



# Board of Adjustment Staff Report

Meeting Date: December 3, 2015

Subject: Special Use Permit Case Number SB15-008  
Applicant: Jorgenson Living Trust  
**Agenda Item Number: 8D**  
Project Summary: To allow a small family cemetery on a 200 acre property  
**Recommendation: Approval with Conditions**  
Prepared by: Trevor Lloyd - Senior Planner  
Planning and Development Division  
Washoe County Community Services Department  
Phone: 775.328.3620  
E-Mail: tlloyd@washoecounty.us

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## Description

**Special Use Permit Case Number SB15-008 (Jorgenson Family Cemetery)** – Hearing, discussion, and possible action to approve a special use permit to allow the placement of a ¼ acre family cemetery in the middle of a 200 acre property.

- Applicant: Jorgenson Living Trust
- Location: Off Ironwood Road, 4 miles east of State Route 445
- Assessor's Parcel Number: 077-140-30
- Parcel Size: ±40.34 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 21, T22N, R21E, MDM,  
Washoe County, NV

**Staff Report Contents**

Project Description ..... 1

Special Use Permit ..... 3

Vicinity Map ..... 4

Site Plan #1 ..... 5

Site Plan #2 ..... 6

Project Evaluation ..... 7

Warm Springs CAB ..... 7

Reviewing Agencies ..... 7

Staff Comment on Required Findings ..... 8

Recommendation ..... 9

Motion ..... 9

Appeal Process ..... 9

**Exhibits Contents**

Conditions of Approval ..... Exhibit A

Health District Letter ..... Exhibit B

Warm Springs CAB Member Worksheet ..... Exhibit C

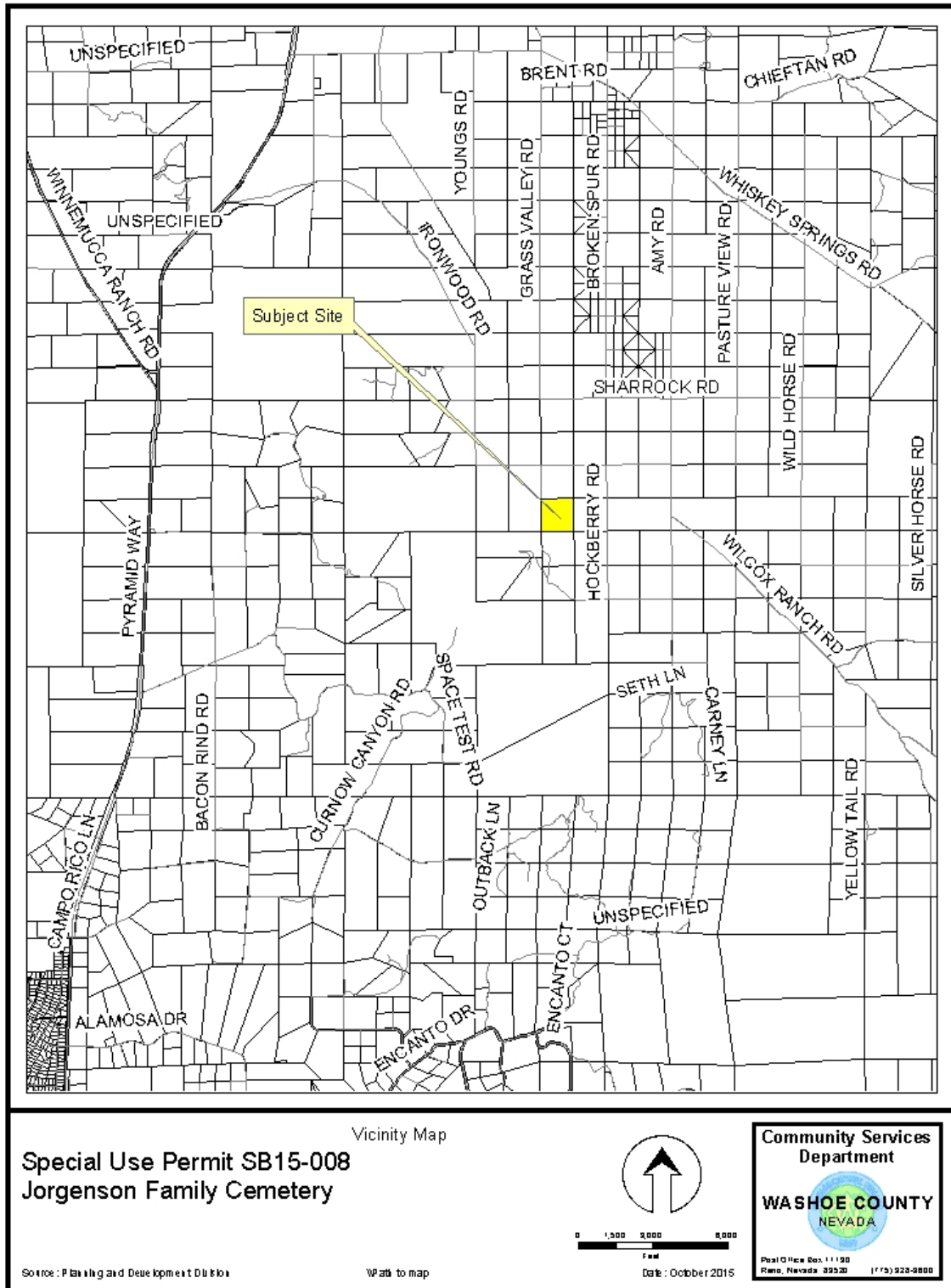
Public Notice ..... Exhibit D

**Special Use Permit**

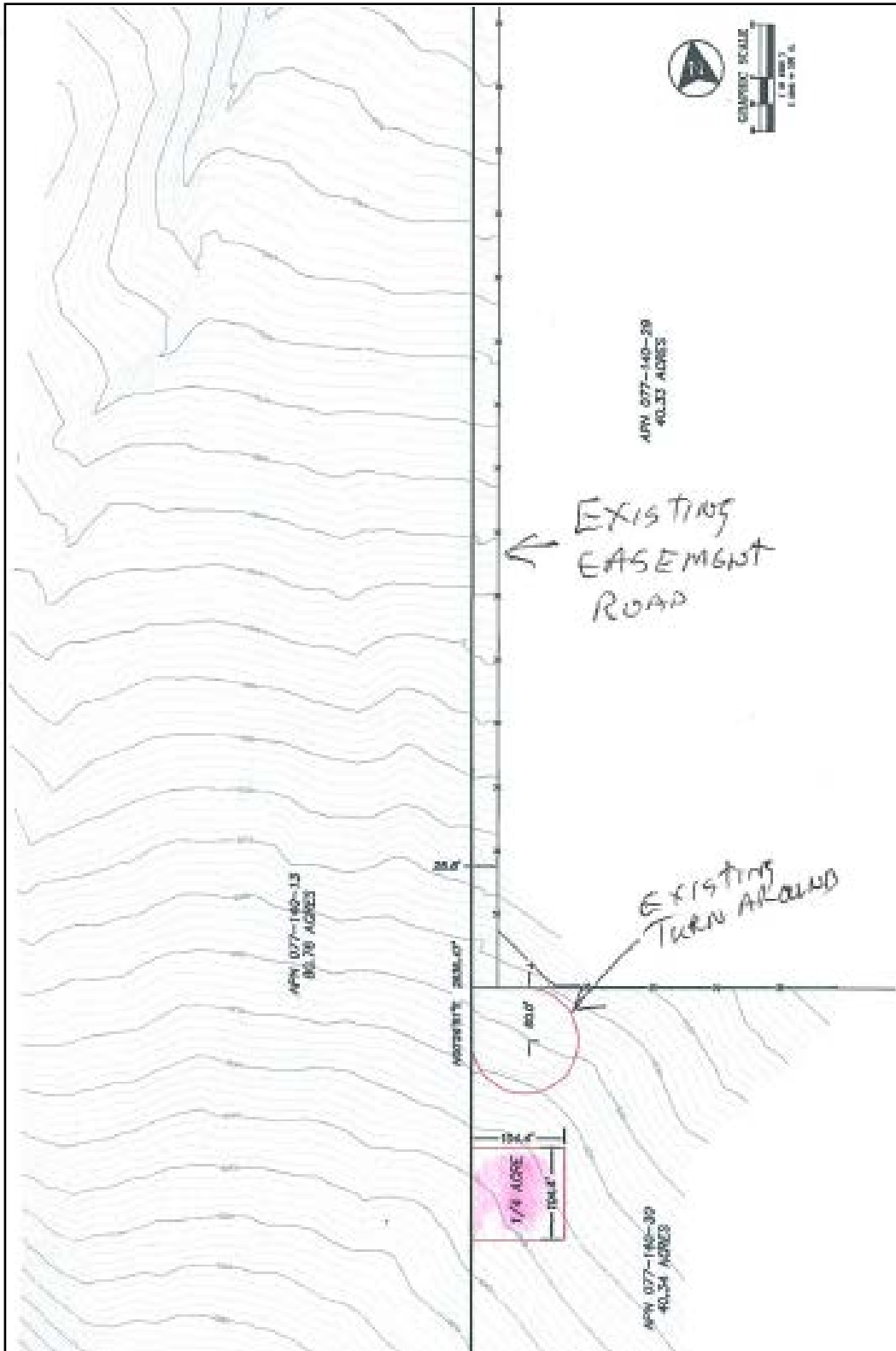
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting 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 Number SB15-008 is attached to this staff report and will be included with the Action Order if the permit is approved by the Board of Adjustment.



**Vicinity Map**



**Site Plan #1**



**Site Plan #2**

## **Project Evaluation**

The Jorgenson family owns four adjoining parcels totaling 200 acres and they wish to establish a small family cemetery in the middle of their 200 acre property. The cemetery will be  $\frac{1}{4}$  acre in size and will accommodate a maximum of 30 burial plots over the next 100 years. The extent of the improvements will include the removal of the sagebrush and the construction of a chain link fence around the  $\frac{1}{4}$  acre cemetery site.

Impacts associated with the proposed request will be very minimal. As indicated above, very few improvements will be required and the cemetery will be located within a very small area in the middle of a 200 acre property and nearly 2,000 feet from the nearest neighboring residence. Proposed conditions of approval will require that the owners maintain the cemetery and provide a disclosure to any future purchaser of the property that identifies the cemetery and that the new owners will be responsible to maintain the cemetery in the event of a future sale. The Environmental Health Division of the Washoe County Health District has reviewed the proposed use and did not provide any comment or conditions regarding the proposed family cemetery.

Nevada state law (NRS 451.067) allows for the establishment of a family cemetery. Before the first internment, a member of the family or a representative of the family shall notify the Environmental Health Division of the family cemetery and its specific location on the land.

## **Warm Springs Citizen Advisory Board (WSCAB)**

The Warm Springs Citizen Advisory Board only meets three times per year and the proposed application was submitted during a time when no meetings were scheduled. The application was sent to each of the CAB members and only one response was received. The concern raised by the CAB member involved the long term maintenance of the cemetery and the need for assurance that the facility would be maintained in the event of a property sale. The CAB worksheet is attached as Exhibit C to this staff report.

## **Reviewing Agencies**

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

- Washoe County Community Services Department
  - Planning and Development
  - Engineering and Capitol Projects
  - Utilities
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
- Regional Transportation Commission
- Truckee Meadows Fire Protection District

Two out of the seven above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. However, only Planning and Development will provide conditions. A **summary** of Planning and Development's recommended conditions of approval and their contact information is provided

below. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the application is approved by the Board of Adjustment.

- Washoe County Planning and Development addressed the requirement of ongoing maintenance of the cemetery.

Contact: Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

### **Staff Comment on Required Findings**

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

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

*Staff Comment: Staff has reviewed the Master Plan and the Warm Springs Area Plan and has not identified any provisions that are offended by the project.*

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: Public services and facilities for this use will be minimal. There are adequate utilities, roadways, etc. for the proposed family cemetery. The proposed project is in compliance with Division Seven (Infrastructure Availability and Financing).*

3. Site Suitability. That the site is physically suitable for the type of development (a small family cemetery), and for the intensity of such a development.

*Staff Comment: The site is physically suitable for a family cemetery which will be a very low intensity use. The cemetery is located within the middle of a 200 acre property and is nearly 2,000 feet from the nearest neighboring residence.*

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 cemetery is a very low intensity use that will be hidden in the middle of a large, 200 acre property. The use will not generate daily traffic and will only include the burial of a few family members (30 burials) over a long period of time (100 years).*

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 within the required noticing distance.*



## **Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case Number SB15-008 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 information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB15-008 for the Jorgenson Family Cemetery, having made all five findings in accordance with Washoe County 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 the type of development, a small family cemetery, 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 calendar days after the written decision is signed by and filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is signed by and filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

Applicant/Owner:     Anthony Jorgenson  
                              100 Ironwood Road  
                              Sparks, NV



# Conditions of Approval

Special Use Permit Case Number SB15-008

The project approved under Special Use Permit Case Number SB15-008 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on December 3, 2015. Conditions of Approval are requirements placed on the project 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, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**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 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.

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

**Washoe County Planning and Development**

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

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

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall keep the cemetery clean and in good repair/condition.
- c. The applicant shall provide a disclosure statement to any future purchaser of the site that the cemetery shall be perpetually maintained or relocated per all applicable laws.
- d. Before the first interment, a member of the family or a representative of the family shall notify the Environmental Health Division of the Washoe County Health District of the family cemetery and its specific location on the land owned by the family.
- e. 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 Planning and Development Division.
  3. The applicant and any successors shall direct any potential purchaser and/or the special use permit to meet with the 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 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.

\*\*\* End of Conditions \*\*\*

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

November 19, 2015

Trevor Lloyd, Senior Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Jorgenson Family Cemetery; APN 077-140-30  
Special Use Permit; AB15-008

Dear Mr. Lloyd:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering and Vector have reviewed the above referenced project. This Division has no conditions or objections to the proposed Project.

If you have any questions regarding the foregoing, please call Chris Anderson at 328-2632 or Jim Shaffer 785-4599 regarding engineering or vector comments, respectively.

Sincerely,

Chris Anderson, P.E.  
Registered Engineer  
Land Development Program  
Environmental Health Services

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

CA/JS:ca

Cc: File - Washoe County Health District

## ENVIRONMENTAL HEALTH SERVICES

1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520

775-328-2434 | Fax: 775-328-6176 | [washoecounty.us/health](http://washoecounty.us/health)

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*Jrewer*

**Tavener, Andrea**

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**From:** Gunn, Robert  
**Sent:** Monday, November 02, 2015 3:21 PM  
**To:** Fagan, Donna; Tavener, Andrea  
**Subject:** SB15-008



# Washoe County Citizen Advisory Boards

## ***CAB Member Worksheet***

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**Citizen Advisory Board: Warm Springs**

**Meeting Date (if applicable): December 3, 2015**

**Topic or Project Name (include Case No. if applicable): SB15-008**

**Please check the appropriate box:**

**My comments were (or)   were not discussed during the meeting.**

**Identified issues and concerns:**

**I am not against this app., just have some questions. 1. Will there be an amendment to the family trust to guarantee maint. of the cemetery in perpetuity? 2. In the event of sale of the property in the future, what provisions will be made to continue oversight?**

**3. In the event of the family trust being dissolved, or economic failure, or mismanagement, what alternatives will be in place to insure continuing maintenance of the cemetery?**

**Comment: Over the passing of several generations family interests may change, individuals may move away or lose interest. There should be some binding assurance that Washoe County will not receive the responsibility for oversight and maintenance.**

**Suggested alternatives and/or recommendations:**

**Name Robert F. Gunn November 2, 2015 Date:**  
**(Please Print)**

**Signature:**

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

# OFFICIAL NOTICE OF PUBLIC HEARING

DATE: November 18, 2015

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, December 3, 2015**

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

**PUBLIC HEARING: Special Use Permit Case Number SB15-008 (Jorgenson Family Cemetery)** – Hearing, discussion, and possible action to approve a special use permit to allow the placement of a ¼ acre family cemetery in the middle of a 200 acre property.

- Applicant/Owner: Jorgenson Living Trust  
Attn: Anthony Jorgenson  
100 Ironwood Road  
Reno, NV 89510
- Location: Off Ironwood Road, 4 miles east of State Route 445
- Assessor's Parcel Number: 077-140-30
- Parcel Size: ±40.34 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 21, T22N, R21E, MDM,  
Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3620
- E-mail: tlloyd@washoecounty.us

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

To access additional information about this item, please visit our website at [www.washoecounty.us/csd/planning\\_and\\_development/](http://www.washoecounty.us/csd/planning_and_development/), choose **Boards and Commissions**, then **Board of Adjustment, Meetings, +2015**. Then click on the above referenced meeting date.