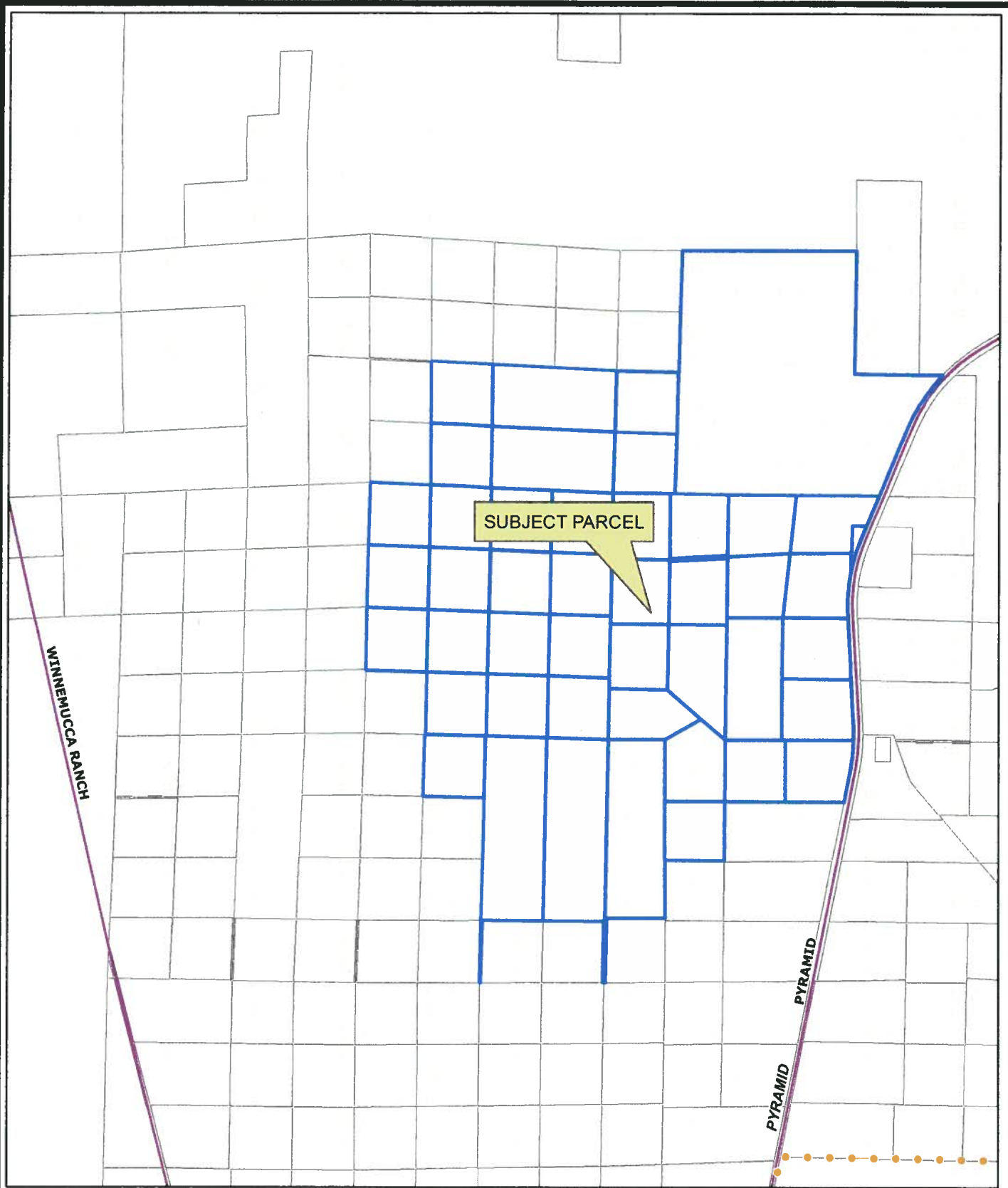
As we are near retirement, we will be moving to our property from city living here in California. The equestrian venture concerns us greatly, as we will be far too close to the proposed events. As we will only be one half mile from the site, our planned peace and quiet seems in jeopardy.

Our concerns are:

1. The noise generated by 400 people and their vehicles.
2. The possibility of trash being carried by the wind, not only to the highway, but also onto properties including ours.
3. Have toileting issues been addressed? Our concerns are two-fold: the smell of portable toilets and the safety of our well water.
4. The deterioration of Grass Valley Road from increased traffic. Wetting down the road might keep dust down, but the number of vehicles will create more problems than just dust - ie. - rutting, washboarding, potholes, etc.
5. Our greatest concern is that in an emergency situation, it may be impossible for us to get out or for emergency vehicles to get in on Grass Valley Road.

We adamantly oppose the granting of this permit for all of the above reasons. It seems that our dream of a peaceful retirement is in jeopardy.

Lori Knopf Santora
William A. Santora



Special Use Permit SB13-008
 For Hilaria De La Luz
 32 Separate Property Owners Noticed
 Within 4,000 Ft of Subject Property
 APN for Subject Property: 076-340-13

PUBLIC NOTICE MAP

Source: Planning & Development Division



Date: April 2013

**Community Services
 Department
 Planning & Development
 Division**

Post Office Box 11130
 Reno, Nevada 89520
 (775) 328-3600

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>SB13-008</u> <u>GS</u>	
Project Name (commercial/industrial projects only):			
Project Description: Horse Event on 10 Weekends per year.			
Project Address: 6205 Grass Valley Rd. Reno, Nevada			
Project Area (acres or square feet): 40.13 Acres			
Project Location (with point of reference to major cross streets AND area locator): Grass Valley Road and Pyramid Way			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
076-340-13	40.13		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Hilaria De La Luz		Name: Michael T. Peterson - Contact Person	
Address: 6205 Grass Valley Road		Address: 1520 Glendale Ave	
Reno, Nevada	Zip: 89510	Sparks, Nevada	Zip: 89431
Phone:	Fax:	Phone: 775f-856-1400	Fax:
Email:		Email: Mike @ mtpetersondesigns.com	
Cell:	Other:	Cell: 775-240-4564	Other:
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name: Jose Luis De La Luz Jr.	
Address:		Address: 1921 Fargo Way	
	Zip:	Sparks, Nevada	Zip: 89434
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):	

Special Use Permit Application for Stables 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 administrative permits may be found in Article 810, Special Use Permits.

1. What is the maximum number of horses to be boarded, both within stables and pastured?

10 horses per day of the Event. The horses show up the morning of the event and leave when the event is over.

2. What is the maximum number of horses owned maintained by the owner/operator of the project, both within stables and pastured?

I own 4 horses.

3. List any ancillary or additional uses proposed (e.g., tack and saddle sales, feed sales, veterinary services, etc.). Only those items that are requested may be permitted.

No additional services provided.

4. If additional activities are proposed, including training, events, competition, trail rides, fox hunts, breaking, roping, etc, only those items that are requested may be permitted. Clearly describe the number of each of the above activities which may occur, how many times per year and the number of expected participants for each activity.

We want to have the events for 10 weekends per year. Horse races for 10 horses raced 2 at a time. 12 races per day of event.
6-8 participants racing the horses.
40-400 spectators expected per day.

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

Horse stables and pens that are existing to be used by horses on the day of the events.

6. To what uses (e.g., restrooms, offices, managers living quarters, stable area, feed storage, etc.) will the barn be put and will the entire structure be allocated to those uses? (Provide floor plans with dimensions).

Sani-huts will be provided on site each day, see site plan for location.
We will contract with a local company to provide and maintain the sani huts on the days of the event.

7. Where are the living quarters for the operators of the stables and where will employees reside?

N/A

8. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.) Have you provided for horse trailer turnarounds?

All parking will be provided on site. Parking for spectators in one section will be on native soil that has been cleared of all brush. Parking for horse trailers will have their own section, see site plan for designated areas.

9. What are the planned hours of operation?

Event will be on Sat. & Sun. from 10 a.m. to 7 p.m. each day.
Events will run from May Thru September.

10. What improvements (e.g. new structures including the square footage, roadway/driveway 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 additional improvements are planned, everything is existing.

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

N/A

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

We are in a horse community with 40 acres, all the lots in palomino valley are large and zoned for horses.

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

We are in a horse community and people are welcome to come and watch the events

14. What are the adverse impacts upon the surrounding community (including traffic, noise, odors, dust, groundwater contamination, flies, rats, mice, etc.) and what will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

Traffic on the day of the events will increase, water will be provided on gravel roads and parking areas before and during events so dust will not be an issue. The only added noise is a house stereo for music, but it is not very loud. No additional impact to the community outside of what is normal for a horse property.

15. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

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

Nothing is proposed for additional landscaping.

17. 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.)

No signs or lighting is proposed or provided.

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

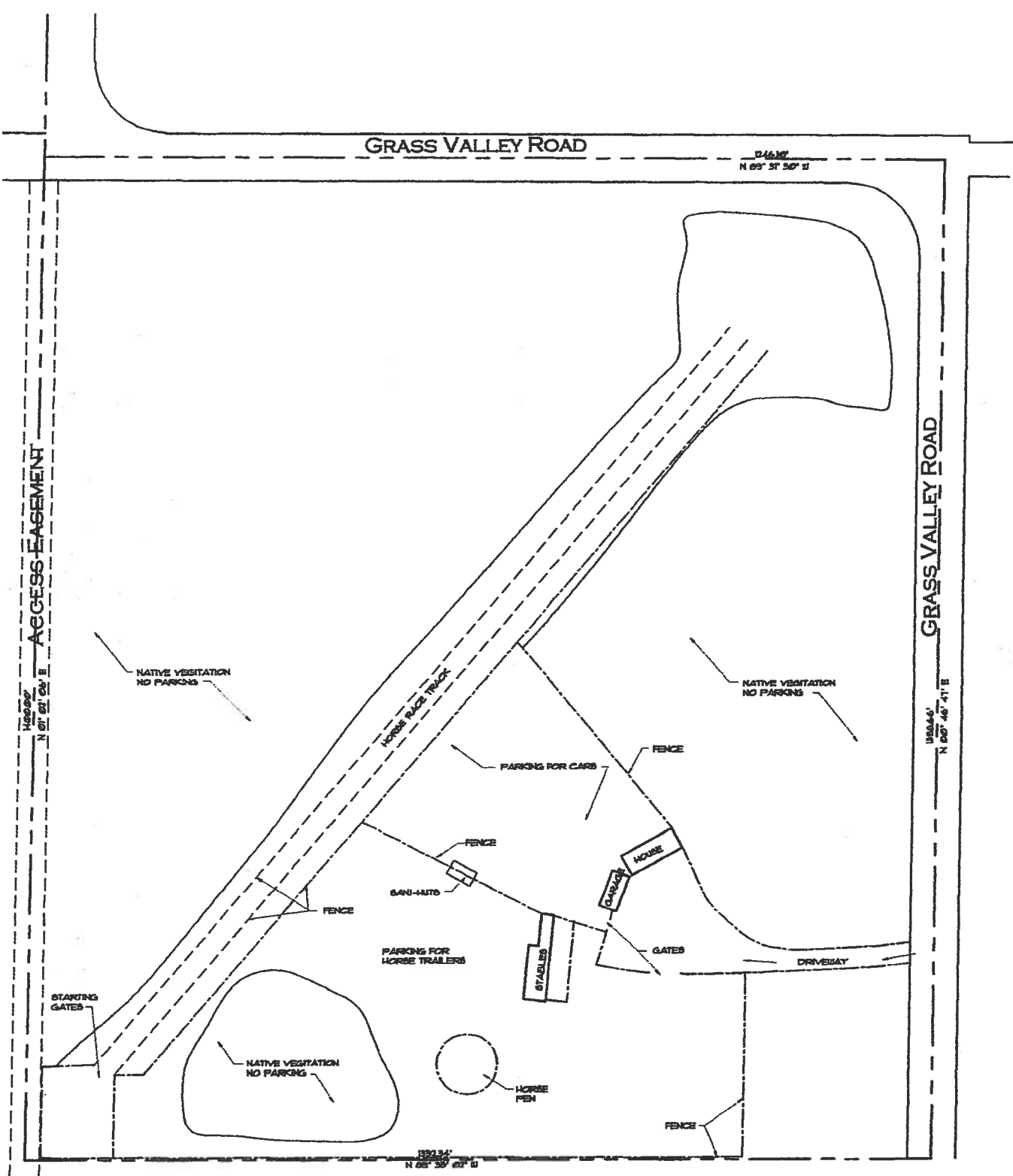
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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19. Community Sewer

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Community Water

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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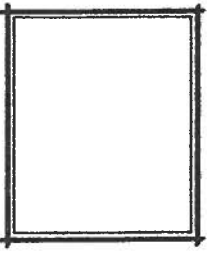
SITE PLAN
 076-340-13
 40.13 ACRES

1"=200'-0"

OWNER INFORMATION

HILARIA DE LA LUZ
 6205 GRASS VALLEY ROAD
 RENO, NV 89510
 PHONE NO. (775) 745-1202

Michael T. Peterson
 Residential Designer
 MTP MTPctersondesigns.com
 Phone: (775) 856-1400 P.O. Box 51049
 Cell: (775) 240-4964 Sparks, Nevada 89435



Event Site Plan
 For
 Hilaria De La Luz
 6205 Grass Valley Road
 Reno, Nevada

Revisions	
Mark	Date Description

Drawn By M.T.P.	Date March 15, 2013
Checked By M.T.P.	Project No. 1309

Sheet Title
 Site Plan

Sheet Number
A-1

Final Submittal



Board of Adjustment Staff Report

Meeting Date: June 6, 2013

Subject: Variance Case No: VA13-002
Applicant(s): Ronald S. and Frances P. Ellis
Agenda Item No. **9C**
Project Summary: Vary minimum lot size to allow livestock
Recommendation: **Denial**
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 VA13-002 (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, 1260 High Chaparral Drive, Reno, NV 89521
- 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: Sec 27, T18N, R20E

Staff Report Contents

Variance Definition 3
Vicinity Map 4
Project Evaluation 6
Reviewing Agencies..... 10
Recommendation 13
Motion 13
Appeal Process 13

Exhibits Contents

Community Correspondence..... Exhibit A
Engineering and Capital Projects Memo Exhibit B
District Health Department Air Quality Memo Exhibit C
NDOT Condition from TM3-8-88 Exhibit D
Copy of Recorded Tract Map #2757 Exhibit E
Comparison of Lot Sizes Exhibit F
Letter Received by WC Code Enforcement..... Exhibit G
Project Application Exhibit H

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.

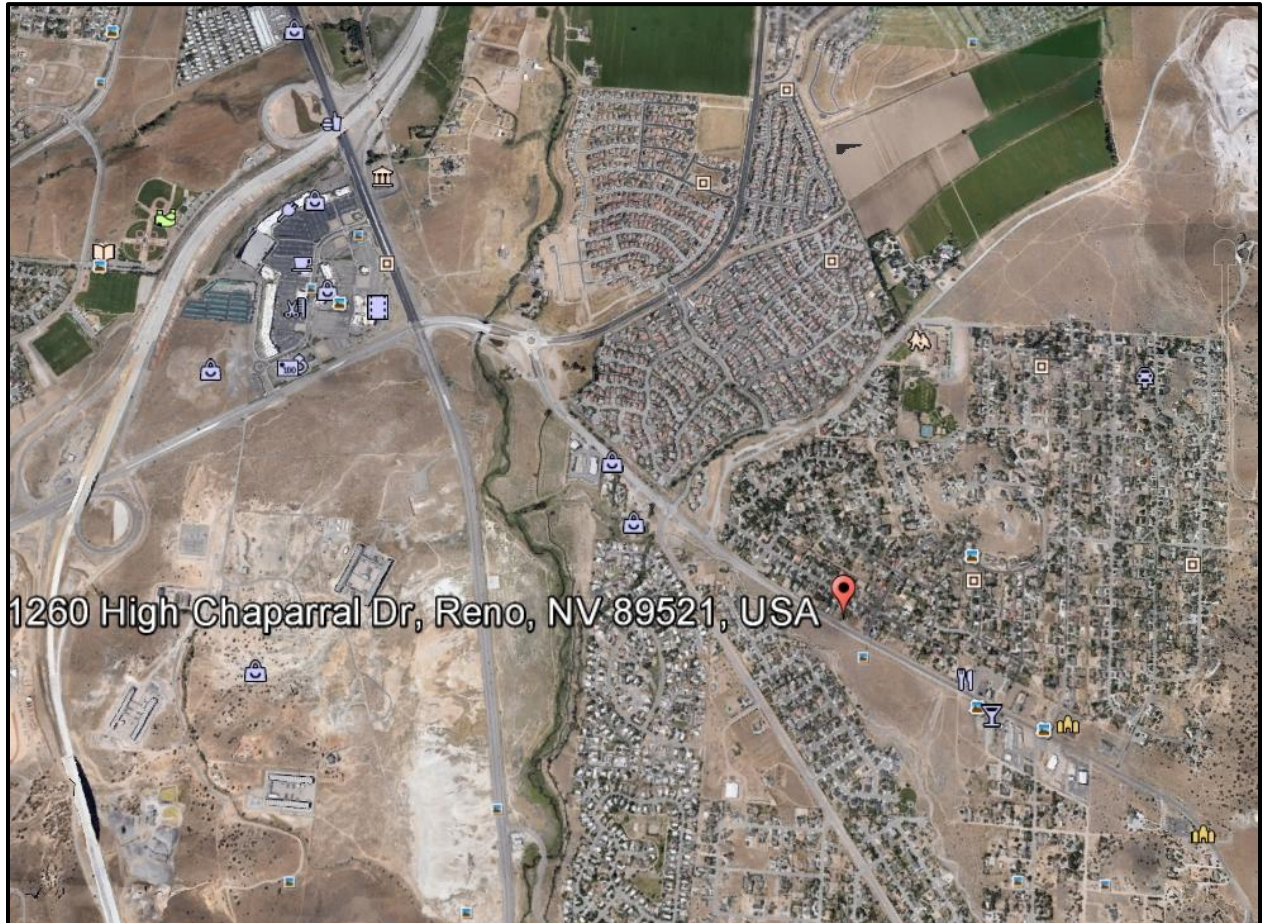
The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC 110.804.25, the Board must make four findings which are discussed below.

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.

Since a recommendation of denial has been made there are no Conditions of Approval attached.

Vicinity Map



SUBJECT PARCEL



Project Evaluation

Background/History:

The applicant is asking to vary the minimum lot size standard to allow livestock on a property less than one-half (.5) acre in size. Approval of the variance request would allow the property owner to keep up to two adult (2) livestock, specifically horses, on the subject property. Denial of the variance request would require the applicant to remove the horses currently on the property (2 horses at the time of publishing this report). The subject property is located at 1260 High Chaparral Drive, near Shadow Hills Drive and Geiger Grade (SR-341), and is part of the Sagewood Estates Subdivision, Unit 3B, of Tract Map #2757, recorded March 13, 1991 (Document #1465509). The parcel is .484 acres (21,091 square feet as recorded) in size, and is within the Medium Density Suburban (MDS) regulatory zone.

The original subdivision was developed as a single-family density zoning subdivision consisting of 28 lots on a parcel of property ±16.07 acres in size, zoned A-3 (Suburban Farm Agricultural .5 acre minimum lot size). The approval of the tentative map included the request and approval of a special use permit to reduce the minimum lot size for some of the lots to +15,000 square feet and to reduce the minimum side yard requirement from 10 feet to 8 feet. The lots sizes approved for the tentative subdivision were minimum of 15,000 to a maximum of one-half (.5) acre. The subject parcel (Lot 2, Block C of Unit 3B) was recorded with a size of 21,091 square feet, as were the lots on both sides (some even smaller) of the subject parcel.

At the time of tentative subdivision map review and approval, the Nevada Department of Transportation (NDOT) had provided conditions of approval to the project (attached as Exhibit D). Condition number 13 specifically states:

13. "The applicant shall dedicate a 20-foot right-of-way along State route 341 (Geiger Grade Road) for the future widening of the roadway, to the satisfaction of the Nevada Department of Transportation. All dwelling units shall be constructed a minimum of 30 feet from the 20-foot roadway easement."

The recorded track map (#2757) shows a 50-foot easement along the property lines abutting State Route 341 (Geiger Grade), including the subject parcel. All homes constructed complied with the approved minimum setbacks as proposed under the special use permit, in addition to the required 50-foot rear yard setback and 30-foot front yard setback. It appears as though the 20-foot NDOT easement may have been intended not only for acquiring future right-of-way, but also as a buffer. There is also a note on the map, Note 8, which states "Development to be in substantial compliance with special use permit. Said special use permit permits minimum 15,000 square-foot lot size and limits average net density to 1.99 units/acre."

Since the creation of the subdivision (28 lots), in particular Unit 3B, all parcels were created and recorded as approved by Washoe County in 1991, and appear to have maintained the NDOT easement along the properties abutting State Route 341 (Geiger Grade).

Special Circumstances/Hardship:

In 1993 the Washoe County Development Code was updated and the lots created as part of the Sagewood Estates Subdivision were rezoned to a new regulatory zone which maintained similarities to the previous zone. The new regulatory zone in effect from 1993 to the present is Medium Density Suburban (MDS) which requires a minimum lots size of 12,000 and a density of three dwelling units per acre.

The applicant's purchased the subject property in the Fall of 2011 with the understanding/belief that horses were allowed on the specific piece of property. Staff has been told that the property may have been advertised as horse property at the time of purchase, however staff cannot confirm this. In November of 2012, the Health District received a complaint of horse manure smells coming from the subject property which prompted a site inspection and subsequent clean-up action. Also in November 2012 the Planning & Development Division received a complaint that the Ellis's had one (1) full sized horse and two (2) miniatures Shetland ponies on the property, a use which was not allowed on that lot size. In December 2012, after significant discussions with the property owner, Washoe County staff issued a Correction Notice (code compliance case number AE-12-0178) to the Ellis's for the maintenance of horses on a lot that does not comply with WCC Section 110.330.20, which states:

Section 110.330.20 Livestock. Livestock, including cows, pigs, sheep, goats and horses as defined in Section 55, Animals and Fowl, of the Washoe County Code or any mutations or hybrids thereof, donkeys, burros, mules, llamas, alpacas and miniature pigs (except as provided for in Section 110.330.35), shall be permitted in all Rural, and the Low and Medium Density Suburban Regulatory Zones, subject to the following provisions:

- (a) Such animals shall not be maintained on any parcel of less than one-half (.5) acre.

However, if there were horses on the property after the adoption of the new Development Code in 1993, there are provisions within the code which allow the continuation of uses on a property under certain instances.

Specifically, the Development Code Article 904 *Nonconformance*, states that the "intent of the article is to regulate lots, structures and uses of land and structures which were lawful before the adoption or amendment of this Development Code, but which no longer comply. The additional intent of this article is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance." Section 110.904.20 Nonconforming Use of Land goes on to say "The nonconforming use of land shall be subject to the provisions of this section.

- (a) Continuation A nonconforming use of land may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (2) If such a use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located.

Staff has been told by the applicant that there may have been up to two (2) horses on this property in the past, however from 2005 to 2011 there were no horses maintained on the subject property, as verified by Washoe County staff. (Exhibit G)

Under the current Washoe County Development Code, Section 110.330.20 (a), no livestock is allowed to be maintained on any parcel of less than one-half (.5) acre. It is within this section of code which the applicant is requesting to vary; specifically, to vary the one-half (.5) acre lot standard to allow the maintenance of up to two (2) horses on the subject property.

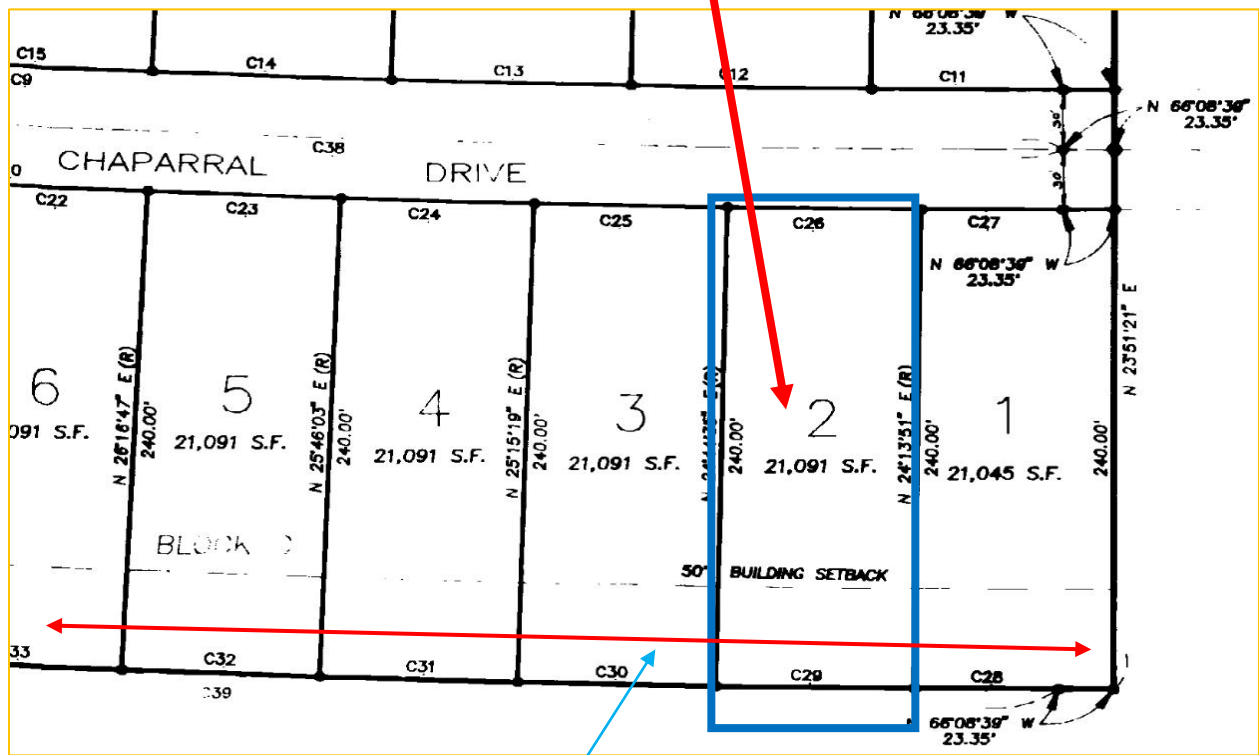
Staff has reviewed the surrounding parcels on both sides of the subject parcel and across the street. The majority of the lots are under one-half (.5) acre (see Exhibit E). There are some lots across the street which are one-half (.5) acre or larger, which under the current code would be allowed to maintain up to two adult horses or other livestock. As illustrated on the next page and the attached Exhibit, there is a good mixture of lots below one-half (.5) and lots one-half (.5) or greater. For clarification, one-half (.5) acre of land is equal to 21,780 square feet. The applicant's lot is 21,091 square feet, which is approximately 689 square feet shy of meeting the one-half (.5) acre lot size necessary to maintain horses on the property.

In the application, the applicant stated that a special circumstance/hardship exists because they are not permitted to keep horses on their property when many of their neighbors are, and the purchase of the property was based on the belief that horses would be allowed on the subject property.

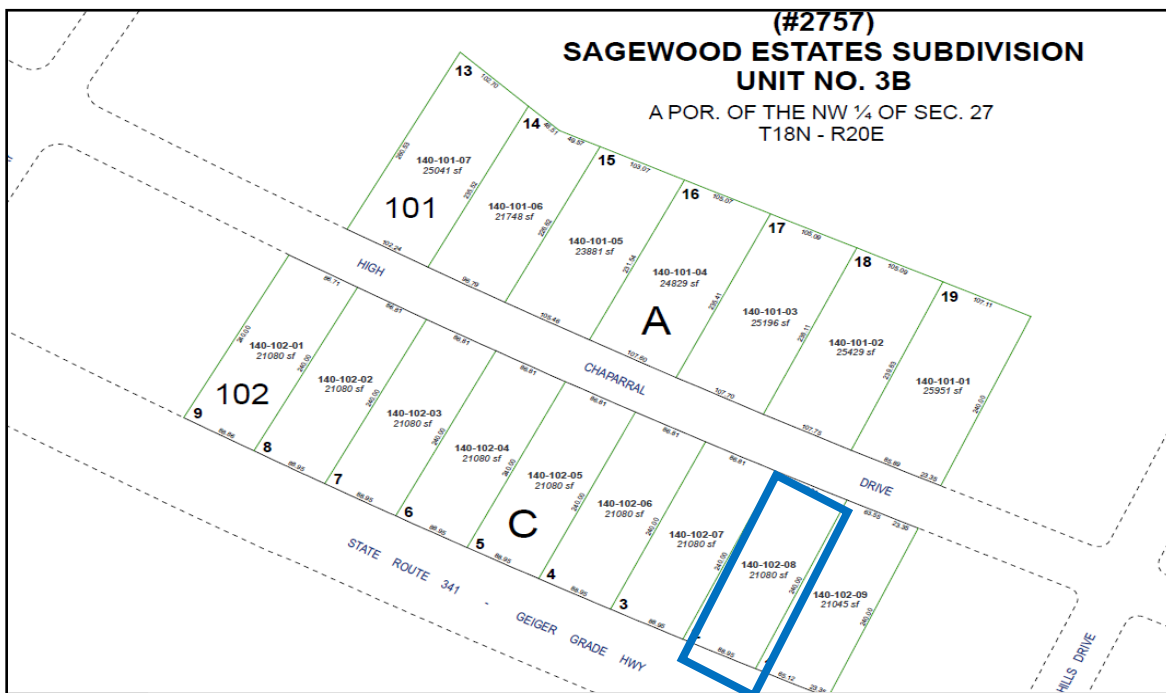
Under the strict application of the findings as outlined within Section 110.804.25, and on page 10 of this staff report, there is no special circumstance related to the subject property.

- The subject property is flat and rectangular, as are the other lots on either side of the subject parcel.
- The subject parcel meets the minimum lot size requirements of 15,000 square feet of the A-3 zoning district for the Sagewood Estates subdivision at time of recordation in 1991, and meets the minimum lot size of the adopted (1993) Medium Density Suburban (MDS) regulatory zone of 12,000 square feet.
- All the parcels along the south side of High Chaparral, abutting State Route 341 (Geiger Grade), share the same 20-foot easement as required by the Nevada Department of Transportation under condition #13 of the approved tentative subdivision map, TM3-3-88.
- All the parcels along the south side of High Chaparral, abutting State Route 341 (Geiger Grade) share the originally established 30-foot rear yard setback established under the previous A-3 zoning district, and now share the 20-foot rear yard setback as established under the adopted (1993) MDS regulatory zone.
- All lots on either side of the subject parcel share the same encumbrances, none of which are extraordinary from the next. Lots on either side of the subject parcel are under one-half (.5) acre in size and all share the same regulatory zone of Medium Density Suburban (MDS), again not extraordinarily different than the subject parcel.

Subject Property



20-foot NDOT ROW (approx)



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
- Truckee Meadows Fire Protection District

Two of the six above listed agencies/departments had no comments/conditions/objections to the requested variance. (Exhibit B and C)

Community Input

Staff has received community input both for and against the proposed variance request. Those comment letters/transmittals can be found within Exhibit A.

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):

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.

Staff Comment:

- *The subject property is flat and rectangular, as are the other lots on either side of the subject parcel.*
 - *The subject parcel meets the minimum lot size requirements of 15,000 square feet of the A-3 zoning district for the Sagewood Estates subdivision at time of recordation in 1991, and meets the minimum lot size of the adopted (1993) Medium Density Suburban (MDS) regulatory zone of 12,000 square feet.*
 - *All the parcels along the south side of High Chaparral, abutting State Route 341 (Geiger Grade), share the same 20-foot easement as required by the Nevada Department of Transportation under condition #13 of the approved tentative subdivision map, TM3-3-88.*
 - *All the parcels along the south side of High Chaparral, abutting State Route 341 (Geiger Grade) share the originally established 30-foot rear yard setback established under the previous A-3 zoning district, and now share the 20-foot rear yard setback as established under the adopted (1993) MDS regulatory zone.*
 - *All lots on either side of the subject parcel share the same encumbrances, none of which are extraordinary from the next. Lots on either side of the subject parcel are under one-half (.5) acre in size and all share the same regulatory zone of Medium Density Suburban (MDS), again not extraordinarily different than the subject parcel.*
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.

Staff Comment:

- *There have been complaints from neighbor(s) about manure smells and the maintenance of horses on the property. The intent of WCC Section 110.330.20 Livestock (a) clearly states “such animals shall not be maintained on any parcel of less than one-half (.5) acre.*
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.

Staff Comment:

- *The granting of this variance would allow a property owner to maintain 2 adult livestock (horses) on their property under one-half (.5) acre in size, which would otherwise not be allowed by other property owners on lots less than one-half (.5) acre in size.*
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.

Staff Comment:

- *WCC Section 110.330.20 Livestock (a) clearly states “such animals shall not be maintained on any parcel of less than one-half (.5) acre. The subject parcel is .484 in size, which is less than the one-half (.5) acre size required to allow livestock.*
5. 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:

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

Staff has completed an analysis of the application and has determined that the proposal cannot meet the required findings as outline within the Development Code.

Recommendation

Those agencies which reviewed the application had no conditions/comments for the project. Therefore, after a thorough analysis and review, Variance Case No. VA13-002 is being recommended for denial. 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 deny Variance Case No. VA13-002 for Mr. and Mrs. Ellis, having not made all required findings in accordance with Washoe County Development Code Section 110.804.25:

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;
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.

xc: Property Owner: Ronald S. and Frances P. Ellis, 1260 High Chaparral Drive, Reno, NV 89521

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

Staff Report xc: **None**

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](#); [Chair, Southeast Truckee Meadows Citizen Advisory Board](#).

1270 High Chaparral Drive
Reno, NV 89521

May 16, 2013

Washoe County, Nevada
Planning and Development
C/o Board of Adjustment
1001 E. 9th Street, Suite A-275
Reno, NV 89512

Dear Members of the Board of Adjustment,

I am writing with concerns regarding the upcoming variance hearing for case number VA13-002 scheduled for June 6, 2013. The case involves the property of Ronald and Francis Ellis, who reside at 1260 High Chaparral Drive. The Ellises are seeking a variance to keep multiple horses on their property.

WCC Section 110.330.20 requires that a parcel must be .5 of an acre in order to maintain livestock. The Ellises' parcel does not meet this standard, yet they have had multiple horses on the property in the time that they have resided at the subject residence. The Ellises claim that they were led to believe that the property permitted horses. I have attached for your reference the sheet with regard to MLS #100016867, which clearly states that horses are not permitted. Furthermore, it is the buyer's responsibility to clarify what is permitted regarding County codes and regulations.

When we purchased our home in 2010 (located at 1270 High Chaparral Drive), we were attracted to some specific qualities, including the fact that the parcel to the west (The Ellis property) was not allowed to have horses as we didn't want to live so close, and just downwind, of such a parcel.

Since the Ellises have owned and housed horses on their property, we have had to deal with excessive flies, noise, dirt and odor. This past summer, we had to place fly traps all over our property, which we never had to do before the Ellises began residing at the subject property. As we all know, flies carry parasites and germs. The horses also make a considerable amount of noise. When the Ellises do not take all of the horses out on a ride, the horses left behind get very agitated and noisy. The amount of dirt the horses stir up is also an issue. Furthermore, the odor from the livestock's waste is overwhelming. You can smell the waste from any part of our property. In fact, you can smell it from the street in the front of our home. The horse corrals are in line directly with my children's playground set. There have been many times that we cannot spend time on the set because the foul smell is so profound.

In order to approve this variance request, it is necessary to make Finding A under Code Section 110.804.25, which identifies properties with exceptional narrowness, shallowness, shape, or topography as potentially suitable for a variance. All of the lots on this section of street are essentially flat and rectangular. Thus, it is my position that the Ellises have failed to provide evidence to support their variance request. The Ellises have failed to demonstrate any exceptional circumstances affecting their lot or neighboring lots. It is my belief the variance request is another attempt to further avoid complying with the applicable Code. On this basis, I would request that the variance request be denied.

Thank you for your time and consideration. Please feel free to reach me with any questions.

Sincerely,

Britta Scheffer
775-530-7052



Residential

Site/Stick Built **List Price \$225,000** **Sold Price \$197,500** **Status SOLD** **DOM 273**
Address 1260 High Chaparral # **Area** Reno-Foothills **Zip** 89521 **MLS #** 100016867
Parcel # 14010208 **Acreage** 0.48 **Taxes** \$2,425.00 **Year Built** 1992
XST Geiger Grade **Stories** 2 Story **Listing Type** Exclusive Right
Virtual Tour

Bedrooms #	3	Assessments	0.00	Common Int. Ownership	No
# Full or 3/4 Baths	3	HOA	No	Attached Common Wall	No
# Half Baths	0	Assoc Fee \$	0.00	Elementary School	Brown
Total Living Space	2221	Assoc Trans Fee \$		Middle School	Depoali
Garage	2	CC/R Restrictions	Yes	High School	Damonte
Carport	0	Garage Type(s)	Attached	Horses Okay	No
Total Parking Capacity	2			Spec. Cond. of Sale	Short Sale

Interior Features

Living Rm Great Room, Ceiling Fan	Int.Ftrs/Prsni Incl. Blinds/Shades, Smoke Detectors
Family Rm None	Fireplace None
Dining Rm Klitchen Combo, Ceiling Fan	Floor Covering Carpet, Ceramic Tile, Vinyl Tile
Master Br Walk-In Closet, High Ceiling, Ceiling Fan, Double Sinks,	Water Heater Natural Gas
Other Rms Bdrm/Office (on Main Fir)	Heating&Cooling Natural Gas, Hot Water System, Central Refrig
Laundry Yes, Hall Closet	Kitchen Gas Range, Single Oven, Built-In Dishwasher,

Exterior Features

Ext.Features Satellite Dish/Owned, Corrals/Stalls	Sprinklers Front, Drip-Front, Automatic
Fenced Full, Back	Landscaped Yes, Partially Landscaped
Patio/Deck Uncovered, Patio	View Mountain
HOA Amln. No Amenities	Utilities Electricity, Natural Gas, City/County Water, City Sewer,

Gorgeous horse property in the desirable location of South Reno, near the new Summit Mall, easy highway access and only minutes to Mount Rose Ski Resort and Downtown Reno. New roof in 2005, new front landscaping and sprinklers, new kitchen appliances (oven,dishwasher,microwave) in 2009, brand new hot water heater and a new furnace and central air system in 2006. Oh, fresh paint too!! Easy to show... only one loan!!

Contact Name Susan Geer	Contact Phone 775-722-6038
Ag#1 Carter-Geer & Associates - Phone: (775)	Office#1 Keller Williams Group One-Spar - (775) 336-3800
Ag#2 Susan Geer - (775) 722-6038	Office#2 Keller Williams Group One-Spar - (775) 336-3800
Sell Agent Kevin A Trexler - Cell: (775) 250-3591	Sell Office Dreams Realty - (775) 473-8899

Information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. Information deemed reliable but not guaranteed

Monsalve, Sandra

From: Steven Braun [stev@mac.com]
Sent: Wednesday, May 29, 2013 11:25 AM
To: Monsalve, Sandra
Subject: va13-002

We support the granting of this variance.

Steven Braun
1190 Tapadero Trail
Reno, NV 89521

775.772.5642

May 14, 2013

Dear Commissioner Humke,

This letter is in regards to the variance hearing, VA13-002, for the property at 1260 High Chaparral Drive, Reno, NV.

The owners are asking to maintain multiple horses on their property. Their property is not zoned for any horses, let alone multiple horses, due to their lot size (less than .5 acres). This concerns me for a number of reasons:

1. Since we live directly across the street from the above address, it's routine to smell the horses and everything associated with horses.
2. There's definitely been an increase in dust due to the horse's presence.
3. I'm concerned over the owner's complete lack of responsibility for following the zoning codes.
4. There's been a significant increase in flies in our area.
5. I'm concerned for the animal's wellbeing, as their space definitely isn't sized for proper care of multiple horses.

Thank you for your attention to this hearing, and I hope that my concerns, and those of other neighbors, are considered. Please feel free to contact me with any questions.

Sincerely,

Heidi Breuner Wilson
1265 High Chaparral Drive
Reno, NV 89521
775-622-1929

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name:

Yolanda Solferino

Address:

1145 High Chaparral Dr.
Reno, NV 89521

Signature:

Yolanda Solferino

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name Jon Cady

Address: 1205 High Chaparral Dr.
RENO, NEVADA
89521

Signature: Jon Cady

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Frances and Ron Ellis receiving a zoning variance that would allow them to maintain horses on their property.

The Ellis' replaced unsightly dry brush and roofing materials on their property that provided a nesting place for rodents and posed an imminent fire with defensible fire space and a well maintained yard more than sufficient to maintain a horse or horses. They pick up their corrals at least daily if not twice daily and there are no odors or detrimental effects coming from their yard.

Further, it has been my belief that the neighborhood was zoned for horses.

Sincerely,

Name Jay Karam

Address: 1230 High Chaparral
Reno NV 89521

Signature: 

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name Holly O'Driscoll

Address: 1240 High Chaparral
Reno, 89501

Signature: Holly O'Driscoll

P.S. When we bought, we were told Horses were zoned for horses - - - plus when zoning changed, we still believed (until today!) that we could have horses

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to **voice our support** of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.


They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name BILL O'DRISCOLL

Address: 1240 High Chaparral Drive
Reno, NV
89526

Signature: 

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Frances and Ron Ellis receiving a zoning variance that would allow them to maintain horses on their property.

The Ellis' replaced unsightly dry brush and roofing materials on their property that provided a nesting place for rodents and posed an imminent fire with defensible fire space and a well maintained yard more than sufficient to maintain a horse or horses. They pick up their corrals at least daily if not twice daily and there are no odors or detrimental effects coming from their yard.

Further, it has been my belief that the neighborhood was zoned for horses.

Sincerely,

Name Ashley Smith

Address: 1275 High Chaparral Dr.
Reno, NV 89521

Signature: Ashley Smith

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to **voice our support** of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name STEWART HANDE

Address: 1340 TAPADOLO TRAIL

RENO NV 89521

Signature: 

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name Chew Bradford Handt

Address: 1340 PARADISE TRL
Reno, NV 89521

Signature: Chew Bradford Handt

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to **voice our support** of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name Blanca Driver

Address: 1320 Tapadero Tr.
Reno, NV 89521
(775) 853-6892

Signature: Blanca Driver

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to **voice our support** of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name Michael Rhodes

Address: 164050 Riata Cir
Reno NV 89521

Signature: Michael Rhodes

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name: CHRISTINE RYAN

Address: 13840 CHAMY DR
RENO, NV 89521

Signature: Christine Ryan

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

To the Honorable Members of the Board of Adjustment:

We are providing this letter to voice our support of Mr. and Mrs. Ronald Ellis receiving a zoning variance that would allow them to maintain horses on their property.

They replaced unsightly dry brush and roofing materials on their property that provided nesting place for rodents as well as posing an imminent fire hazard with plenty of defensible fire space. The result is a well maintained yard more than sufficient to maintain a horse.

Further, it has been my belief that the neighborhood was zoned for horses and there was no "acreage" requirement. Not granting the Ellis' a zoning variance would be a gross injustice.

Sincerely,

Name JANE BURTON

Address: 13905 CHAMY DRIVE
RENO NV 89521

Signature: Jane Burton

Washoe County, Nevada
Board of Adjustment
1001 E. Ninth Street
Reno, NV 89512

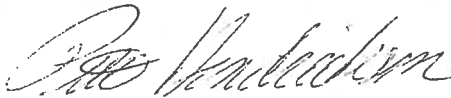
To the Honorable Members of the Board of Adjustment:

We are providing this letter to **voice our support** of Frances and Ron Ellis receiving a zoning variance that would allow them to maintain horses on their property. We are the owners of the property immediately next door to Mr. and Mrs. Ellis.

The Ellis' replaced unsightly dry brush and roofing materials on their property that provided a nesting place for rodents and posed an imminent fire with defensible fire space and a well maintained yard more than sufficient to maintain a horse or horses. They pick up their corrals at least daily if not twice daily and there are no odors or detrimental effects coming from their yard.

Further, it has been my belief that the neighborhood was zoned for horses and it should be allowed, as it increases all of our property values.

Sincerely,



Pete and Donna Hendrickson
1250 High Chaparral Drive
Reno, NV 89521

Monsalve, Sandra

From: Cella, John
Sent: Monday, May 06, 2013 8:53 AM
To: Monsalve, Sandra
Cc: Reich, Alan
Subject: VA13-002

Hi Sandy,

DWR has 'No Comments or Conditions' for the variance request at 1260 High Chaparral Drive.

John Cella
Washoe County Community Services Dept
4930 Energy Way
Reno, NV 89502-4106
775-954-4656 office / 775-954-4610 fax

Monsalve, Sandra

From: Spinola, Dawn
Sent: Thursday, May 02, 2013 3:09 PM
To: Monsalve, Sandra
Subject: FW: Agency Review Memo

Dawn

Dawn Spinola
Office Support Specialist
775.328.3634
dspinola@washoecounty.us

From: Albee, Charlene
Sent: Thursday, May 02, 2013 3:06 PM
To: Spinola, Dawn
Subject: RE: Agency Review Memo

Hi Dawn,

Air Quality has no comment or objection to this variance request.

Thanks

Charlene Albee

Chief, Permitting & Enforcement Branch
Air Quality Management Division
Washoe County Health District
1001 E. 9th Street #B171
Reno, NV 89512

775.784.7211 Phone
775.784.7225 FAX

From: Spinola, Dawn
Sent: Thursday, May 02, 2013 2:35 PM
To: Spinola, Dawn
Subject: Agency Review Memo

Dawn

Dawn Spinola
Office Support Specialist
775.328.3634
dspinola@washoecounty.us

XC CA

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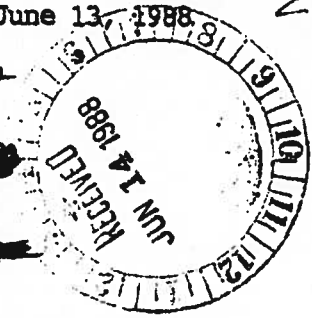


OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS.
P.O. BOX 11130, RENO, NEVADA 89520
PHONE (702) 328-3260

Final Map
3-B 23 lots

June 13, 1988



JUDI BAILEY
County Clerk

Final Map Unit 3-A
5 lots
5-11-90

Final Map
Check List Unit
#3-A

4-2-90 5 Lots

The Henry Corporation
6135 Franktown Road
Carson City, NV 89704

Dear Applicant:

I, Judi Bailey, County Clerk and Clerk of the Board of County Commissioners, Washoe County, Nevada, do hereby certify that at a regular meeting of the Board held on May 24, 1988, Chairmen McDowell issued the following order:

88-526 TENTATIVE SUBDIVISION MAP CASE NO. TM3-3-88 WITH SPECIAL USE PERMIT - SAGEWOOD ESTATES UNIT 3 (APN: 016-573-16)

Stan Henry, one of the owners of subject project, requested that they be allowed to place single-story residences on some lots and two-story residences on others, depending on the location and situation.

Mike Harper, Department of Comprehensive Planning, stated that this request should not be considered at this time, as property owners have not been notified of the deviation.

Commissioner Cornwall advised that she received several telephone calls from area residents in opposition to the two-story residences. Two property owners were present to object to this modification to the plan.

Mr. Henry withdrew his request, stating that he does not wish to violate proper procedure.

Following further discussion, upon recommendation of the Washoe County Planning Commission, on motion by Commissioner Cornwall, seconded by Commissioner Lillard, which motion duly carried, Chairman McDowell ordered that the Board finds, subject to the conditions stated herein, that Tentative Subdivision Map Case No. TM3-3-88 with Special Use Permit for the proposed Sagewood Estates Unit No. 3 for the Henry Corporation to develop a single-family density zoning subdivision consisting of 28 lots on a parcel of property ±16.07 acres in size, zoned A-3 (Suburban Farm) and to reduce the minimum side yard requirement from 10 feet to 8 feet, located within the W 1/2 of Section 27, T18N, R20E, MDB&M, being north of SR 341 (Geiger Grade Road), west of Shadow Hills Drive, and south of Tapadero Trail, southeast subarea of the Truckee Meadows Planning area, Washoe County, Nevada, (1) will not result in undue water or air pollution, (2) has sufficient water meeting applicable health standards for the reasonably foreseeable needs of the subdivision, (3) will not cause an unreasonable burden on an existing water supply, (4) will not

D.H. 7. A construction plan, dust control plan, and solid waste disposal plan shall be submitted to and approved by the District Health Department prior to recordation of all or part of a final map.

OK on file 8. Prior to recordation of all or part of the final map, the applicant shall provide an archeological/historical survey for review by the Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology, and the planning staff.

OK 9. A note shall be placed on the final map stating: "Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific location and the Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two working days from the date of notification."

Co. Eng. 10. Prior to acceptance of the improvements and release of any financial guarantees, the owner/developer is to furnish to the Washoe County Engineer a full set of reproducible "as-built" construction drawings prepared by a registered engineer.

TRAFFIC

Co. Eng. 11. All roadway improvements shall be designed and constructed to County standards and specifications and/or provisions shall be made for financial assurances in an appropriate form and amount to the satisfaction of the County Engineer prior to submittal of all or part of a final map for BCC action.

N/A #3 } NDOT 12. No direct access from any lot onto State Route 341 (Geiger Grade Road) will be allowed, to the satisfaction of the Nevada Department of Transportation.

NDOT 13. The applicant shall dedicate a 20-foot right-of-way along State Route 341 (Geiger Grade Road) for the future widening of the roadway, to the satisfaction of the Nevada Department of Transportation. All dwelling units on lots fronting State Route 341 shall be constructed a minimum of 30 feet from the 20-foot roadway easement.

Co. Eng. 14. Driveway cuts are to be provided in roll curb.

Co. Eng. Street lights shall be installed in accordance with Washoe County Code Chapters 85.335 and 115.140.

16. Should a street and highway fee be determined by the Board of County Commissioners for construction of offsite road improvements prior to recordation of the final map, the developer shall contribute its share.

new cond. on final map OK

DRAINAGE

17. All drainage improvements shall be designed and constructed, and/or financial assurances shall be provided in an appropriate form and amount prior to recordation of all or part of the final map, to the satisfaction of the County Engineering Division.

Co. Eng

18. The 100-year floodplain boundaries and flood elevations shall appear on each final map to the satisfaction of the County Engineering Division and Washoe-Storey Conservation District.

N/A on 3B
N/A Unit #3

19. Prior to each final map approval, an onsite lot grading plan shall be submitted to and approved by the Building and Safety Division, Washoe-Storey Conservation District, County Engineering Division, and the District Health Department. Said plan shall include detailed plans for grading and drainage on each lot, erosion control, slope stabilization, revegetation, and elimination of mosquito breeding areas.

OK

WATER AND WASTEWATER TREATMENT

20. The applicant shall deposit with the County Utility Division the sum of \$50.00 per lot prior to recordation of all or part of the final map. This fee shall represent the development's prorated share of the recently-completed water and wastewater facilities plans for South Truckee Meadows.

Co. Util

21. The applicant shall petition for inclusion into the South Truckee Meadows General Improvement District prior to recordation of all or part of a final map. Said petition shall be reviewed and approved by the County Utility Division prior to submittal.

Co. Util

22. The applicant shall pay all the appropriate sewer connection fees to the County Utility Division, prior to recordation of a final map.

Co. Util

23. The applicant shall prepare design plans and specifications for a sanitary sewer collection system, and submit same for review and approval to the satisfaction of the County Utility Division prior to recordation of all or part of a final map.

Co. Util

24. The applicant shall obtain and dedicate to Washoe County all necessary onsite and offsite sanitary sewer collection system easements to the satisfaction of the County Utility Division, along with recordation of all or a part of a final map.

Co. Util

25. The applicant shall obtain prior to recordation of all or part of a final map a sanitary sewer will-serve letter from the appropriate sewer service provider, and shall submit said will-serve letter with a copy of the final map to the County Utility Division and planning staff.

Co. Util

Co. Util.

- 26. The applicant shall construct and/or provide financial assurances for the construction of the sanitary sewer system, in a form and amount satisfactory to the County Utility Division prior to submittal of all or part of a final map for action by the BOC.
- 27. The applicant shall offer for dedication to Washoe County the sanitary sewer collection system along with the recordation of all or part of a final map.

WATER SUPPLY

* OK

- 28. The final map owners certificate shall contain language indicating that the developer and its assignees agree to the use of residential water meters if the water purveyor is otherwise allowed the use of residential water meters.

Co. Util.

- 29. The developer and/or water purveyor shall submit for review and approval all design and construction plans for the construction and/or expansion of the water supply and distribution systems, and financial assurances in an appropriate form and amount prior to recordation of all or part of a final map, to the County Utility Division and South Truckee Meadows General Improvement District Local District Managing Board.

- 30. The applicant shall pay all appropriate water connection and meter set fees prior to the recordation of a final map, to the satisfaction of the County Utility Division.

- 31. The water system shall be designed, constructed, inspected, bonded for, and dedicated to Washoe County to the satisfaction of the Chief Sanitary Engineer.

- 32. The developer shall obtain a "will-serve" letter from Washoe County.

- 33. The developer shall provide a "will-serve" letter from the water purveyor and evidence substantiating that adequate service will be provided in the future to the satisfaction of the District Health Department and staff Water Resources Planner, and verification by the Division of Water Resources.

- 34. A note shall be placed on the final map stating: "No Certificate of Occupancy shall be issued until the water and sewer facilities have been completed and accepted by resolution of the Board of County Commissioners for operation and maintenance."

OK

FIRE PROTECTION

- 35. The applicant shall install a fire hydrant within the utility easement on the property line between Lots 5 and 6, Block B, to the satisfaction of the Truckee Meadows Fire Protection District.

TMFPD

OK as per phone call TMFPD 5-10-90 str. to follow

TMFPD
as OK
Public
Call
5-10-90

36. Final maps shall comply with the recommendations of the Truckee Meadows Fire Protection District concerning fire flows, fire hydrant number and location, access, firebreaks, use of fire-retardant roofing materials and spark arrestors in chimneys of wood-burning units. A letter from the applicable fire protection agency indicating its satisfaction of all requirements being met shall be submitted to the planning staff prior to final map recordation.

MISCELLANEOUS CONDITIONS

NA
Unit #3

37. Equestrian easements currently existing in abutting subdivision to be extended through this subdivision (Sagewood Estates).

OK

38. The jurat for the Secretary of the Washoe County Planning Commission shall note that Tentative Subdivision Map Case No. TM3-3-88 with a Special Use Permit for Sagewood Estates Unit No. 3 was approved by the Washoe County Planning Commission on the 3rd of May 1988 and now complies with the conditions of approval. This note shall be to the satisfaction of the planning staff.

X OK

39. The final map shall designate potentially-active fault lines (Holocene) and shall note that no habitable structures shall be located on a potentially-active fault line to the satisfaction of the planning staff.

OK

40. Prior to final map approval, the applicant is to provide written approval of the plans for the installation of cable television facilities from the serving cable television company. The system must be shown on the project construction plans and installed as part of the offsite improvements to the satisfaction of the Engineering Division.

eng

41. The applicant shall participate in any applicable general improvement district or special assessment district formed by Washoe County in the southeast subarea of the Truckee Meadows planning area. *Eng. Division*

Public
Call

42. Homes constructed on lots abutting Shadow Hills Unit #2 shall be one story in height, consistent with present development. This condition shall be made a part of the conditions, covenants and restrictions to be reviewed by the District Attorney and planning staff.

NA
for 5
lots in
3 A

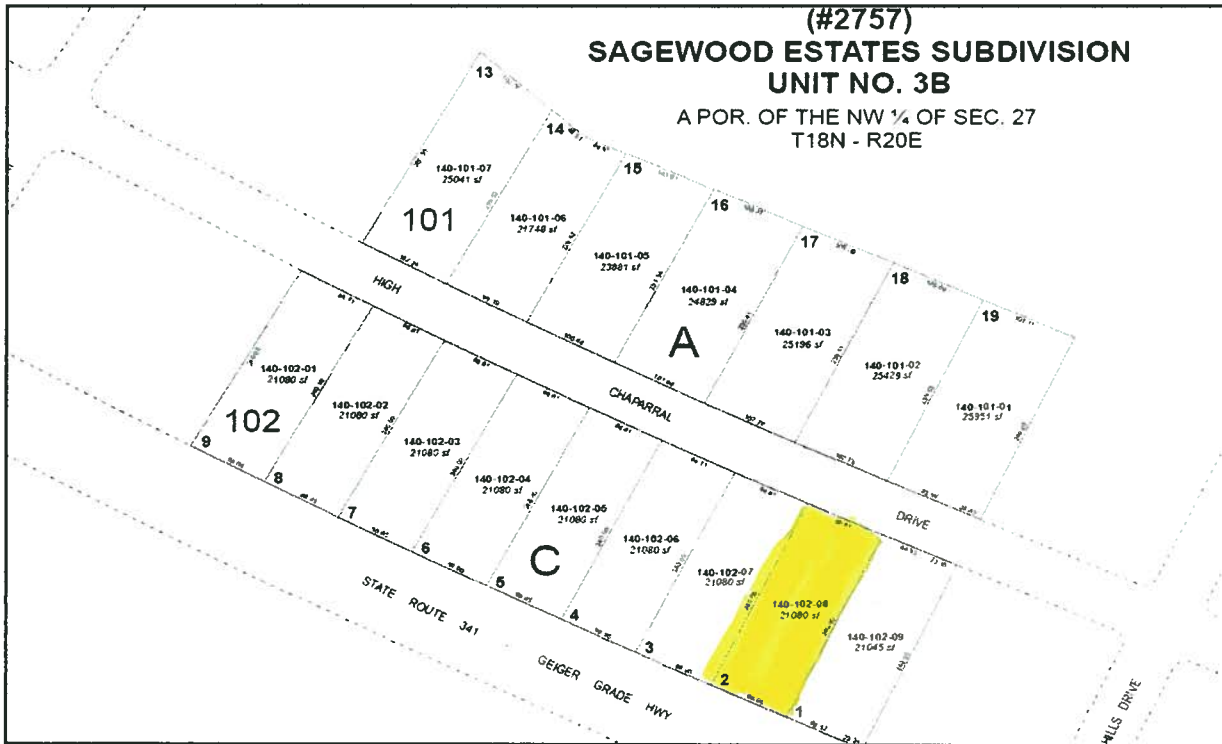
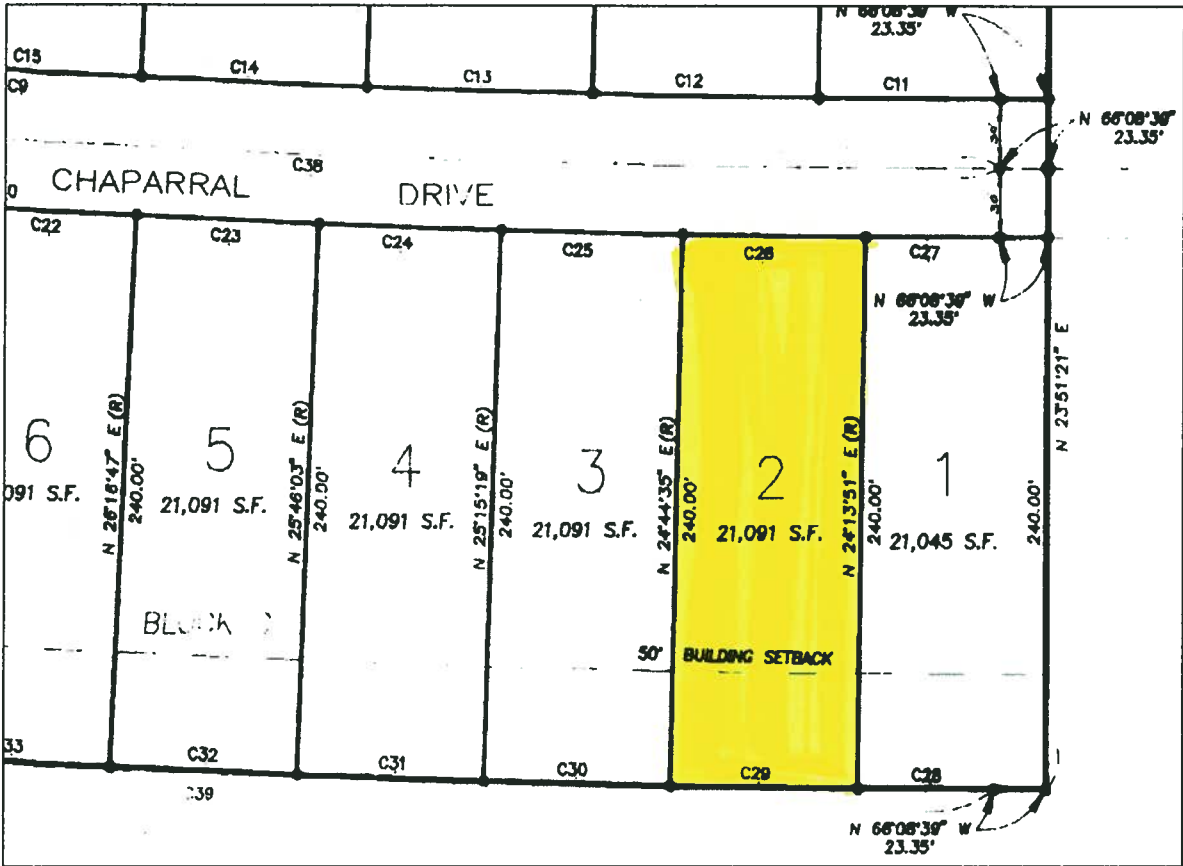
Very truly yours,

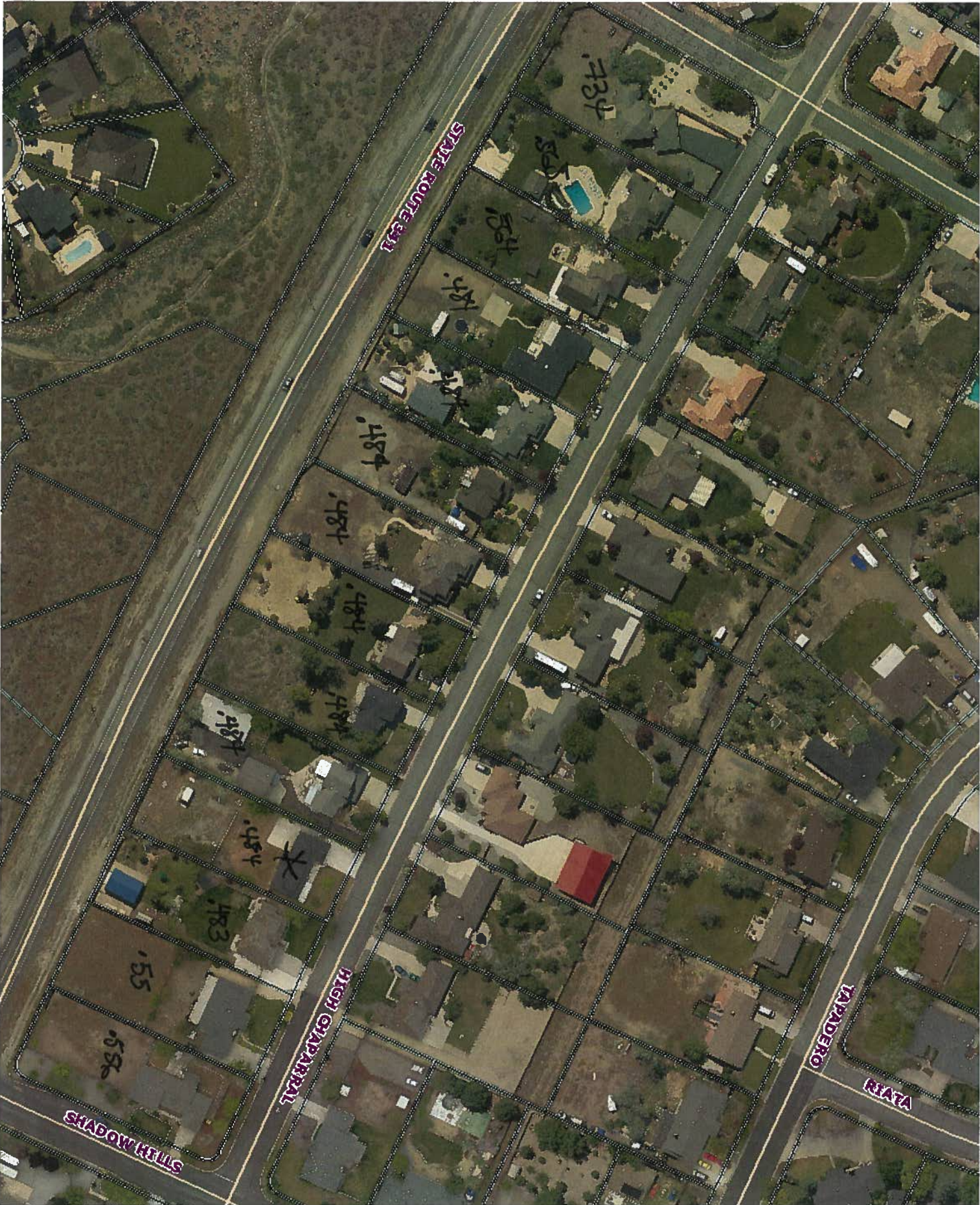
JUDI BAILEY, County Clerk and
Clerk of the Board of Washoe
County Commissioners

*(applies to
all other
phases of
Unit #3)*

pab

cc: Planning, Public Works, D.A., Assessor, Engineer, Health, Building
Utility Division, TMFPD, RTC
Sun Home Builders, Inc., 3610 South Highland Drive, Las Vegas, NV
89103





SHADOW HILLS

STATE ROUTE 53

HIGHWAY 91

TAVADERO

NIATA

55

58

483

484

487

484

484

484

484

484

584

734

**Dave and Marcey Newell
Steven Newell
4628 Hillview Dr.
Carson City, NV 89701
(775) 883-6841**

January 1, 2013

Re: 1260 High Chaparral Dr.
Reno, NV 89523

To whom it may concern:

We purchased this property in March of 2005. Our son, Steven, lived in the house until September 2011. During this time we never had a horse or any other type of livestock on the property.

But when we purchased the house, we were under the assumption that we would be able to have livestock on the property. The people that we bought the house from (Mr. Bedell) did have at least one horse on the property that we knew of.

Sincerely,

Dave Newell

Marcey Newell

SK Newell

Dave, Marcey and Steven Newell

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.: VA13-002	
Project Name (commercial/industrial projects only):			
Project Description: Variance from .5 acre requirement to keep livestock on property (Washoe County Code Description: 110.330.20).			
Project Address: 1260 High Chaparral Drive, Reno, NV 89521			
Project Area (acres or square feet): 21,080			
Project Location (with point of reference to major cross streets AND area locator): Shadow Hills Drive and NV 341, Reno.			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
140-102-08	.4839302		
Section(s)/Township/Range: Section 27, Township 18N, Range 20E			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Ronald S. and Frances P. Ellis		Name: Luke Andrew Busby, Ltd.	
Address: 1260 High Chaparral Drive		Address: 543 Plumas St.	
Reno, NV 89521	Zip: 89521	Reno, NV	Zip: 89509
Phone: 775-525-1590	Fax:	Phone: 7754530112	Fax:
Email: ronsellis@att.net		Email: luke@lukeandrewbusbyltd.com	
Cell:	Other:	Cell:	Other:
Contact Person: Ronald S. Ellis		Contact Person: Same	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Ronald and Frances Ellis		Name:	
Address: 1260 High Chaparral Drive		Address:	
Reno, NV	Zip: 89521		Zip:
Phone: 775-525-1590	Fax:	Phone:	Fax:
Email: ronsellis@att.net		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Ronald Ellis		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Variance 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 variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

The Ellis' are seeking a variance to maintain one full size horse, and two miniature horses on their property. Or, in the alternative, a variance to allow two full size horses on their property. Section 110.330.20 of the WCC requires that a parcel must have .5 of an acre to maintain livestock. Per Washoe County Parcel Map, the acreage of the parcel in question is .4839302.

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

The Ellis' situation is "extraordinary and exceptional" because they are not permitted to keep horses on their property where many of their neighbors are despite being just .02 of an acre less than the requirement in the code. This is by definition a "strict" and harsh application of the standard, as the Ellis' have 96% of the required acreage. Strict application of the regulation results in exceptional and undue hardships for the Ellis' as they will be forced to incur very large expenses to move their horses or move from the neighborhood if the variance is not granted. Horses are in line with the character, attributes and regulatory zone of the neighborhood in which the Ellis' live. The street names in the subdivision where the property is located include, "Equestrian Road", "Seminole Trail", "Geronimo Trail", "Tapadero Trail" and "Riata Circle." Many properties in the location and surroundings do in fact have horses on the properties, including the property at 1295 High Chaparral Drive. Historically, it is clear that the Ellis' property was also used for horses, as the property came with an existing horse shelter complete with a tack room and saddle racks. The Ellis were lead to believe that horses were in fact permitted on the property by the sellers agents before purchasing it. Applying the standard to the Ellis' property in a strict manner is analogous to giving someone a speeding ticket for going 1mph over the limit, i.e. it does not further the policy goal of the regulation which is to prevent the holding of livestock on property where it is not suitable and does not make sense. Clearly, in the Ellis' case, it is suitable as many people in the neighborhood keep horses, and because the Eliis' property is so very close to the required threshold it would be inequitable to not permit them from doing so. While the standard in WCC 110.330.20 is a bright line standard, the code permits variances where "the strict application of those requirements would deprive a property of privileges enjoyed by other properties within the identical regulatory zone.." This is just such a case. That is, a citizen in the County can make a common sense request for relief where strict enforcement of the code would be harsh and unsparing.

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

The Ellis do and will maintain property in a clean and sanitary manner. Animal waste is picked up daily, stall freshener is placed in corrals as needed and no adverse impacts on neighboring properties will result from allowing the variance. The Ellis are willing to condition the variance on keeping the property reasonably free from animal waste, or any other reasonable condition that the County may require. The relief requested will not create a substantial detriment to the public good, impair any natural resource or the intent of the WCC. Horses are already present in and around where the property is located. The granting of the variance will also not create a "special privilege" that is inconsistent with the limitations on other properties in the area or regulatory zone. Further, granting the variance will not result in the authorization of a use or an activity that is otherwise not permitted under the code for the property in question.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Horses on the Ellis' property adds to the rural and rustic character of the subdivision. Approximately 20 other horses are maintained on varying properties of varying lot sizes in the vicinity of the Ellis property and in the same regulatory zone. The Horses provide beauty and scenery. The Ellis' provide a quality home for an otherwise unwanted Equine. Development of property as a horse property has enhanced its value and utility. In addition, the ability to maintain horses on this property will increase everyone's property values in the neighborhood.

5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

As explained above, many other properties in the neighborhood have horses, which is a privilege the Ellis' would be denied should the County deny the request for a variance. The Ellis' have a very strong affinity for horses, and like many pets, consider the animals to be part of their family. The Ellis' have two young daughters who are very attached to the horses. As anyone who works with horses knows, exposing children to horses imparts extremely valuable life lessons, including compassion and responsibility.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
------------------------------	--	-------------------------------

7. What is your type of water service provided?

<input type="checkbox"/> Well	<input checked="" type="checkbox"/> Community Water System
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8. What is your type of sanitary waste disposal?

<input type="checkbox"/> Individual Septic System	<input checked="" type="checkbox"/> Community Sewer System
---	--

Variance Fee Worksheet

Case Number:	Project Name:	
	APN:	
Department	Fees	
Community Development Noticing 328-6100		\$1,060 \$200
Engineering 328-2041		\$65
Environmental Health Services 328-2434		\$72
Vector-Borne 328-2434		\$133
Water Resources Utility Operations 954-4600	Tahoe Area Other Areas	\$0 \$26
Total Fees	Tahoe Area Other Areas	\$1,530 \$1,556
Notes		
<p>1. In accordance with Washoe County Code Section 15.190, application fees must be deposited on or before the next regular working day following the day of receipt. This does not guarantee the application is complete.</p> <p style="text-align: center;">Fees collected per Washoe County Development Code, Article 906, Fees.</p>		

**Make check payable to Washoe County.
Bring check with your application to Community Development.**

**Submit this page with Original Packet only.
Do not include this page in other copies of the packet.**

County of Spotsylvania
Board of Zoning Appeals
Public Hearing

The monthly meeting of the Spotsylvania County Board of Zoning Appeals was held in the Board of Supervisors Meeting Room, located in the R. E. Holbert Building on August 15, 2005.

Members Present: Mr. Mark Stepongzi, Chairman
Mr. Ronnie Hilldrup, Vice-Chairman
Ms. Carolyn Kassel, Secretary
Mr. Alfred S. Altman
Mr. Dennis Buchanan
Mr. Regis Keddie

Staff Present: Mr. Troy Tignor, Zoning Administrator
Ms. Mary Chewning, Zoning Assistant

Minutes: Mr. Stepongzi called the meeting to order and asked if there were any additions or corrections to the minutes from the July 18, 2005 meeting. Ms. Kassel made a motion to approve the minutes and Mr. Altman seconded the motion. The motion to approve the July 18, 2005 minutes was passed 6-0.

Mr. Stepongzi: This will be the procedure for the public hearing. All comments are to be directed to the Chairman and this Board. There is not to be any conversation between those in favor and those opposed. Applicants or their designated representative will present their case from the podium. Please state your name, address and case number for the record. If you do not know your case number, please get one of the sheets provided for you up front to refer to. After the applicant presents their case, the opportunity will first be given to those in favor of the request to present their views and then to those opposed. This will be the procedure for all the Public Hearings before they are voted. The BZA can either vote the case this evening or delay it for 30 days. The applicant can remain for that process or leave and be notified by mail of the BZA's decision. Mr. Administrator, first case please.

Mr. Tignor: Thank you, Mr. Chairman. The case on tonight's agenda is case V05-13 requested by John J. & Joetta L. Kreck for a variance of Section 23-2.1.4 of the Zoning Ordinance to allow the keeping of horses on 4.93 acres where 5 acres is required by the definition of agriculture. The property is located at 14319 Spotswood Furnace Road. The property is zoned rural, and known as tax map parcel 4 (A) 62, Chancellor Voting District.

Mr. Stepongzi: Thank you. Those in favor, please come forward.

Mrs. Kreck: I am Joetta L. Kreck. My address is 14319 Spotswood Furnace Road. My case number is V05-13. We are requesting a variance to keep horses on our property. When we purchased this property, we thought we were purchasing 5 acres. However, at closing we discovered that the property was not precisely five acres. We are requesting a variance to keep horses on the property.

Mr. Stepongzi: When you originally bought the property, you said you thought it was five acres? When did you purchase the property?

Mrs. Kreck: We purchased the property in May or June of 2005.

Mr. Stepongzi: May 2005?

Mrs. Kreck: Yes, it was May.

Mr. Stepongzi: Our realtor had gone to the County and got a printout that showed from the Real Estate document that our parcel was a 5 acre parcel. However, there had been property taken from VDOT to pave the road. The owner did not disclose that to us. The survey, when we went to settlement, showed that it was 5 acres. It wasn't until we saw it on the deed that it showed there had been some portion of the property taken for road paving. At that point, we really didn't have much choice because we were already occupying the property.

Mr. Keddie: How did you become aware that you needed a variance?

Mrs. Kreck: My husband went through the Erosion Control Office looking into getting permits for clearing land. I don't remember the person's name, but he was very thorough and he looked into the database and discovered the property was not five acres and referred us to the Zoning Office, where they in turn told us 4.93 acres was not sufficient to keep horses.

Mr. Stepongzi: Do you have copies of the documents the realtor provided you before closing?

Ms. Kreck: There should be one in the packet. There is the plat and another document, which we were told didn't really mean anything, but to us it was a substantial document which told us what we were purchasing. The original deed did not show that. It wasn't until we got our deed that the VDOT taking was recorded.

Mr. Buchanan: So, all the documents you had prior to that point showed 5 acres?

Mrs. Keck: Yes, including the survey. The surveyor actually either neglected to look at the document, or did not have the document that showed that the portion of land had been taken because the survey that we received showed five acres. When we read the deed, the deed did not match the survey, so we had to go and let them know that they had to redo the survey.

Mr. Stepongzi: Are there any questions?

Mr. Stepongzi: Does any one oppose?

Mr. Stepongzi: Being not, the Chair declares Case V05-13 closed.

Mr. Stepongzi: Gentlemen, what is your pleasure this evening?

Mr. Keddie: I move to vote this evening, sir.

Mr. Buchanan: I second.

Mr. Stepongzi: The motion has been made and seconded to vote the case V05-13 this evening. All those in favor signify by saying, aye. Those opposed signify by saying, nay. Motion passes 6-0.

Mr. Stepongzi: I make the motion that we approve the variance because strict application of the zoning ordinance would produce undue hardship. This hardship being that VDOT originally took .03 acres of the land and the owners have provided documentation that they were unaware that the property was less than the required 5.0 acres. Such hardship is not shared generally by other properties in the same zoning district or vicinity. Authorization of this variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting the variance. Approval is subject to the following condition that the variance will not convey once the property is sold.

Mr. Buchanan: I second the motion.

Mr. Stepongzi: The motion has been made and seconded to accept the variance V05-13. Is there any discussion?

Mr. Keddie: What is your thought for making the variance not to convey?

Mr. Stepongzi: In this case, the owner has provided documentation that they were unaware that the property was not of the sufficient size in order to have horses on the property. I do not believe we can assume that future sale of the property that the same condition would be true. When a future buyer purchases the property, with the condition, they will know it is 4.97 acres.

Mr. Hilldrup: That will always be in the new deed. There will be no question about that.

Mr. Altman: I think what we are getting at is that without the amendment to the motion this problem should not arise again under any circumstances. By record it is too small.

Mr. Hilldrup: It will not arise again if the variance is already put on the property. The variance will run with the property, and it will be classified as a five acre lot. It will not have to be dealt with again.

Mr. Stepongzi: It would, unless I put the restriction on it.

Mr. Hilldrup: If you say they can put the horses on the property now, the horses stay on it, and it goes with the property and stays there. The next person does the same.

Mr. Keddie: Mr. Chair, it's what you feel comfortable with, correct?

Mr. Hilldrup: I have no problem with it myself.

Mr. Keddie: If we were talking about a 3 acre lot that you were trying to put horses on with the waiver, I would have some problems and you would have to restrict it to this. If you could rationalize it for this case for three acres, I would agree with you not to convey it to the next owner. However, if you are talking 4.97 acres as opposed to 5 acres, it is five as far as I am concerned.

Mr. Keddie: I laud the woman and her husband for coming forth and asking for a variance. My guess is that there are plenty of people that are under 4.5 acres that do not have a variance for the horses.

Mr. Hilldrup: There is not anything else that you could do with the 5 acres that would be classified that you would have to have a variance. The horses are the main thing now. It is in an area where the people have the same thing there. You are conforming to the area now there.

Mr. Stepongzi: You make a good point. I will remove the restriction.

Mr. Hilldrup: I am just voicing my concerns with the restriction.

Mr. Stepongzi: I understand.

Mr. Stepongzi: Is there any other discussion?

Mr. Keddie: Call the question, please.

Mr. Stepongzi: The motion has been made and seconded to accept the variance, V05-13 without restrictions. All those in favor signify by saying, aye. All those that oppose, signify by saying, nay. The motion passes, 6-0.

Mr. Stepongzi: We have some additional business for this evening.

General Discussion: Mr. Stepongzi reported to the BZA that he had been contacted by the County Attorney's Office on Thursday. Due to a potential ethical conflict, an alternative representation for the Pope's U.S. District Court appeal was selected and funded by the Board of Supervisors. In the future, the BZA will need to make a selection of council on all appeals to Circuit Court to avoid potential conflicts.

Mr. Tignor reported that Braxton Hill of the firm, Christian and Braxton will be representing the BZA, and that Mr. Judy will continue to represent the Zoning Administrator in these matters. Due to the filing deadline of Tuesday, August 16, 2005, the County Attorney's Office has selected a reputable Richmond law firm which has handled much more complex cases. Mr. Tignor shared that the County Attorney's Office expected the suit to be dismissed by the court, but the Circuit Court case remains in limbo. The BZA took no action.

Mr. Hilldrup reported that he had signed the appropriate papers in the Chairman's absence to allow the County Attorney's Office and the BZA attorney to jointly communicate on the case.

Mr. Tignor reported that 3-4 cases are pending for the upcoming BZA date, and one case involves a minimum setback question.

Ms. Kassel asked the Zoning Administrator to contact Dr. Chandler about future classes, including November 30th, for future calendar appointments. Mr. Tignor responded that he would see Dr. Chandler in a few weeks at the Statewide VAZO conference in Roanoke to get that information.

Mr. Stepongzi: The motion has been made and seconded to adjourn the meeting. All those in favor please signify by saying, aye. All those that oppose, please signify by saying nay. The ayes have it by 6-0. The Chair declares that the meeting is adjourned.

Ms. Carolyn Kassel
Board of Zoning Appeals, Secretary



Board of Adjustment Staff Report

Meeting Date: June 6, 2013

Subject: Amendment of Conditions Case No: AC13-003
for Special Use Permit Case No: SB11-002

Applicant(s): City of Reno

Agenda Item No.: 9D

Summary: Extend the approval of the special use permit for three additional years until June 2, 2016.

Recommendation: **Approval with Conditions**

Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description:

Amendment of Conditions Case No: AC13-003 – 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 / Property Owner: City of Reno attn: Glen Daly, PO Box 1900, Reno, NV 89505
- 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: Within Section 17T17 R19 MDM Washoe County, NV

Staff Report Contents

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Site Plan.....5

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Galena / Steamboat Citizen Advisory Board.....7

Reviewing Agencies.....7

Recommendation.....7

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Appeal Process.....8

Exhibits Contents

Amended Conditions of ApprovalExhibit A

Board of Adjustment Minutes, June 2, 2011Exhibit B

Project ApplicationExhibit C

Public Notice MapExhibit D

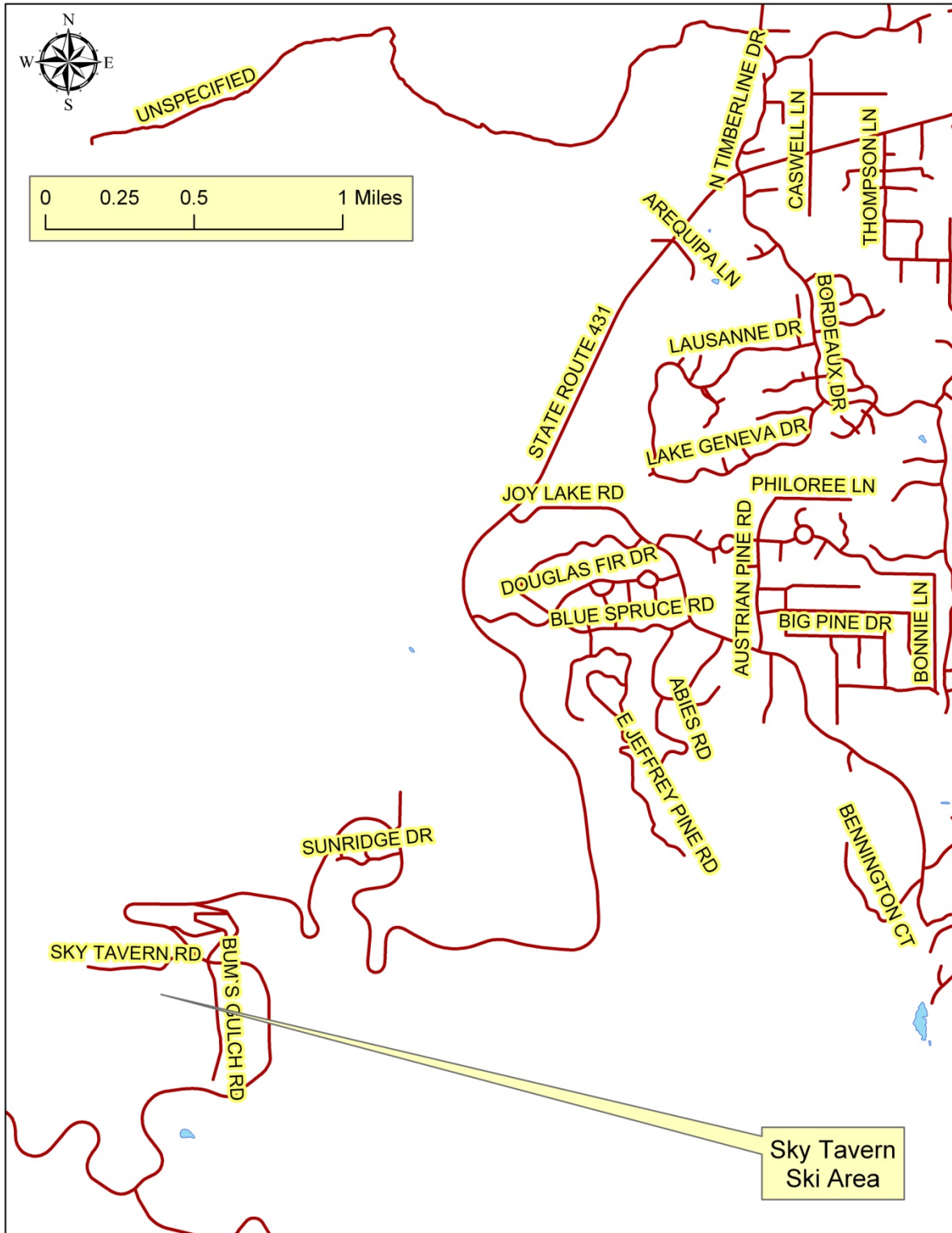
Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

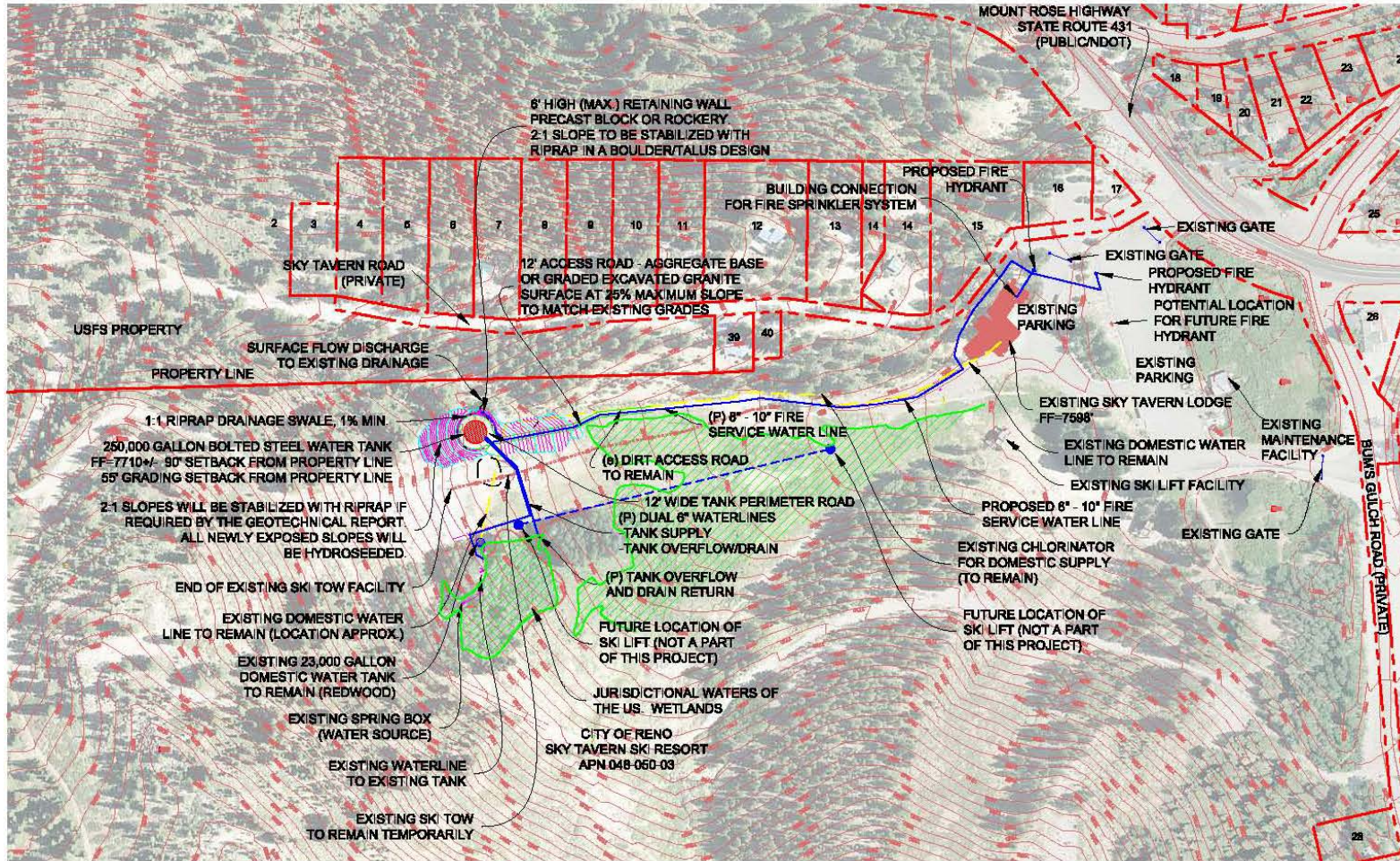
The Conditions of Approval for Amendment of Conditions Case Number AC13-003 are attached to this staff report and will be included with the amended Action Order.



Vicinity Map

SKY TAVERN WATER SYSTEM

CITY OF RENO



Site Plan

ENLARGED SITE PLAN

Date: April 15, 2011
 Job #: 201102.00
 Comp: DGB
 SHEET 3 OF 8



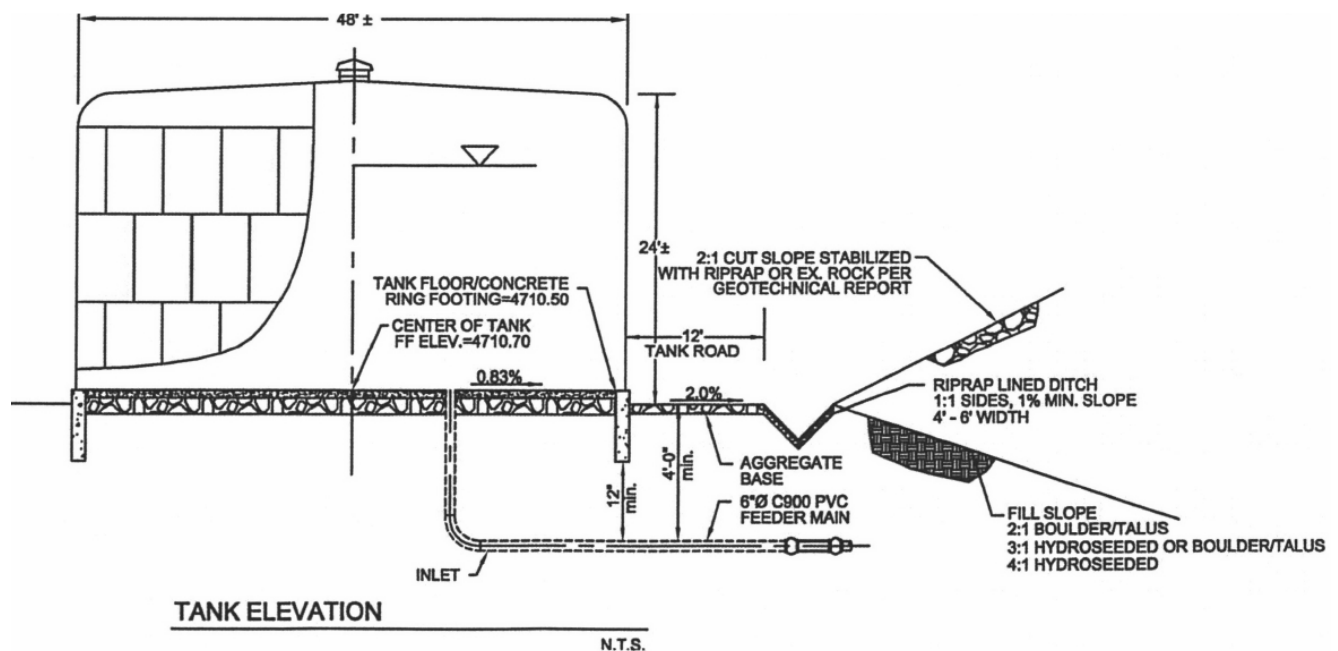
PROPOSED CONTOUR INTERVAL = 2'
 EXISTING CONTOUR INTERVAL = 10'
 SCALE: 1" = 300'

Bowling Mamola Group
 bowlingmamola.com
 180 W Humaker Lane, Suite 302, Reno, NV 89511
 PO Box 12626, Reno, NV 89510
 phone 775.828.2000 - fax 775.828-2020
 www.BowlingMamola.com

Background and Evaluation of Amendment Request

In June of 2011 the applicant was granted approval by the Board of Adjustment to construct a 250,000-gallon water storage tank along with associated piping as necessary to provide enhanced domestic water service and fire protection water to the ski lodge at the Sky Tavern ski area. The Sky Tavern Ski Area is a ski facility that is owned and operated by the City of Reno Parks and Recreation Department and provides snow skiing programs for local youth.

Now, as at that time, there is insufficient water storage capacity for fire fighting, both for the lodge itself and for the surrounding area. In addition to providing water for fire sprinklers in the lodge this project will include two fire hydrants that will be available for structural and wild-land fire fighting for the surrounding area. The diagram below is an elevation of the proposed tank.



The funding for this project is proposed to come from a grant from the Federal Emergency Management Agency (FEMA) and has been delayed. According to the applicant it appears that the funding will be available this fiscal year and the City is seeking to ensure that the approval will remain in place as the funding process is pursued.

In the interest of public safety staff recommends approval of the request and finds that the circumstances surrounding the project have not changed in the last 2 years.

The amended condition of approval [Condition #1(b)] is proposed to read as follows:

The applicant shall submit complete construction plans and building permits shall be issued on or before June 2, 2016 ~~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 ~~Department of Community Development~~ Community Services Department, Planning and Development Division.

Changes to other conditions are proposed simply to reflect the name change from “Community Development” to “Planning and Development.”

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 amendment request. Staff has completed an analysis of the amendment 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: The Special Use Permit for the water tank has been approved and this amendment is simply extending the approval until funding is finalized.

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: Construction of the water tank will help to ensure that adequate water supply is provided at the site.

3. **Site Suitability.** That the site is physically suitable for the use and for the intensity of such a development.

Staff Comment: The tank can be constructed in accordance with the engineered plans that were submitted.

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 tank will help to provide water in case of fire and should be considered a benefit to the public.

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 project site.

Galena / Steamboat Citizen Advisory Board (GSCAB)

The amendment of conditions request was provided to each of the members of the Citizen Advisory Board and their written comments were requested. No comments were received.

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions Application for review and evaluation.

- Washoe County Planning and Development
- Washoe County District Attorney
- Truckee Meadows Fire Protection District
- City of Reno Public Works
- City of Reno Parks and Recreation

None of the five above-listed agencies/departments provided comments and/or recommended additional conditions in response to their evaluation of the Amendment of Conditions application.

Recommendation

None of the agencies that reviewed the application recommended conditions in opposition of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case No. AC13-003 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 within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Conditions Case No. AC13-003 for the City of Reno, 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 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.

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: City of Reno, attn: Glen Daly, PO Box 1900, Reno, NV 89505

Representatives: Bowling Mamola Group, attn: Doug Buck, 180 West Huffaker Lane, Suite 302, Reno, NV 89511

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB11-002 and Amendment of Conditions Case No. AC13-003

The project approved under Special Use Permit Case No: SB11-002 and Amendment of Conditions Case No. AC13-003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on ~~June 2, 2014~~ June 4, 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.

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 Community Services Department, Planning and 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.

Community Services Department, Planning and Development Division

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

Contact Name – Roger Pelham, 775.328.3622

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The ~~Department of Community Development~~ Community Services Department, Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued on or before June 2, 2016 ~~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 ~~Department of Community Development~~ Community Services Department, Planning and Development Division. [amended by Board of Adjustment on June 4, 2013]
- 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. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 048-050-03) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney's Office and the ~~Department of Community Development~~ Community Services Department, Planning and Development Division shall determine compliance with this condition.
- 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. Prior to any ground disturbing activity, the applicant shall submit a landscaping / stabilization plan for the project, including the proposed cut slope located to the west of the water tank, to the ~~Department of Community Development~~ Community Services Department, Planning and Development Division for review and approval by the Design Review Committee. Said plan shall emphasize visually blending the cut slope with the adjacent undisturbed hillside. Any exposed rip rap shall be treated with a permanent rock stain product to blend with the surrounding undisturbed geology. Native plants shall be seeded to grow up through any exposed rip rap. The planting of native trees on the slope is encouraged.
- g. The applicant shall submit landscaping plans meeting all requirements of Article 412 of the Development Code, unless a modification of standards is granted by the Director of ~~Community~~ Planning and Development to allow native trees and revegetation as proposed in the project application.
- h. The following **Operational Conditions** shall be required for the life of the project:
 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 ~~Department of Community Development~~ Community Services Department, Planning and 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 Department of Community Development 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 ~~Department of Community Development~~ Community Services Department, Planning and 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 District Health Department

2. The following conditions are requirements of the District Health Department, Environmental Health Services Division, Vector Borne Diseases Program 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 Name – Jim Shaffer, 775.785.4599

- a. Rockery walls shall have a design detail of placing smaller rock within 6" of the face for the entire height of the wall to eliminate rodent habitat. This must be noted on the civil plans prior to sign off.
 - b. The use of mixed sizes of rip rap with top soil added into the rip rap to support plantings will also require the placement of mixed aggregate $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch D size rock to prevent void formation of rodent habitat.
 - c. The 4 to 6 foot wide storm water diversion ditch including all swales shall be lined with 4-6 inch cobble rock to prevent the transport of sediment runoff.
 - d. School age students use the ropes course during the spring and summer months at the Sky Tavern facility. Adjacent to the course are drainage issues creating insect nuisances. District Health will require the placement of fill in the upland area adjacent to the ropes course to perpetuate the conveyance of water runoff. This will continue the self sustainability of this facility with minimum intervention of the need for District Health services.
 - e. Prior to approval of the grading/ civil plans the above design details are required on the plans
3. The following conditions are requirements of the District Health Department, Environmental Health Services Division, 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 Name – Bryan Tyre, 775.328.2430

- a. The water tank must meet all standards of the State of Nevada water system regulations NAC 445A.
- b. Approval of a water project application by the Washoe County Health District is required prior to construction.
- c. A water project review fee is due as a condition of approval of a water project.

Washoe County Department of Public Works

4. The following conditions are requirements of the Washoe County Department of Public Works, Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesley, 775.325.8032

- 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. Applicant shall indicate on the plans where excess cut and trench overage materials will be placed.
- c. Exported materials, if any, shall not be sold without the proper business license.
- d. 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.
- e. Appropriate drainage facilities for tank overflow and drainage shall be extended to a natural or improved drainage system. The County Engineer shall determine compliance with this condition.
- f. The developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- g. The applicant shall complete and submit the Construction Permit Submittal Checklist prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.

*** END OF CONDITIONS ***



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Philip J. Horan, Chair
 Robert F. Wideman, Vice Chair
 Mary S. Harcinske
 Richard "R.J." Cieri
 Kim Toulouse
 Kimberly H. Robinson, MUP, Secretary

Thursday June 2, 2011
 1:30 p.m.

Washoe County Commission Chambers
 1001 East Ninth Street
 Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

MINUTES

June 2, 2011

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, June 2, 2011 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

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

Members present: Philip Horan, Chair
 Richard "R.J." Cieri
 Mary S. Harcinske
 Kim Toulouse

Members absent: Robert Wideman

Staff present: Trevor Lloyd, Senior Planner, Community Development
 Roger Pelham, Senior Planner, Community Development
 Don Morehouse, Planner, Community Development
 David Creekman, Deputy District Attorney, District Attorney's Office
 Dawn Spinola, Recording Secretary, Community Development

AGENDA ITEM 2

PUBLIC HEARING: Special Use Permit Case No SB11-002 for Sky Tavern Water Tank – To construct 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.

- Location: 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 John Breternitz
- Section/Township/Range: Within Section 17, T17, R19 MDM, Washoe County, NV

Chair Horan opened the public hearing.

Mr. Pelham reviewed the staff report dated May 19, 2011. He emphasized the visual mitigation efforts that would be required and that the additional water would assist in fire suppression in the area.

Chair Horan asked if the tank would be viewable from State Route (SR) 431 and Mr. Pelham replied that it was possible to catch a glimpse, but generally speaking, no.

Applicant's Representative Douglas Buck stated the applicant agreed with the staff report and conditions. He explained the funding for the tank had come from a Federal Emergency Management Agency (FEMA) grant for fire suppression.

Mr. Buck expressed concern with Condition 2d, requiring fill in a wetland area to reduce vector-borne issues. The applicant was not opposed to the condition but would be limited in their ability to comply by what was allowed by the Army Corps of Engineers (ACOE), as they have jurisdiction over wetlands.

Member Toulouse asked if there had been any consideration regarding co-locating a dip pond near the tank for air attack fire equipment. Mr. Buck explained there was discussion but it did not appear to be feasible due to the minimal stream flow at the location. Member Toulouse stated he agreed with Mr. Buck's comments regarding Condition 2d.

As there was no response to the call for public testimony, Chair Horan closed the public hearing.

Member Harcinske asked if Condition 2d could be modified to address concerns. Mr. Pelham opined the Board could remove or modify conditions as they wished and Deputy District Attorney (DDA) Creekman concurred.

Chair Horan noted his understanding was the Board could not disregard a condition placed by another agency. DDA Creekman explained he would not characterize any modification or elimination of the condition as disregarding it. He would characterize it as having considered the condition and determined it was inappropriate. Member Harcinske reiterated a modification would make it clear there was more than one agency with jurisdiction regarding that condition. Member Toulouse expressed an interest in finding the language for a modification that would suggest a better alternative than to fill in a wetland.

Mr. Pelham suggested the following language, which included a modification proposed by DDA Creekman:

“...District Health will require the placement of fill or other mitigating options in the upland area adjacent to the ropes course to perpetuate the conveyance of water runoff subject to any necessary approvals by the United States Army Corps of Engineers...”

Member Harcinske moved to approve conditionally as amended Special Use Permit Case No SB11-002 for Sky Tavern Water Tank. The motion was seconded by Member Toulouse and passed by a vote of four to zero (Member Wideman absent).

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; 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

ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting adjourned at 2:27 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on August 4, 2011

Kimberly H. Robinson, MUP
Secretary to the Board of Adjustment

EXHIBIT C

AC13-003

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): Sky Tavern Ski Area - Water System Upgrades			
Project Description: To extend the approval of Special Use Permit Case No. SB11-002 for an additional 3-years.			
Project Address: 10,000 Mount Rose Highway, Reno, Nevada, 89511-2740			
Project Area (acres or square feet): Site: 143.07 Acres, Graded Tank Area: 29,544 SF			
Project Location (with point of reference to major cross streets AND area locator): Along the Mount Rose Highway (State Route 431) approximately 30-mi. SW of Reno. Primary driveway entrance located at the SW corner of Mt. Rose Highway & Sky Tavern Road.			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
048-050-03	143.07		
Section(s)/Township/Range: T17 R19 S17			
Indicate any previous Washoe County approvals associated with this application: Case Nos. SB11-002 (Special Use Permit for Same Project)			
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 West Huffaker Lane, Suite 302	
Reno, NV	Zip: 89505	Reno, NV	Zip: 89511
Phone: (775) 334-2206	Fax: 334-2490	Phone: (775) 825-2000	Fax: 825-2020
Email: dailyg@reno.gov		Email: dbuck@bowlingmamola.com	
Cell: (775) 830-9245	Other:	Cell: (775) 527-5094	Other:
Contact Person: Glen Daily, P.E.		Contact Person: Douglas Buck, P.E.	
Applicant/Developer:		Other Persons to be Contacted:	
Name: (same as Property Owner)		Name: (same as Consultant)	
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):	



PUBLIC WORKS DEPARTMENT
1 East 1st Street, 7th Floor
PO Box 1900
Reno, NV 89505

April 11, 2013

Washoe County
Community Development Department
P.O. Box 11130
Reno, NV 89520-0027

Attention: Mr. Roger Pelham, Senior Planner

RE: Sky Tavern Water/Fire System Improvement Project

Dear Mr. Pelham,

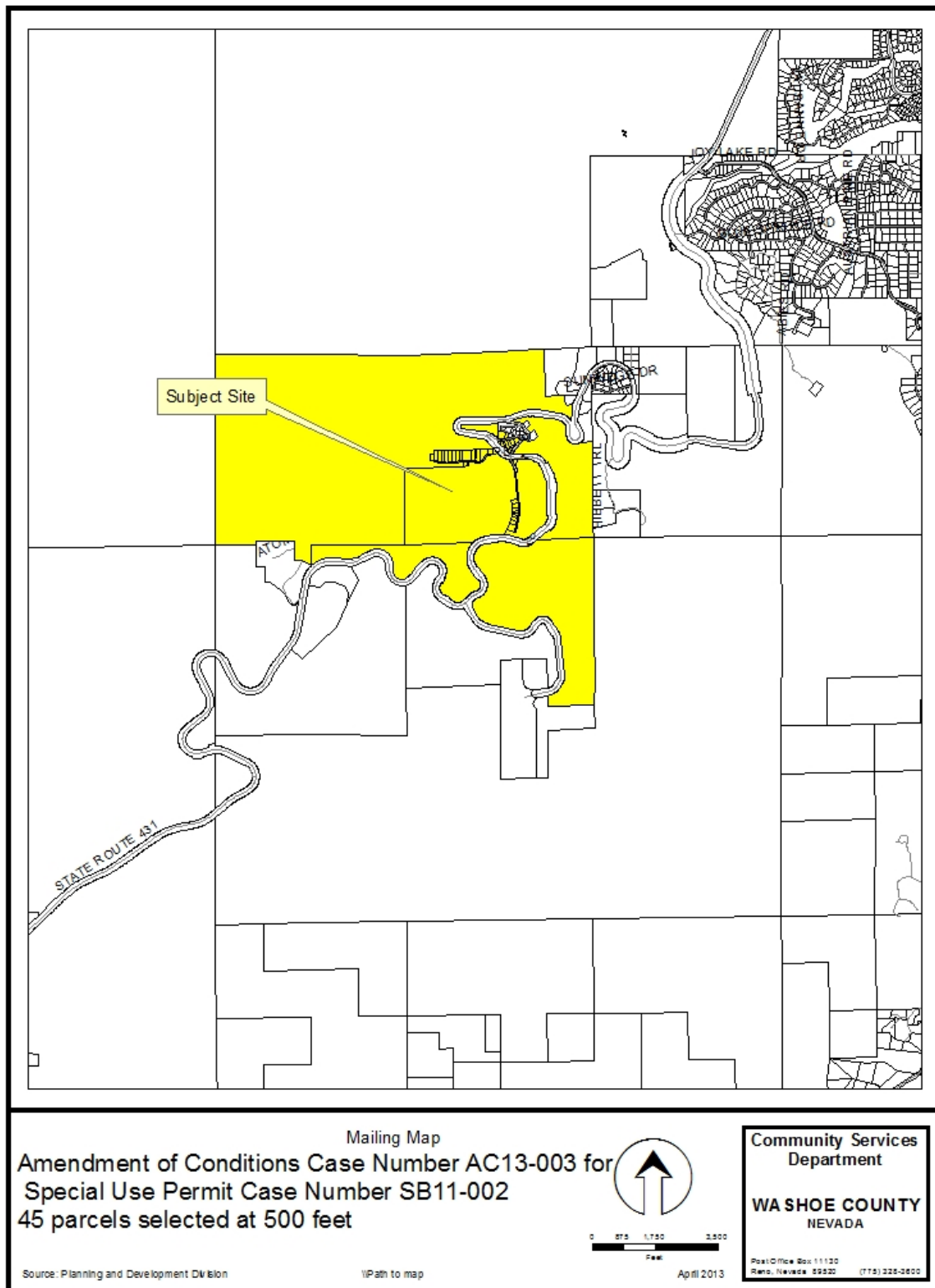
Please consider this letter a formal request to extend the attached Washoe County Development Application for a period of 3-years. This project has been on hold pending allocation of funding to supplement our authorized Federal grant funding. In addition to meeting the hazard mitigation goals which created this project, it is also needed to meet the operational demands for the new fire sprinkler system installed after the fire which damaged the lodge building.

Sincerely,


Glen B. Daily, P.E.
Associate Civil Engineer

Attachments: Washoe County Development Application

EXHIBIT D





Board of Adjustment Staff Report

Meeting Date: June 6, 2013

Subject: Amendment of Conditions Case Number: AC13-004
for Special Use Permit Case Number: SB12-008

Applicant(s): William and Maureen Kunz

Agenda Item No.: **9E**

Summary: To allow the addition of a permanent earthen structure (landscape mound) up to 9.5 feet in height, to the approved grading plans.

Recommendation: **Approval with Conditions**

Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description:

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.

- Location: 6947 Windy Hill Road, approximately 1200 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
- Zoning: High Density Rural
- Master Plan Category: Rural Residential

Staff Report Contents

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Exhibits Contents

Conditions of Approval.....Exhibit A
Board of Adjustment Minutes, 8/2/2012.....Exhibit B
Amendment of Conditions ApplicationExhibit C
Public Notice Map.....Exhibit D

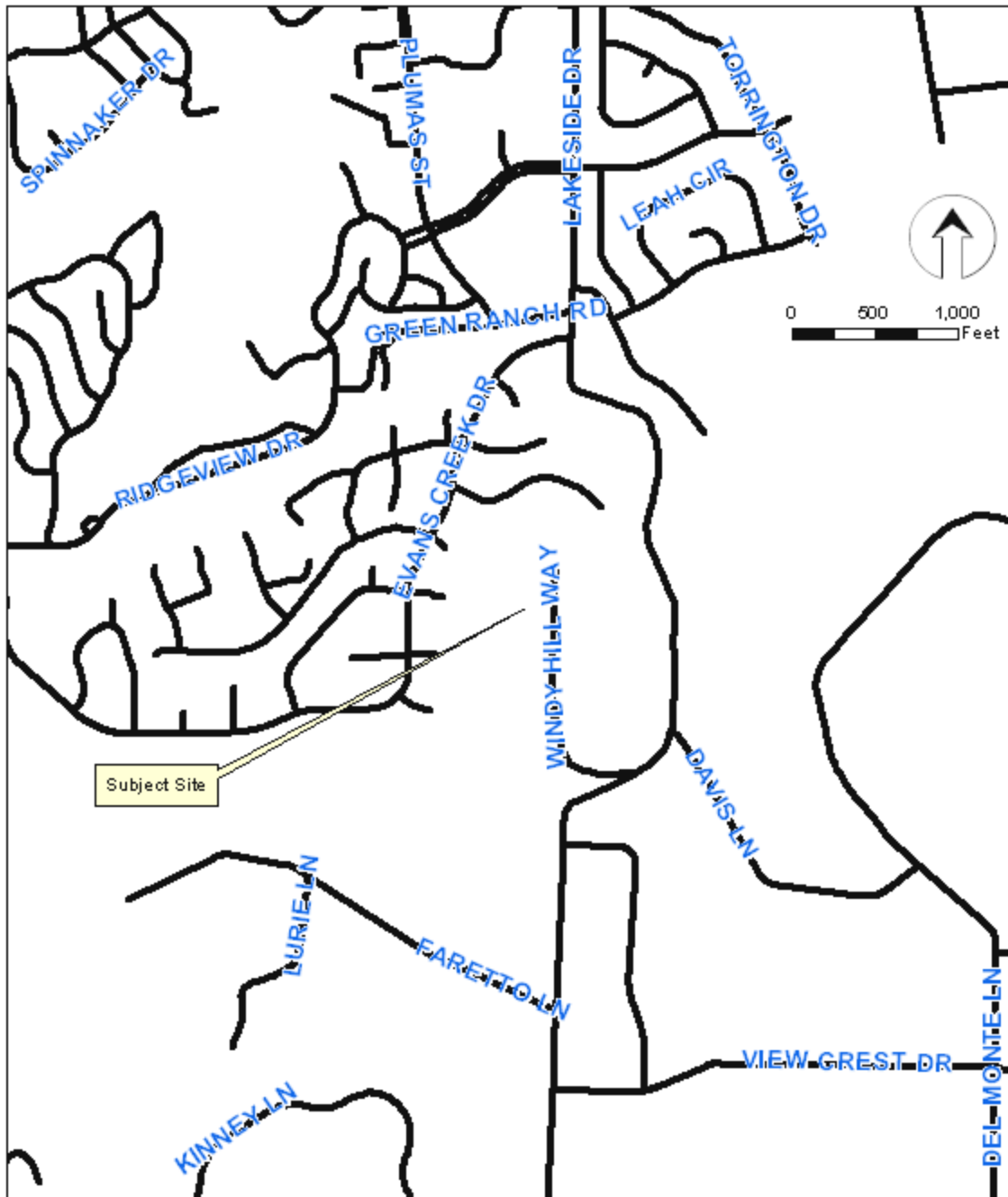
Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

The Conditions of Approval for Amendment of Conditions Case Number AC13-004 is attached to this staff report and will be included with the amended Action Order.



Vicinity Map

Background and Evaluation of Amendment Request

In August of 2012 the applicant, William Kunz received approval for a Special Use Permit to allow grading of approximately 4870 cubic yards of earth and allow a surface disturbance of approximately 57,000 square feet for the purpose of re-contouring both the front and rear yard areas of the dwelling in preparation for future landscaping. The majority of that excavation and grading has not yet taken place. The applicant has, however, begun to landscape the area behind the house. As a part of that landscaping a permanent earthen structure of approximately 9.5 feet in height was constructed as part of an ornamental waterfall. The applicant did not obtain permits for the water, electrical connections or earthwork required for the waterfall mound.

Because the mound is greater than six feet in height a special use permit is required pursuant to Section 110.438.35(a)(4) of the Development Code. The side slopes of the mound are steeper than 3 horizontal to 1 vertical (3:1). The Board of Adjustment has the ability to modify standards when approving a Special Use Permit, or in this case when approving an amendment to a Special Use Permit according to Section 110.810.20(e) of the Development Code. The requirement for 3:1 maximum slopes is intended to facilitate stable slopes, inhibit erosion, and promote re-vegetation.

This is a unique case in that the mound is fully stabilized with rock and boulders and was not constructed with the intent of supporting a structure. Staff believes that a modification may be appropriate in this case. A condition of approval has been included to prohibit any structure being erected upon the landscape mound or within five feet of the base of the mound. A modification may also be appropriate as the landscape mound is located approximately 45 feet from the nearest property line, thus there is little chance for negative impacts upon the neighboring property resulting from the construction of the landscape mound. The landscape mound (permanent earthen structure) is also substantially screened from most of the surrounding area by mature vegetation, as can be seen in the following photos.





West Truckee Meadows Citizen Advisory Board (WTMCAB)

The amendment of conditions application was provided to all of the members of the Citizen Advisory Board and their written comments were requested. No comments were received.

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions Application for review and evaluation.

- Washoe County Planning and Development
- Washoe County Engineering and Capital Projects
- Air Quality Management

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

- Washoe County Planning and Development addressed the restriction on erecting a structure on the landscape mound.

Contact: Roger Pelham, Senior Planner 328-3622 rpelham@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 amendment request. Staff has completed an analysis of the amendment 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 Southwest Truckee Meadows Area Plan.

Staff Comment: The Special Use Permit for grading has been approved and this amendment is incidental to the approval.

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: Adequate facilities are in place. The parcel is currently developed with a single-family dwelling and is being upgraded by means of extensive landscaping.

3. **Site Suitability.** That the site is physically suitable for the use and for the intensity of such a development.

Staff Comment: Again, the dwelling is in place at this time. This amendment is the result of extensive landscaping being undertaken.

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 landscape mound is forty-five feet from the nearest property line. Little, if any, additional impacts are anticipated.

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 project site.

Recommendation

Those agencies which reviewed the application did not recommend denial of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number AC13-004 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 within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Conditions Case Number AC13-004 for William Kunz, 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 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.

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: Gail Willey Landscaping, attn: Tom Schuster, 9825 South Virginia Street, Reno, NV 89511

Property Owner: William and Maureen Kunz, 6947 Windy Hill Way, Reno, NV 89511

Action Order xc: Gregory Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; Susan Hood/John Cella, Department of Water Resources; Kimble Corbridge/Leo Vesely, Engineering Division; Amy Ray, Truckee Meadows Fire Protection District; West Truckee Meadows Citizen Advisory Board, Chair.

EXHIBIT A



Conditions of Approval

Amendment of Conditions Case Number AC13-004 and Special Use Permit Case Number SB12-008

The project approved under Special Use Permit Case No: SB12-008 and Amendment of Conditions Case Number AC13-004 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 6, 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 ~~Department of Community Development~~ Community Services Department, Planning and 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 Community Development

1. The following conditions are requirements of the ~~Department of Community Development~~ Community Services Department, Planning and 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 ~~Department of Community Development~~ Community Services Department, Planning and 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 by August 2, 2014.~~ The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the ~~Department of Community Development~~ Community Services Department, Planning and 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 construct no slopes steeper than three horizontal to one vertical (3H:1V) with the exception of the slopes comprising the landscape mound as shown on the amended plans submitted as part of the application for Amendment of Conditions Case Number AC13-004.
- e. No structures shall be erected upon, or within five feet of the base of the slopes comprising the landscape mound as shown on the amended plans submitted as part of the application for Amendment of Conditions Case Number AC13-004.
- f. 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.

- g. Construction activities shall be limited to the hours between 8AM and 8PM daily.
- h. The applicant shall stabilize all disturbed areas to prevent fugitive dust emission and erosion.
- i. All areas stabilized by ornamental landscaping shall include permanent irrigation.
- i. The following **Operational Conditions** shall be required for the life of the project/business/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 ~~Department of Community Development~~ Community Services Department, Planning and 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 ~~Department of Community Development~~ Community Services Department, Planning and 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 ~~Department of Community Development~~ Community Services Department, Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Community Services Department, Engineering and Capital Projects Division

- 2. The following conditions are requirements of the ~~Engineering Division~~ Community Services Department, 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 to the County Engineer for approval 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), pollution control, slope stabilization, and mosquito abatement. Placement or

disposal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent properties.

- b. The owner 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 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. 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. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.
- e. A grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- f. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- g. Show 50 foot radius temporary turnaround easement at north end of the parcel. Grading shall not be allowed within the turnaround easement.

*** End of Conditions ***



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair
 Mary S. Harcinske, Vice Chair
 Philip J. Horan
 Richard "R.J." Cieri
 Kim Toulouse
 William Whitney, Secretary

Thursday August 2, 2012
 1:30 p.m.

Washoe County Commission Chambers
 1001 East Ninth Street
 Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

August 2, 2012

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, August 2, 2012 at 1:30 p.m., in the Washoe County District 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
 Mary S. Harcinske
 Philip Horan
 Richard "R.J." Cieri
 Kim Toulouse

Members absent: None

Staff present: Bill Whitney, Acting Director, Community Development
 Eva Krause, AICP, Planner, Community Development
 Grace Sannazzaro, Planner, Community Development
 Greg Salter, Deputy District Attorney, District Attorney's Office
 Dawn Spinola, Recording Secretary, Community Development

Agenda Item 9D

PUBLIC HEARING: Special Use Permit Case No. SB12-008 – William Kunz Grading - To allow grading of approximately 4,870 cubic yards of earth and allow a surface disturbance of approximately 57,000 square feet for the purpose of re-contouring both the front and rear yard areas of the dwelling in preparation for future landscaping.

- Location: 6947 Windy Hill Road, approximately 1200 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: Southwest Truckee Meadows CAB
- Commission District: 1 – Commissioner Breternitz
- Development Code: Article 438, Grading
Article 810, Special Use Permits
- Section/Township/Range: Within Section 35, T19N, R19E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated July 19, 2012. She explained the grading would be engineered and reviewed by Public Works and the entire area was proposed to be landscaped.

Member Horan asked if a permit would be needed for the driveway and Ms. Krause explained it would not, permits are not required for that purpose.

Applicant's Representative Audra Miller stated all conditions were acceptable to the applicant and explained the purpose of the project was to create more defensible space in case of a fire emergency.

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

Member Horan moved to approve conditionally Special Use Permit Case No. SB12-008 – William Kunz Grading. The motion was seconded by Member Harcinske 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.

13. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 4:30 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on October 4, 2012

William Whitney
Secretary to the Board of Adjustment

EXHIBIT

EXHIBIT C

Amendment of Conditions

Case Number AC13-004

Project Application

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>AC13-004</u>	
Project Name (commercial/industrial projects only):			
Project Description: <u>"PERMANENT EARTHEN STRUCTURE" TO BE ADDED TO APPROVED SUP SB12-008</u>			
Project Address: <u>6947 WINDY HILL WAY REMO NV 89511</u>			
Project Area (acres or square feet): <u>52' x 45' / 2,340 SF</u>			
Project Location (with point of reference to major cross streets AND area locator): <u>LAKE SIDE DRIVE; 1200 FEET NORTH OF INTERSECTION OF WINDY HILL ROAD AND LAKE SIDE DRIVE</u>			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
<u>041-101-16</u>	<u>± 3.28 ACRES</u>		
Section(s)/Township/Range: <u>SOUTHWEST TRUCKEE MEADOWS</u>			
Indicate any previous Washoe County approvals associated with this application: Case Nos. <u>SB12-008</u>			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <u>William & Madisen KUNE</u>		Name:	
Address: <u>6947 WINDY HILL WAY</u>		Address:	
<u>REMO</u> Zip: <u>89511</u>		Zip:	
Phone: <u>673-2200</u> Fax:		Phone: Fax:	
Email: <u>bkune@torchmate.com</u>		Email:	
Cell: Other:		Cell: Other:	
Contact Person: <u>WILLIAM KUNE</u>		Contact Person:	
Applicant/Developer: GAIL WILLEY LAND		Other Persons to be Contacted:	
Name: <u>TOM SCHUSTER (DIPLO. ING.)</u>		Name:	
Address: <u>9825 SOUTH VIRGINIA</u>		Address:	
<u>STREET, REMO</u> Zip: <u>89511</u>		Zip:	
Phone: <u>853-8733</u> Fax: <u>853-3652</u>		Phone: Fax:	
Email: <u>tom@gailwilley.com</u>		Email:	
Cell: <u>690-2953</u> Other:		Cell: Other:	
Contact Person: <u>TOM SCHUSTER (DIPLO. ING.)</u>		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Reno, March 29, 2013



Washoe County
Planning Department
Attn.: Roger D. Pelham

Gail Willey Landscaping, Inc.
9825 South Virginia Street
P.O. Box 18789
Reno, NV 89511
Tel. 775-853-8733
Fax 853-3652
www.gailwilley.com
nv lic. no. 51845b, 61520, 63876

Regard: reason for amendment of conditions application of SUP # SB 12-008

Dear Roger,

We have built a berm in the backyard of Mr. Kunz's house for landscaping purposes (see attached plan from Lumos Engineering) and realized the fact that even an incidental amount of 200 to 300 cy for mounding should have been permitted and put on the SUP and grading plan. Due to the strong desire of our client to start that work in the back we built this permanent earthen structure and forgot to specify or show it in the SUP and grading plan and therefore in retrospect kindly ask to have it included in the previously approved SUP/Grading permit SB 12-008 (APN # 041-101-16; 6946 Windy Hill Way). Thank you very much

Best Regards,

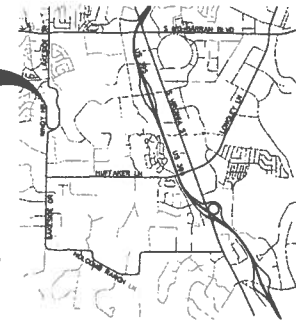
A handwritten signature in black ink, appearing to read "Tom Schuster", is written over a large, light-colored diagonal scribble or watermark.

Tom Schuster (Dipl.Ing.)
Landscape Manager/Designer
Gail Willey Landscaping, Inc.

EXISTING APPROVED SUP-PLAN

SB 12-008

PROJECT SITE



VICINITY MAP

LUMOS & ASSOCIATES

6222 PROCTOR DRIVE
FRENCH MEADOWS, MO 63111
TEL: (773) 827-8111
FAX: (773) 827-8122

WWW.LUMOSENGINEERING.COM

CIVIL ENGINEERING
GEOTECHNICAL ENGINEERING
PLANNING
LANDSCAPE ARCHITECTURE
SURVEYING / GIS
CONSTRUCTION SERVICES
MATERIAL TESTING

04/10/13

EXISTING APPROVED SUP-PLAN

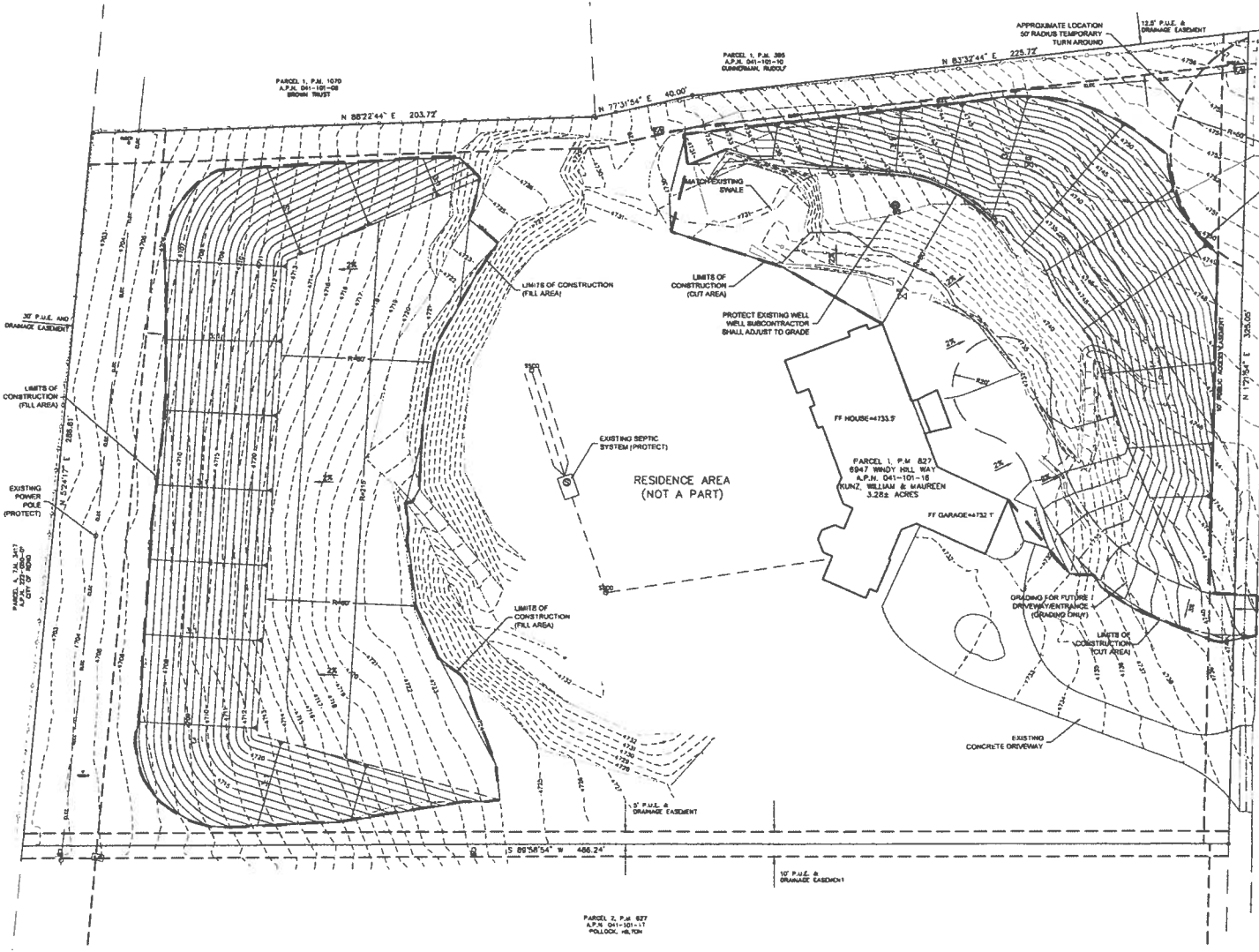
SPECIAL USE PERMIT FOR
6947 WINDY HILL WAY
A.P.N. #041-101-16

WILSON COUNTY

REV.	DATE	DESCRIPTION

C1

DATE: JUNE 2012
DRAWN BY: PCG
DESIGNED BY: LB
CHECKED BY: LB
JOB NO: 8108.00



CALCULATIONS:

DISTURBED AREA	57,000 SQ. FT.
CUT AREA	
STRIP (OFF-HAUL)	520 CU.YD.
CUT (AFTER STRIP)	3,780 CU.YD.
SWELL (7%)	265 CU.YD.
TOTAL	4,045 CU.YD.
FILL AREA	
STRIP (OFF-HAUL)	570 CU.YD.
FILL (AFTER STRIP)	3,900 CU.YD.

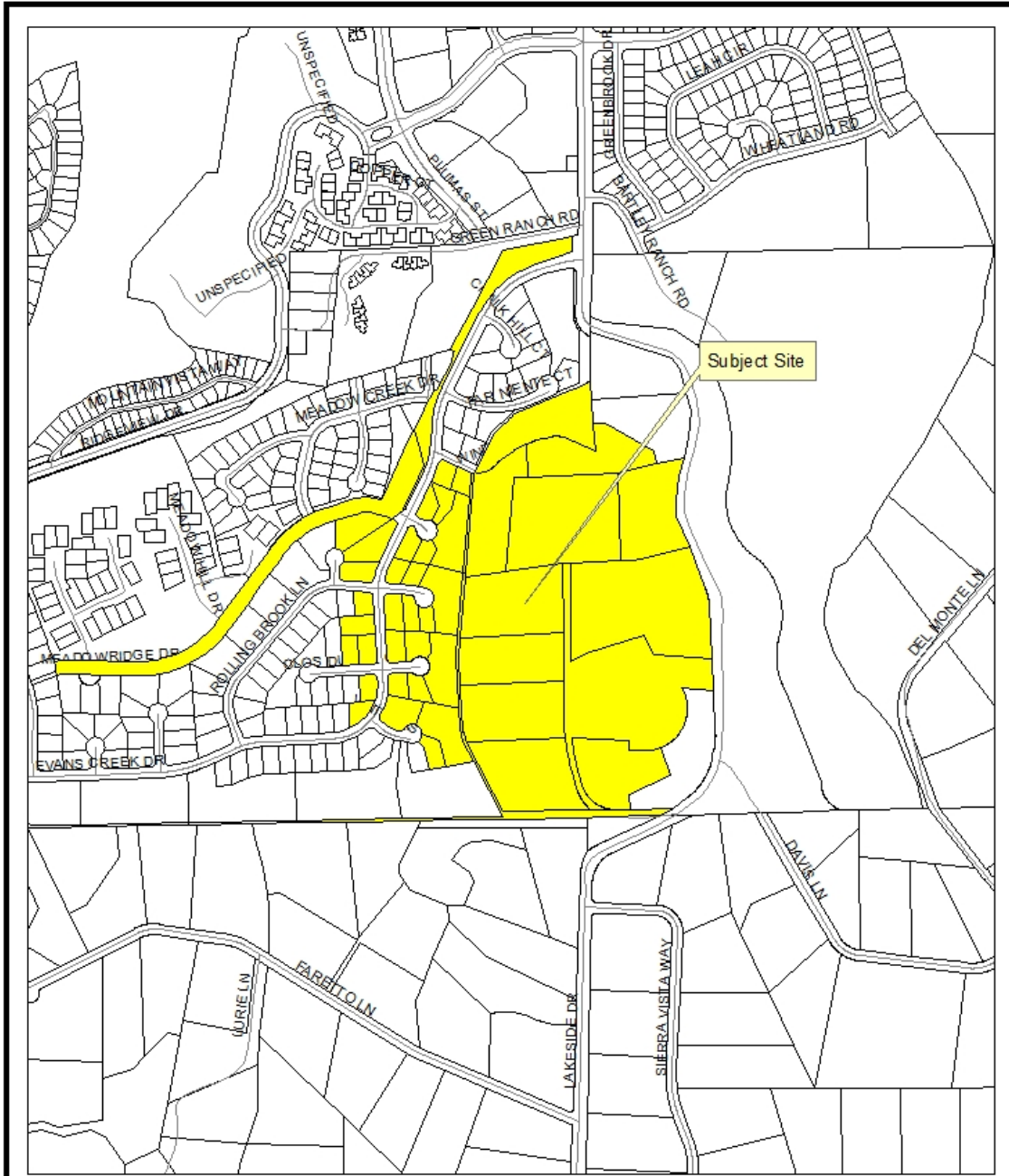
- NOTES:**
- EXISTING IRRIGATION LINES AND VALVES WITHIN DISTURBED AREA TO BE DEMOLISHED.
 - TOPOGRAPHIC SURVEY WAS CONDUCTED ON MAY 22, 2012 BY LUMOS AND ASSOCIATES.
 - LANDSCAPE AND/OR REVEGETATION SHALL BE INSTALLED WITHIN 30 DAYS OF COMPLETION OF EARTHWORK.
 - SHOULD ANY PRE-HISTORIC OR HISTORIC 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.

Call before you Dig
1-800-227-2600
www.callbeforeyoudig.com



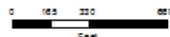
DATE PLOTTED: 06/11/12 11:51 AM
PLOT SCALE: 1"=40'-0"

EXHIBIT D



AC13-004 Kunz Grading
46 parcels selected at 500 feet

Mailing Map



Community Services
Department



**WASHOE COUNTY
NEVADA**

Post Office Box 11130
Reno, Nevada 89520 (775) 325-2600

Source: Planning and Development Division

April 2013



Board of Adjustment Staff Report

Meeting Date: June 6, 2013

Subject: Revised Board of Adjustment Rules

Applicant(s): Planning and Development Division

Agenda Item 10A

Project Summary: Adopt a revised set of Rules, Policies and Procedures for the Board of Adjustment governing general board matters (i.e. officers of the board, quorums, voting powers, ethics, disclosures and abstention from voting on matters, records and documents, appointments to Design Review Committee, etc.); general meeting procedures (regular and special meetings, conduct during and decorum of meetings, open meeting law etc.); and procedures for considering and taking action on general business matters, hearings and appeals.

Recommendation: **Review and Approve**

Prepared by: Greg Salter, Deputy District Attorney
Phone: 775.337-5726
E-Mail: gsalter@da.washoecounty.us

Washoe County
Commission District: **All Districts**

This is part of a project to update Board of Adjustment Rules to conform to current practices and legal requirements and add new provisions governing appeals to the board as required by state law and recent amendments to the Washoe County Development Code.

The proposed rules are a complete rewrite of all existing rules (last updated in 2010) to:

- Establish new rules regarding appeals to the Board required by NRS 278.310 and recent amendments to Chapters 910, 912 and 914 of the Development Code;
- Update, expand and enhance rules about ethical considerations of board members and how to deal with ex parte contacts;

Update general meeting rules to reflect current statutes, rulings and practices regarding agendas and meeting notices, open meetings, decorum at meetings, public comments (both during general business portions and public hearings); motions and voting procedures and requirements; hearings on individual matters and assuring compliance with the Nevada opening meeting law.

Staff Report Contents

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Exhibits

Proposed Rules (annotated)..... Exhibit A

Background and analysis of proposed rules

NRS 278.310 provides that any person aggrieved

- by his or her inability to obtain a building permit; or
- by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location or soundness of structures may appeal to the Board of Adjustment, and further requires the County Board of County Commissioners to enact ordinances which establish that right and procedures for such appeals.

In November, 2012, the Board of County Commissioners enacted Ordinance 1501 to amend Article 901 (“Enforcement”) of the Washoe County Development Code to establish new and expanded enforcement mechanisms (adding the use of administrative hearing officers) for all “development regulations” and set out when and how appeals from decisions of administrative hearing officers may be made to the Board of Adjustment, and providing that decisions of the Board of Adjustment are final decisions subject to judicial review. Other county code amendments are in progress to provide how building permit and zoning interpretive decisions are ultimately appealable to the Board of Adjustment.

These proposed rules pick up at that point and provide how the appeals will be heard by the Board of Adjustment. The decisions by the Board of Adjustment are considered “adjudicative” or “quasi-judicial” and therefore the parties to the appeal must be afforded due process of law which includes the right to a fair hearing. That is the principal thrust of the proposed rules with respect to appellate proceedings. The draft of the rules regarding appeals has been discussed at a previous meeting of the Board and the results are incorporated in this draft.

Additionally, the Board of Adjustment Rules need to be updated to reflect changes in statutes (such as the Nevada Open Meeting Law, and Ethics laws) county ordinances (such as those reflecting organizational changes, new code administration and enforcement mechanisms, and new building and fire codes), and practices.

Attached is a proposed set of Board of Adjustment Rules which have been totally rewritten to accomplish the foregoing objectives. It was impractical and confusing to try to redline the existing rules showing word by word changes, so the attached draft sets out the new rule and provides a comment how each of the new rules compare to the former rules.

Notice and required findings.

As these are internal rules only, there are no special notice requirements, no special procedures and no required findings that must be made before enacting these rules. They may be enacted at this or another meeting.

Recommendation

Staff recommends that the Board review and discuss the attached rules, and if they are acceptable to the Board, adopt them by motion which must be approved by a simple majority of all the Board Members present at the meeting. A sample motion is provided below.

Motion

After giving due consideration to the information in the staff report and information received during the public hearing, and the deliberations and discussions following the public hearing, I move that the Board of Adjustment adopt the attached "Washoe County Board of Adjustment Rules, Policies and Procedures." The Board Secretary shall remove the annotations and may make non-substantive edits and corrections and shall enter these rules on the minutes and books of the board to become effective as of **June 16, 2011**.

Appeal Process

Board of Adjustment action will be effective 10 days after the date of adoption unless the adoption is appealed to the Board of County Commissioners.

(Rev. 5-20-13)

Washoe County Board of Adjustment
RULES, POLICIES AND PROCEDURES

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Washoe County Board of Adjustment **RULES, POLICIES AND PROCEDURES**

A. DEFINITIONS AND GENERAL POLICIES

1. **Definitions:** The following words have the following meanings for purposes of these rules, policies and procedures:

- a. **Board** means Board of Adjustment.
- b. **Department** means the Planning and Development Division of the Community Services Department or the department designated by the Washoe County Board of County Commissioners to administer the regulations of land use and zoning. **[Changed to reflect new organization of Department]**
- c. **Development Code** means Washoe County Code Chapter 110.
- d. **Director** means the Director of the Planning and Development Division of the Community Services Department, or his/her designee. **[Changed to reflect new organization of Department]**
- e. **Administrative Official** means (i) the Director for appeals involving decisions or interpretations of the Development Code, or (ii) the County Building Official for appeals involving decisions or interpretation of regulations relating to the soundness of structures such as building codes, fire codes and electrical codes. **[New definition]**
- f. **Administrative Hearing Officer** means an Administrative Hearing Officer appointed to hear appeals of enforcement proceedings (stop activity orders, remediation orders, warnings, civil penalties etc). **[New definition]**
- g. **Aggrieved Person** means a person who has been denied a building permit or is aggrieved as defined in WCC 110.910.02. **[New definition]**
- h. **General Business Matter** includes taking action on general business items and procedural matters such as election of officers, appointment of members to committees, ceremonial or administrative resolutions, and amendments to these rules. **[New definition]**

2. Board Determines Rules, Policies and Procedures

The Washoe County Board of Adjustment, under State statute and by the Development Code, has the responsibility for reviewing and approving variances, special use permits and administrative permits for the unincorporated portions of Washoe County. In addition, the Board of Adjustment, under State law and by Washoe County ordinance, is responsible for making final determinations on appeals of administrative decisions concerning any zoning regulation or any regulation concerning the location or soundness of structures made by County officials, and the decisions of hearing officers on code compliance matters pursuant to Article 910 of the Development Code. In the furtherance of these responsibilities, the Board of Adjustment adopts the following rules, policies and

procedures. The Board may, from time to time, amend details of said rules, policies and procedures. The Washoe County Commission has the authority to review and make changes to these rules, policies and procedures at will. **[Added to clarify duties and responsibilities under state law]**

3. Duties and Responsibilities

a. POLICY

- i Members of the Board shall keep themselves informed on planning laws, policies, procedures and trends in planning practice, and ethics laws of Nevada. **[same]**
- ii The five Board members shall represent the best interests of unincorporated Washoe County. **[same]**
- iii Members shall endeavor to provide questions on agenda items to the Planning and Development Division staff of the Department a minimum of 24 hours prior to the meeting on which the agenda item is scheduled. **[same]**

b. RULE

- i Members shall be prompt and diligent in attendance. **[same]**
- ii Failure of a member to attend 3 successive regular meetings, or miss more than 25% of scheduled meetings annually, will be reported to the Board of County Commissioners and said absences may be considered justifiable cause for replacement. **[same]**

4. Communications outside of public hearings or meetings

a. POLICY. General: For all matters coming before the Board, members should avoid ex parte communications (i.e., private communications outside a public meeting with interested parties) regarding matters coming before the Board. With respect to such actions: **[same general rule, details added]**

- i. Parties should be encouraged to discuss their comments with staff or at the public hearing rather than privately with individual members. **[same]**
- ii. Unsolicited correspondence, emails or phone messages should be preserved so they may be put in the record. **[new rule]**
- iii. Members must disclose all ex parte communications. If during any such contacts, a member obtains information that he/she might consider as important when deciding an adjudicative matter, the member must assure that the information is:
 - already public knowledge
 - has been included in the reports or presentations
 - disclosed or otherwise brought out at the public hearing so that interested parties may have an opportunity to comment on it **[new rule]**
- iv. Members must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias. **[same]**

- v. Site Visits. If Members are invited to a site visit, the following rules apply:
- a. Ex parte contact may be unavoidable during site visits and should be limited to the extent practicable. If ex parte contact occurs, it must be disclosed as provided above. It is advisable to have a staff member or another person participate in the site visit and any discussions at the site. **[same]**
 - b. Members must disclose that they conducted a site visit and do not need to describe what they saw if it is in plain public view. Any information gained during a site visit that is significant in forming a conclusion must be disclosed at the public hearing, if the information has not otherwise been disclosed in the reports and presentations. **[new rule]**
- vi. Attorney Communications. Communications with the attorney assigned by the District Attorney's Office or any other attorney appointed or retained to represent or advise the Board are confidential and privileged attorney-client communications and are not subject to disclosure. **[new rule]**

b. RULE

- i. Ex parte contact does not disqualify a Member from voting on the matter **[same]** if disclosure is made and the information derived from the contact(s) that is being considered by the Member is either public knowledge, has been included in the reports or presentations, or is otherwise brought out at the public hearing so that interested parties may have an opportunity to comment on it. **[details added]**
- ii. Members shall not solicit, offer, or accept any offer for any business relationship or arrangement with any interested party. **[new rule]** Any preexisting, ongoing or expected business relationship with any interested party must be disclosed and may be grounds for abstention under NRS Chapter 281A and these rules, policies and procedures. **[same with details added]**

5. Ethical Principles for Planning; Disclosures and Abstentions

a. POLICY

- i. The Board adopts the most current version of American Planning Association's Ethical Principles in Planning as the guiding principles for the conduct of Board members. **[same]** Members will be provided a copy of the document. The Board, however, is governed by Nevada's ethics laws, including NRS Chapter 281A, and to the extent there is a conflict between state law and the APA's Ethical Principles in Planning, state law governs. Additionally, if there is a conflict between these rules, policies and procedures and the APA's Ethical Principles in Planning, the rules, policies and procedures will be followed. **[new rule]**

b. RULE

- i. Potential Conflicts of Interest. In connection with matters coming before the Board, NRS 281A.420 discusses three circumstances where disclosure and abstention may be required. These three circumstances include when a Member has:
 - received a gift or loan
 - a pecuniary interest

- a commitment in a private capacity to others in connection with the matter

If disclosure is required, it should be made before the matter is discussed by the Board, and at that time the Member must also discuss whether or not he/she is abstaining, and why. ***[present rules discuss financial interest only]***

If abstaining, it is not necessary to leave the room during deliberation and vote, but the Member should leave his/her seat on the Board until after the vote. ***[Present rules allow member to make presentation but must leave room when board deliberates and votes]***

1. If a Member has an ownership interest in property or a project being considered individually for a special use permit, variance, administrative permit or appeal of administrative decision, the Member must abstain but may address the Board to discuss facts about the property ***[same]***, the project or the proceeding but must not ask, advocate or give any reasons for or against a vote ***[added to limit what the member can say, per ethics commission rules]***.
2. If a Member has an ownership interest in land or a project that is being considered with other parcels of land for a special use permit, variance, administrative permit or appeal of administrative decision and shares benefit or detriment no greater than other owners of properties also being considered, while disclosure is necessary, abstention is not required unless otherwise indicated by the Nevada Ethics Board rulings. ***[Added to discuss the general benefit rule set out in NRS]***

B. QUORUM AND VOTING

1. Number of Members Required to Conduct Business

- a. For general matters of business a quorum of the Board shall be three members. ***[same]***
 - i. In such matters, not less than three Members must be in attendance and vote to take action on said motion. The term "in attendance" means physically present at the meeting or attending the meeting through a telephone or video conference. ***[added for clarification]***
 - ii. In the event that the three minimum required members of the Board are not present, the item shall be scheduled for the next appropriate regular meeting. ***[same]***

2. Voting

- a. An affirmative vote by a majority of the Members present is required to approve all matters unless otherwise provided by law. ***[same]***
- b. Reversal of an administrative decision under Article 910 of the Development Code requires a majority vote of total Board membership (three members if no seats are vacant). ***[new rule]***.
- c. The Chair shall be a voting member. ***[same]***
- d. The Chair may call for, or a Member may request, a roll call vote on any issue. ***[same]***

- e. An abstention shall be a non-considered vote. **[same]**
 - i. If a Member abstains under NRS 281A.420(5), the necessary quorum and the number of votes necessary to act upon the matter are reduced as though the member abstaining was not a member of the Board. **[added for clarification as set out in NRS]**
 - ii. If a Member abstains for any other reason, the necessary quorum or number of votes necessary for action is not reduced. **[added]**
- f. A tie vote means the motion does not pass. If, however, one or more Members are absent or abstain from the vote and a tie vote occurs, any Member, and/or the applicant may ask for and shall be granted a continuance to the next meeting of the Board. **[same with clarification]**

C. MEETINGS

1. Notice and Agenda **[significantly expanded per open meeting law]**

- a. Except in an emergency, written notice of all meetings will be given at least three working days prior to the meeting, excluding the day of the meeting, in accordance with Nevada Revised Statutes. The written notice of the meeting will consist of an agenda that shall include date, time, and location of the meeting, a clear and complete statement of the items to be considered and a designation of the items upon which action will be taken; and an offer to accommodate persons with special needs as prescribed in Nevada Revised Statutes. Written notice shall include substantially the following text or as advised by the District Attorney's Office: **[significant changes to material required]**

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. **[new]**

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, 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. **[new]**

Public Comment. During the "Public Comment" periods listed below, anyone may speak pertaining to any matter either on or off the agenda. Additionally, during action items (those *not* marked with an asterisk (*)), public comment will be heard on that particular item before action is taken. In either event, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the recording secretary. Public comment and presentation times are limited as follows: 15 minutes each for staff and applicant presentations, 5 minutes for speakers representing a group, and 3 minutes for individual speakers unless extended by questions or action of the Board. Comments are to be directed to the Board as a whole and not to one individual. **[new]**

Removal for Disruptive Conduct. The Board of Adjustment conducts the business of Washoe County and its citizens during its meetings. The Chair may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite are examples of speech that may be reasonably limited. **[new]**

Posting of Agenda; Website Location for Agenda and Supporting Information. In accordance with NRS 241.020, this agenda has been posted at: (i) Washoe County Administration Building (1001 E. 9th Street); (ii) Washoe County Courthouse (Court and Virginia Streets); (iii) Washoe County Library (301 South Center Street); and (iv) Sparks Justice Court (Prater Way, Sparks, Nevada). Agendas and staff reports may be accessed on the Washoe County website at www.washoecounty.us/comdev. **[new]**

Special Accommodations. The 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 the Washoe County Community Services Department, Planning and Development Division, at 775.328.3600, two working days prior to the meeting. **[same except old rules required one working day advance notice]**

Appeal Procedure. Decisions regarding development applications rendered by the Board of Adjustment are appealable to the Board of County Commissioners. Decisions heard by the Board of Adjustment on appeal can be judicially reviewed. If you disagree with the decision of the Board of Adjustment and you want to appeal its action, call the Planning staff immediately, at 775.328.6100. You will be informed of the appeal procedure, application fee if appropriate, and the time in which you must act. Appeal periods vary in time depending on the type of application or action. **[new]**

- b. A person requesting agendas of the Board's meetings will be advised that the request will lapse after six months unless continuance is requested in writing. This applies to both postal and e-mail agenda distribution. **[same but expanded to cover email requests.]**
- c. Board meeting information should be mailed with the U.S. Postal Service or digitally provided to each Member at least seven calendar days in advance of the meeting date, or hand-delivered at least five calendar days in advance of the meeting date. **[old rule was mailed five days or delivered three days before meeting]**
- d. All meetings of the Board will be held in accordance with the Open Meeting Law of the State of Nevada. **[same]**
- e. Robert's Rules of Order, as amended, may be used for guidance for Board meeting procedures when a question or controversy arises. **[same]**

- f. Board meetings should not extend beyond 6:00 p.m. The Chair is authorized to extend the meeting beyond 6:00 p.m. or to continue items to a future meeting agenda. ***[new rule]***

2. Regular Meetings

- a. The first Thursday of every even-numbered month is the regular meeting day.
 - i. Should the first Thursday of the even-numbered month fall on a holiday, or interfere with a special event using the meeting facilities of the county complex, the meeting shall be held on an alternate date and/or at an alternate meeting facility as determined by the Board. ***[Old rule was monthly meetings]***
 - ii. Should a monthly meeting be reinstated, the regular meeting day of that meeting would be the first Thursday of each even-numbered month.
- b. Order of Business. Regular meetings shall be conducted in the following order:
 - 1. *Determination of Quorum
 - 2. *Pledge of Allegiance
 - 3. *Ethics Law Announcement
 - 4. *Appeal Procedure
 - 5. *Public Comment
 - 6. Approval of Agenda
 - 7. Approval of Minutes
 - 8. Planning Items and Public Hearings
 - 9. Chair and Member Items
 - 10. *Director's Items
 - 11. *Public Comment
 - 12. Adjournment

[Rearranges order of meeting to have two public comment periods and move Chair and Member items behind the public hearing items]

- 3. **Special Meetings:** Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon the call of not less than three Board members. ***[same]***

4. Emergencies

- a. An emergency meeting may be called or an emergency item may be added to any regular or special meeting when unforeseen circumstances require action and include, but are not limited to:

- i. Disasters caused by fire, flood, earthquake, or other natural causes; or,
 - ii. Any impairment of the health and safety of the public. **[same]**
- b. Before proceeding with any emergency meeting or considering any emergency item, the Board must, by the affirmative vote of a majority of the Members present, find that an emergency exists and specify the reasons after receiving advice on the matter from the Board's counsel. **[same]**

5. Continued Items

- a. The Board may vote to grant a continuance on an agenda item upon request of a Member, the Applicant or the Applicant's Representative. If the Board decides to continue an item, the Chair shall first ask if anyone in the audience wishes to testify on the matter even though it may be continued to another date, time and location certain. **[former rule (1) did not specify who could request a continuance; (2) required staff to forward written requests to Board (without a staff report) if the agenda item had already been sent to Members and follow up with a staff report]**
- b. The Chair may grant continuances without consulting the Board between meetings and before an agenda is published. **[New rule. Former rule required the Board to decide all continuances. This new rule only applies if the matter has not already been agendaized and staff reports sent to the Members]**
- c. Should an item appearing on an agenda be continued to another specified place, date and time, and a Board member is absent from the first meeting but present for the next meeting for which the item is scheduled, the absent Board member shall endeavor to learn what occurred during the first hearing through review of the minutes and recorded media, and shall declare at the next meeting that he/she has familiarized themselves regarding the case and is prepared to discuss, deliberate and vote on the matter. **[same]**

6. General Expectations of Members During Meetings.

- a. Members shall treat each other and all persons at a meeting with respect before, during and after the meeting. The decorum rules stated below apply to Members as well as members of the public. A Member may be removed for disruptive conduct, but if is removed for disrupting a meeting, the removal will be only for the agenda item being considered when the disruption occurred. **[new rule]**
- b. Members shall be attentive to the proceedings and give their undivided attention to speakers. Engaging in private conversations, performing tasks not associated with the meeting, and displaying obvious boredom are disruptive to the meeting process. **[new rule]**
- c. Members shall endeavor to address questions of audience members through the Chair. **[new rule]**
- d. Members should be neutral in their response to speaker's opinions through their questions, comments and body language, and should not express an opinion on the agenda item before all public testimony has been provided, although the expression of opinions during public testimony may be appropriate during legislative or general business matters. **[new rule]**

- e Members shall be prepared for each item that is listed on the agenda. ***[new rule]***

7. Meeting Decorum; Removal for Disruptive Conduct

- a. Meetings of the Board of Adjustment are limited forums for the governmental purpose of making planning decisions for the community in accordance with its duties under state and local law. That governmental purpose is efficiently accomplished only when the process established by law is followed and all participants in a meeting conduct themselves within the limits established and with decorum, civic responsibility, and mutual respect. ***[new rule]***
- b. It is the intent of the Board to maintain the highest level of decorum. The Chair is authorized to take appropriate actions to maintain such decorum to include declaring recesses, admonishing speakers and other remedies set forth below. ***[new rule]***
- c. The viewpoint of any speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech at the meeting. Remarks which are irrelevant, impertinent, unduly repetitious, or which contain personal attacks, implied or actual threats, fighting words, or profanity are not consistent with efficiently accomplishing the governmental purpose. ***[new rule]***
- d. The Chair may remove (with or without warning) any person who willfully makes the kind of remarks described above or engages in other disorderly conduct, if such remarks or conduct makes the orderly conduct of the meeting impractical. ***[new rule]***
- e. Removal for disruptive conduct will be for the remainder of the meeting. ***[new rule]***

8. Addressing the Board; Participant Conduct.

- a. Comments during Public Comment Periods. The following rules apply during the designated “public comment” period(s) of any meeting where members of the public are permitted to speak on any matter on or off the agenda (as opposed to comments made during public hearings on specific agenda items): ***[new rule]***
 - i. Unless otherwise specified on the agenda, any person may speak regarding any topic, on or off the agenda. Using public comment time to speak about a topic that is not considered public business (such as advertising of products or services), or over which the Board has no jurisdiction or control, or delays the Board’s ability to conduct its meetings efficiently, and therefore may impair the ability of others to speak on topics over which the Board has jurisdiction and control, may be viewed as disruptive conduct under these rules, policies and procedures. ***[new rule]***
 - ii. No action may be taken on any subject brought up during an “any matter” public comment period until properly agendized and called up for consideration and possible action. ***[new rule]***
 - iii. Unless a different time is established by the Chair at the opening of public comment, time limits for speaking will be three minutes per person. Should the Chair establish a different time limit for speaking, then the different time limit will apply to both public comment periods on the meeting’s agenda. Speakers may not reserve time or give time to others. Members may ask questions of the speakers. ***[new rule]***

- iv. Speakers must complete and submit to the Recording Secretary a “Request to Speak” form, and must identify themselves at the beginning of their presentation. **[same]**
 - v. The Chair may determine the order of speakers. **[former rule required following the order of speaking requests]**
- b. Public Comments during Hearings or during Individual Agenda Items. The following rules apply to persons speaking during public hearings or during individual agenda items (as opposed to speaking during public comment periods). **[new rule]**
- i. Public hearings, and receiving public input during individual agenda items, are part of a governmental planning process and, in order to efficiently pursue that process, persons addressing the Board during such items are to speak only to the topic being considered. Irrelevant or overly repetitious comments by the same person delays and disrupts the process. **[new rule]**
 - ii. Except as otherwise provided in these rules, policies and procedures, or otherwise modified by the Chair or Board, speakers shall limit their presentation times to 3 minutes for individual speakers. If a speaker represents an organization, he/she may be given 5 minutes to speak, but only one person from the organization will be given this extra time. No speaker may reserve or transfer his/her time to another speaker. Members may ask questions of the speakers. **[Same time limits, added one speaker per organization and no transfer of speaking rights rules]**
 - iii. The applicant will also be encouraged to limit his/her comments regarding the background of the application. When speakers have exceeded the allotted time, the Chair will remind them that they have gone past the recommended time limits and request they conclude their remarks. The Chair may rule the speaker out-of-order should the speaker not obey the Chair’s admonition. **[same]**
 - iv. Alterations to the above time limits may be permitted by the Chair in the following circumstances.
 - 1. All public testimony. The Chair may modify speaker time limits for all public testimony during any item and will announce the modification at the beginning of the agenda item, if possible, or as soon as is practicable during the agenda item. The modified time limits will remain in effect only for that specific agenda item. **[same, except that former rule required requests in had to be made before the “caucus” of the board of adjustment]**
 - 2. Individual time limits for public speakers. The Chair may adjust individual speaker time limits to accommodate questions by Members. **[new rule]**
 - 3. Applicants, staff, and amicus organizations. Staff, the applicant or his/her representative, or a person representing an amicus group (a group with special knowledge or interest in the agenda item who desires to testify as a friend of the Board) may notify the Community Services Department, Planning and Development Division staff 24 hours prior to the start of a noticed meeting at which action may be taken that a longer time is requested to make a presentation. When making the notification, an approximate amount of time needed to make the presentation must be provided. The division will notify the Chair, who has the discretion to grant, modify, or deny such a

request at the beginning of the agenda item. **[new rule]**

4. During individual presentations by staff, the applicant, or amicus organizations, the Chair may adjust the time limit to accommodate questions by Members or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information. **[new rule]**
 - v. Speakers must complete and submit to the Recording Secretary a “Request to Speak” form, and must identify themselves at the beginning of their presentation. **[same]**
 - vi. The Chair may determine the order of speakers. **[new rule]**
- c. Conduct during meeting.
- i. Persons attending a meeting of the Board of Adjustment shall respect the Board and participants before, during and after the meeting. The Chair will rule out of order any person that makes personal derogatory or disrespectful comments about the Members, staff or participants. **[new rule]**
 - ii. Speakers will address questions and comments to the Chair and not to individual Members, staff or audience members. **[new rule]**
 - iii. Speakers are encouraged to state that they support a previous speaker’s comments and not repeat the same point in order that the meeting may be efficiently conducted. **[same]**
 - iv. Audience members are encouraged not to visibly display support or opposition (such as clapping, whistling, etc.) to speaker’s points or Board actions. To the extent such actions make the orderly progress of the meeting impractical, the Chair may order such conduct as disruptive and remove offenders. **[new rule]**

9. Procedures for Individual Agenda Items

- a. General Principles. These rules are intended to promote consistency and efficiency, maximize public input, and afford the appropriate amount of due process in the conduct of meetings of the Board of Adjustment. These rules apply to all proceedings before the Board. **[new rule]**
- b. Step by Step Procedures for individual agenda items.
 - i. Chair calls on staff to introduce the item. This is only an introduction identifying the parties and the general nature of the proceeding. **[same]**
 - ii. Jurisdictional/Procedural Issues. **[new rule]**
 1. For items requiring special notice, Chair asks if all notices required by law have been given and if staff has proof of publication and service where required.
 2. Chair asks if all parties are present and ready to proceed.

3. Chair asks whether there are any objections or special considerations to going forward with the hearing and decision on this matter. Jurisdictional issues shall be decided before proceeding with the public hearing.
 4. Chair announces that in order to have an appropriate record on appeal or for judicial review, an audio or video recording will be kept of this proceeding and exhibits will be numbered and kept with the Recording Secretary. Any party may be allowed to make recordings or have a court reporter present to record the meeting.
- c. Disclosures by Board Members. Chair asks for any disclosures and abstentions required by NRS 281A.420 (*Ethics in Government*) and/or any disclosures under these rules, policies and procedures regarding ex-parte contacts with the applicant or any interested party. **[new rule]**
 - d. Chair advises audience of general hearing procedures. If the item has been described as a public hearing item, the Chair will explain that this is a public hearing item and the process and rules to be followed. Public hearing or not, the Chair shall advise that this is an action item under the Nevada Open Meeting law and that public comment shall be heard before the Board deliberates toward a decision. **[same, but enhanced]**
 - e. Chair may canvass the audience to determine who is there to hear or speak on the agenda item, who is for or against approval of the item, or to obtain other information useful in managing the hearing and meeting. **[same but enhanced]**
 - f. Chair opens the public hearing for presentations and public comment. **[same]**
 - g. Staff Presentation
 - i. Staff will be given 15 minutes to present and discuss the item. Members may ask questions. **[same]**
 - ii. The time limit may be adjusted by the Chair to accommodate questions by Members, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information. **[Same but with limitations on power to adjust times]**
 - h. Applicant Presentation and Rebuttals
 - i. For matters initiated by an application from someone other than the Department, the Applicant will be given 15 minutes to present and discuss the item. The Applicant may be represented by counsel or any other person or persons. Members may ask questions. **[former rule said that applicant should focus on certain topics, while this rule is more open; former rule did not provide for right to counsel]**
 - ii. The time limit may be adjusted by the Chair to accommodate questions by Members, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information. **[same as old rule but with same limitations on power to adjust times as with staff presentations]**
 - iii. Staff will be offered five minutes of rebuttal time following the Applicant's presentation, and the Applicant will be offered five minutes of rebuttal time following Staff's rebuttal. The time limits may be adjusted by the Chair to accommodate

questions by Members, or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information. **[new rule]**

i. Public Comment and rebuttal to public comment

i. Following presentations, the Chair will call for public testimony in accordance with section C(8)(b) of these rules, policies and procedures. **[same]**

ii. Staff and the Applicant shall be given a reasonable opportunity to comment on any public testimony heard by the Board. The Chair shall decide what is reasonable, and is not required to afford equal time to the applicant for each public testimony. **[new rule]**

j. Board questions. Board members may ask questions of staff, the Applicant, or members of the audience. At the discretion of the Chair, a member of the public who previously testified, or staff may be asked to comment on any materials or information presented during the public hearing. **[same]**

k. Documents and Evidence

i. The staff report and all of its exhibits, and all documents offered by any presenter or speaker, shall be kept with the minutes and are public records. **[same]** The Chair may direct a numbering or other system to accommodate reference and recordkeeping. **[new rule]**

ii. Any party, presenter or speaker may offer additional evidence if it is relevant to the proceeding. If person wants to present documentary evidence to the Board, ten copies must be prepared and delivered to the Recording Secretary for distribution to the Board. **[former rule required at least six days in advance if more than three pages]**

iii. Any person may comment on the relevance, authenticity, accuracy or probative value of any evidence even if that person did not object to the admission of the evidence. **[new rule]**

iv. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted by the Chair. Any relevant evidence is sufficient in itself to support a finding provided that the evidence is the type on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. **[new rule]**

v. Irrelevant, immaterial or unduly repetitious evidence may be excluded by the Chair. The Board shall observe rules of privilege recognized by law. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the Board. **[new rule]**

l. Questions of presenters, parties and speakers

i. Questions to presenters, speakers, or the public must be made through or with the permission of the Chair. **[new rule]**

- ii. If staff or the applicant needs to ask questions of the parties or members of the audience, the Chair may ask the person to come forward and answer questions posed by the Chair. **[same]**
- iii. The Board does not have subpoena power and witnesses may not be compelled to speak or be examined or cross examined in a trial like manner. **[new rule]**
- m. Chair closes public hearing. When presentations and public comment have been completed, the Chair may close the public hearing. **[same]** However, the Chair may reopen public hearing at any time to receive new evidence or comments. **[new rule]**
- n. Discussion; additional fact finding
 - i. The Chair may call for discussion or a motion. **[same]**
 - ii. At any time during discussion or deliberation on a motion, the Chair may call (without reopening the public hearing) persons forward to answer questions or present information. **[same]**
 - iii. The Chair may also reopen the public hearing to hear public testimony. **[same]**
- o. Motions
 - i. Motions must be seconded before acceptance or debate. If a motion is not seconded, it is considered moot and the Chair may call for further discussion or a new motion. Unless otherwise directed by the Chair, motions may be made and voted upon in accordance with Robert's Rules of Order. **[same]**
 - ii. Motions must incorporate all findings of fact required by law. **[new rule]**
 - iii. The motion should be to do any one or combination of the following: **former rule was limited to dealing with what is in the staff report]**
 1. Approve the application with or without conditions.
 2. Individual conditions may be added, removed or adjusted from the original motion by a motion to amend which shall be voted upon before the original motion is taken up for a vote.
 3. Remand the application back to the Division for further review and/or action. The remand must give reasons for the remand, including instructions on actions to be taken by the Director or Division, and should include a suitable time frame for the action. The Board may also provide that the actions taken on remand may be appealed back to the Board.
 4. Deny the application with or without prejudice.
- p. Deliberation on Motion
 - i. During deliberation on motions, Board members are encouraged to discuss their views of the evidence and why they are going to vote for or against the motion. **[new rule]**

- ii. If findings of fact are required for approval of an item, Members are encouraged to individually discuss proposed findings but, as a minimum, each Member must discuss any findings that he/she cannot agree with. **[new rule]**
- iii. The Board may continue or postpone a decision on the matter for up to 60 days after the hearing, but a motion to postpone or continue shall specify a date and the conditions under which the matter will be brought up for a decision. **[new rule]**

q. Vote

- i. The Chair shall call for a vote **[same]**, and shall announce the results of the vote indicating by name who voted in favor or and who voted against the motion, and any abstentions, which information shall be recorded in the minutes. **[new rule]**
- ii. If a motion to approve does not receive the required number of affirmative votes, it is deemed denied with prejudice. However, a separate motion may be made and approved to deny without prejudice based on the circumstances outlined within Section E(2)(a)(i) of these rules, policies and procedures. **[same]**
- iii. If a motion to reverse or modify an administrative decision heard on appeal does not receive the required number of affirmative votes (three), it is deemed denied with prejudice. However, a separate motion may made be and approved to deny without prejudice based on the circumstances outlined within Section E(2)(a)(i) of these Rules, Policies and Procedures.

r. Written Decision; appeal rights

- i. Within 60 days of the action, an Action Order shall be prepared and filed with the Secretary to the Board and will be served on the applicant. (Code is silent on this issue so the 60 days can stand). **[new rule]**
- ii. The Applicant shall have appeal rights as established by ordinance, and time limitations begin with the service of the Action Order. **[new rule]**

D. APPEALS TO THE BOARD OF ADJUSTMENT

1. General

- a. This Article governs appeals to the Board by persons who are aggrieved by decisions or interpretations of an enforcement official under WCC 110.912.10 or an administrative hearing officer under WCC 110.910.15 (i) **[new rule]**

2. Content of appeal

- a. The appeal must be on forms provided by the Board Secretary and shall (i) identify the decision being appealed, (ii) include a short and plain statement of the reason the appellant believes the decision is in error. If the appellant is unable to state the matters in detail at the time the appeal is filed, the initial appeal may state the issues involved and a more definite statement must be made before the appeal is scheduled for a hearing. **[new rule]**

3. Prehearing procedures

- a. In consultation with the District Attorney assigned to advise the Board, the Chair shall preside over prehearing procedures and may make rulings as to scheduling, procedures, and evidence to be provided at the hearing. **[new rule]**
- b. Informal disposition may be made by stipulation which must be approved by the Board. **[new rule]**
- c. The parties shall meet and confer regarding evidence to be used and issues to be resolved by the Board and may create a joint evidence package. In more complex cases, the Chair may direct the parties to prepare prehearing memorandums. The District Attorney advising the Board may also prepare confidential or non-confidential prehearing memorandums. **[new rule]**

4. Scheduling and Notice of Hearing; Subpoenas

- a. The Chair shall schedule the hearing for a regular or special meeting of the Board and may issue subpoenas to parties and witnesses. **[new rule]**
- b. Notice for the hearing shall be given to the appellant and shall include any notices required by the Nevada Open Meeting Law, including notice required by NRS 241.033 if allegations of misconduct, competence, physical or mental health are to be considered by the Board. **[new rule]**

5. Record on Appeal

- a. Hearings by the Board will be based on a review of the record as set forth below. **[new rule]**
- b. If the decision of an administrative hearing officer is being appealed, a record on appeal shall be prepared by the Administrative Hearing Office of the County which shall include **[new rule]**
 - i. A transcript of the proceedings
 - ii. All pleadings, motions and intermediate rulings
 - iii. Evidence received or considered
 - iv. Questions and offers of proof and objections and rulings thereon
 - v. The decision of the hearing officer
 - vi. Any additional evidence requested or admitted by the Board
- c. If the decision of an administrative official is being appealed, the record shall include all documents and information upon which the administrative official relied. **[new rule]**

6. Rules of Evidence - To the extent that new evidence is admitted, the following rules will apply:

- a. Irrelevant, immaterial or unduly repetitious evidence must be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. **[new rule]**

- b. The Board shall give effect to the rules of privilege recognized by law. **[new rule]**
- c. Objections to evidentiary offers may be made and must be noted in the record. **[new rule]**
- d. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. **[new rule]**
- e. Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available. Upon request, parties must be given an opportunity to review the original. **[new rule]**

7. Conduct of Hearing

- a. The sequence of presentations and deliberation set out in Rule C. 9 of these rules shall be followed with adjustments to be made by the Chair to effectuate a fair hearing.
- b. Any party may be represented by counsel. **[new rule]**
- c. All parties shall be afforded reasonable time to respond and present arguments on all issues involved. **[new rule]**
- d. If required by the Chair in order to resolve disputed facts, witnesses shall declare by oath or affirmation that they will testify truthfully. The Chair may administer oaths [NRS 278.290 (1)]. **[new rule]**
- e. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the Board. The experience, technical competence and specialized knowledge of the Board may be utilized in the evaluation of the evidence. **[new rule]**
- f. When the Chair determines that new evidence is needed to make a factual determination, each party may call and examine witnesses, introduce exhibits, cross examine any opposing witnesses on any matter relevant to the issues even though the matter was not covered by the direct examination, impeach any witness, regardless of which party first called the witness to testify, and rebut the evidence against him/her. **[new rule]**

8. Decision of the Board; required vote.

- a. The Board may:
 - i. Affirm the appealed decision upon the vote of a majority of the Board Members present at the hearing; **[same]**
 - ii. Remand the appealed decision back to the administrative hearing officer or the administrative official for reconsideration upon a vote of a majority of the Board Members present at the hearing; **[remand not specified in old rules]** or
 - iii. Reverse or modify the appealed decision, or rule in favor of appellant which must be done upon a vote of the majority of all the members of the Board. NRS 278.300(2). **[new rule]**

- b. Decisions of the Board regarding appeals must be in writing or stated in the record. Decisions affirming, modifying or reversing a decision or interpretation must include findings of fact and conclusions of law, separately stated. Findings of fact and decisions must be based upon substantial evidence. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. **[new rule]**
- c. The Board may make a ruling and direct that Counsel for the Board prepare a written decision for approval by the Chair or by the Board at a subsequent meeting. **[new rule]**
- d. Written decisions will be filed with the Secretary of the Board and shall be sent to all parties. The Secretary to the Board shall file a statement indicating when the decision was received by the Secretary and when it was mailed to the parties. A separate file containing copies of the decisions (and statement of filing and mailing as provided above) of the Board shall be maintained by the Secretary. **[new rule]**

E. SPECIAL CIRCUMSTANCES

1. Request to Withdraw or Continue a Development Application

- a. POLICY. An applicant has the ability to withdraw or continue an application submitted for consideration by the Board at any point prior to a motion for action being made by a Member. **[same]**
- b. RULE
 - i. A request for withdrawal or continuance of the application shall be stated by either the applicant(s), the authorized agent with power of attorney to represent all of the interests of the property owners of record party to the application, or by all of the property owners of record who submitted the application as attested by the signed and notarized affidavits accompanying the original application. **[same]**
 - ii. After a motion has been made by a Member, followed by a second on the motion and deliberation, the application cannot be withdrawn. **[same]**
 - iii. If the motion is not seconded, the applicant(s), authorized agent or property owner(s) can request the application be withdrawn prior to any new motions. **[same]**
 - iv. The request for withdrawal of the application shall be clearly entered into the record, and cannot be construed as a request for deferral or continuation of the application until a future meeting. **[same]**
 - v. The withdrawal of an application shall terminate any further deliberation, analysis, or consideration of the originally submitted request. **[same]**
 - vi. A withdrawn application is not a denied application, and therefore is not subject to the "one year wait on denials" provisions of the Washoe County Development Code for submitting a new development application request. **[same]**

2. Denial Without Prejudice.

- a. RULE

- i. A motion to deny without prejudice (which allows a denied application to be resubmitted prior to the expiration of a required waiting period as defined in the Development Code) can be offered by a Member if the following special circumstances are supported by the public record:
 1. All the necessary findings for approval of the application cannot be fully met or supported by the information presented at the time of the Board of Adjustment action;
 2. There is sufficient information to demonstrate that all the necessary findings could potentially be met within a one-year period if federal, state or local regulatory programs are changed, or physical conditions on or near the development site change, or that infrastructure availability and capital improvement programs change to allow development as requested in the original application; and,
 3. There is sufficient information to demonstrate that the requested application would clearly support implementation of one or more goals and policies of the Washoe County Comprehensive Plan if the findings for approval could have been made at the time of the Board of Adjustment's action to deny the application. ***[same except the present rule establishes all three conditions in conjunctive (all three must be met), former rule was disjunctive—a punctuation error]***
- ii. If an application is denied because a motion to approve does not receive the required number of approving votes, a subsequent motion may be made to cause the denial to be without prejudice. ***[new rule]***

F. OFFICERS OF THE BOARD

1. Titles. The officers of the Board shall be:

- a. Chair, who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees, and generally represent the Board. ***[same]***
- b. Vice Chair, who will perform all of the Chair's functions in the absence of the Chair. ***[same]***
- c. Secretary (non-voting), who shall be the Director or his/her designee, and who shall maintain the Board records; rules, policies and procedures; and attachments. The Secretary is not elected by the Board of Adjustment. ***[same]***

2. Election of Officers

- a. The first Board meeting in July shall include on the agenda the election of officers, and the election shall be the first order of business under Chair and Members' Items. ***[same]***
- b. The Chair will take office immediately upon election and will officiate over the remainder of the elections and the meeting in progress. All other elected officers shall take office immediately upon election. ***[same]***

3. Terms of Office

- a. Each officer of the Board shall be elected by the Board and shall serve for one year or until his successor is elected and takes office. Each officer shall be limited to two consecutive terms. ***[former rule provided for one successive term]***
- b. In the case the Chair does not complete his/her term of office, the Vice Chair who succeeds him/her may complete that Chair's term and may continue to serve as Chair for the next two consecutive full terms. ***[former rule provided for one successive term]***

4. Authority to Sign

- a. The Secretary may sign such documents as may require certification on behalf of the Board. Transmittals of Board action or intent to the Board of County Commissioners and/or the County Clerk will generally be the responsibility of the Secretary. ***[same]***
- b. The Chair shall sign such documents as required by Nevada Revised Statutes or Washoe County Code. ***[same]***

5. Delegation of Authority

- a. The Board may designate one or more members or the Secretary to act for the Board in the conduct of hearings or the performance of its duties. The Board may also delegate to such members, when appropriate and to the extent permitted by law, such authority as may be necessary. ***[same]***

6. Committee Appointments of the Board of Adjustment

- a. Design Review Committee.
 - i. Two members of the Board of Adjustment will be requested to volunteer to serve on the Design Review Committee, one as a primary representative and one as an alternate. ***[same]***
 1. All appointments to the Design Review Committee shall be made by the Chair, who may seek input or consent of the Board. A majority vote of members present at the meeting to affirm the selection is not required. ***[same]***
 2. The Chair may select a person who is not a member of the Board to represent them for both or either position on the Design Review Committee. ***[same]***
 3. The appointments shall be for a period of one year ending in July of the following year. There are no limits to the number of times a member may be reappointed. ***[same]***

G. RECORDS AND DOCUMENTS

1. Minutes and Audio/Video Tapes

- a. All approved minutes, including items presented at the meetings as part of public record pertaining to the work of the Board shall be kept permanently in safe, orderly files maintained under the supervision of the Director. Said records shall be accessible to

