



Board of Adjustment Staff Report

Meeting Date: February 4, 2016

Subject: Administrative Permit Case Number AP15-007
Applicant: Curtis W. Beck (CWB Events)
Agenda Item Number: 8B
Summary: To allow an outdoor community event business license for a two-day art sale event
Recommendation: Approval with Conditions
Prepared by: Lora R. Robb, Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3627
E-Mail: lrobb@washoecounty.us

Description

Administrative Permit Case Number AP15-007 (Incline Village Fine Art Festival) – Hearing, discussion, and possible action to approve an outdoor community event administrative permit and business license application, with associated license conditions, for the Incline Village Fine Art Festival to be held at Preston Field located at 700 Tahoe Blvd in Incline Village (approximately 0.2 miles east of the junction of States Routes 431 and 28). The proposed event will be held on August 13 and 14, 2016, between the hours of 10:00 a.m. and 5:00 p.m., with vendor set-up and tear-down taking place before 10:00 a.m. on Saturday, August 13, and after 5:00 p.m. on Sunday, August 14. The free-to-the-public event is an art exhibit and sale with approximately 40 artists, two food trucks (one each day), and acoustic entertainment. The event organizer estimates approximately 500 participants will take part in the event during any one day of the two-day event. No overnight camping will be allowed during 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 administrative permit and the business license with conditions, or deny the application. If approved, authorize the outdoor community event to commence on August 13, 2016 and further authorize the Director of the Planning and Development Division to issue the business license when all pre-event conditions have been met.

- Applicant: Curtis W. Beck (CWB Events)
- Property Owner: Incline Village General Improvement District
- Location: Preston Field, 700 Tahoe Blvd, Incline Village, NV
- Assessor's Parcel Number: 124-032-33
- Parcel Size: ±5.09 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Use and Structures, and Washoe County Code Chapter 25, Business Licenses, Permits and Regulations

- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Within Section 16, T16N, R18E, MDM, Washoe County, NV

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Outdoor Community Event Business License

Pursuant to Washoe County Code (WCC) Section 25.272, an outdoor community event requires a business license. An outdoor community event with more than 300 and less than 1000 persons on any one (1) day of the event shall also obtain an administrative permit pursuant to WCC Section 110.310.20. The administrative permit is reviewed and approved by the Board of Adjustment (BOA). Approval of the administrative permit includes approval of the outdoor community event business license.

Administrative Permit Definition

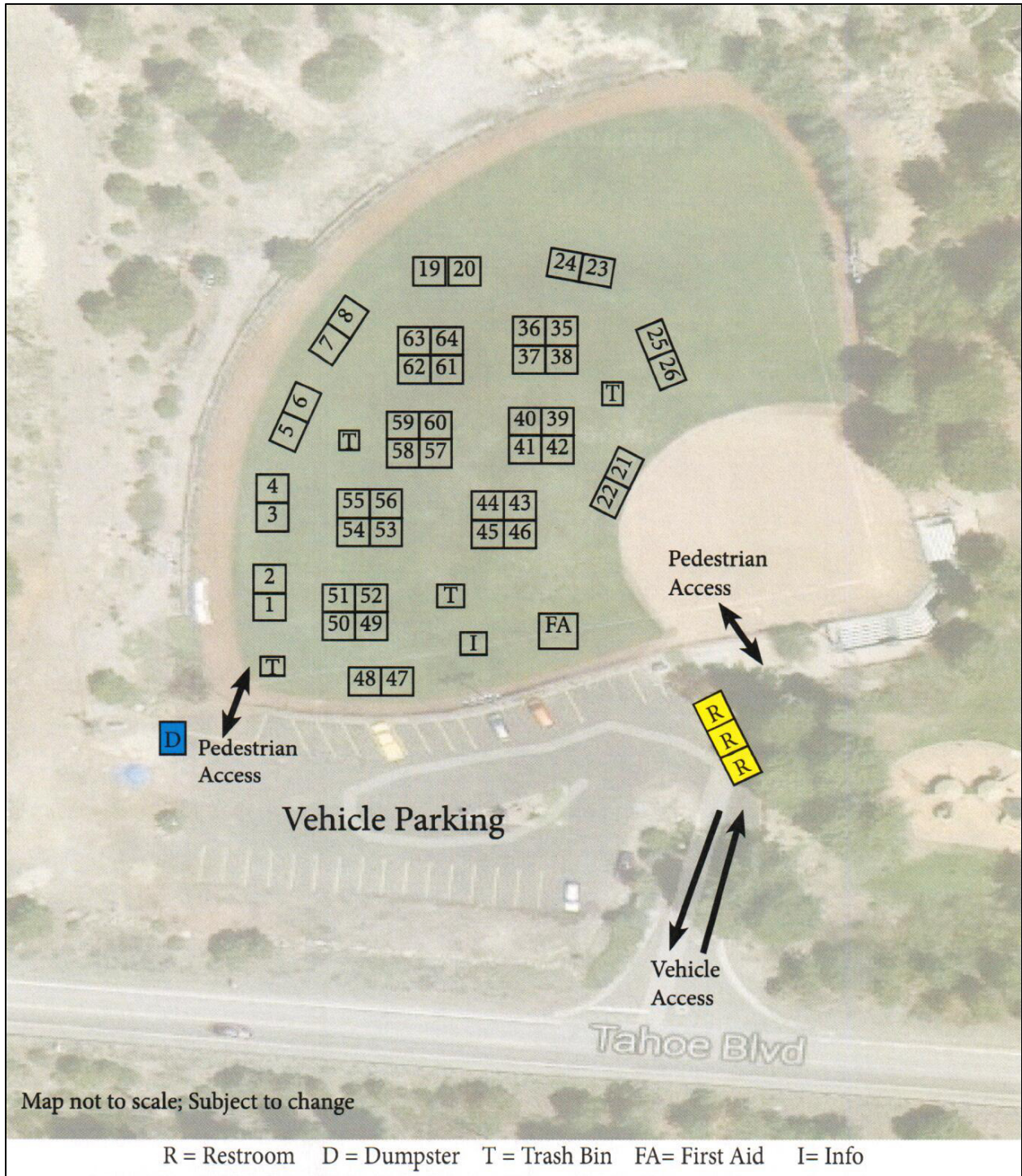
The purpose of an administrative permit is to provide a method of review for a proposed use which possesses characteristics that require a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Board 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.

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 Outdoor Community Event business license with conditions, or deny the application.

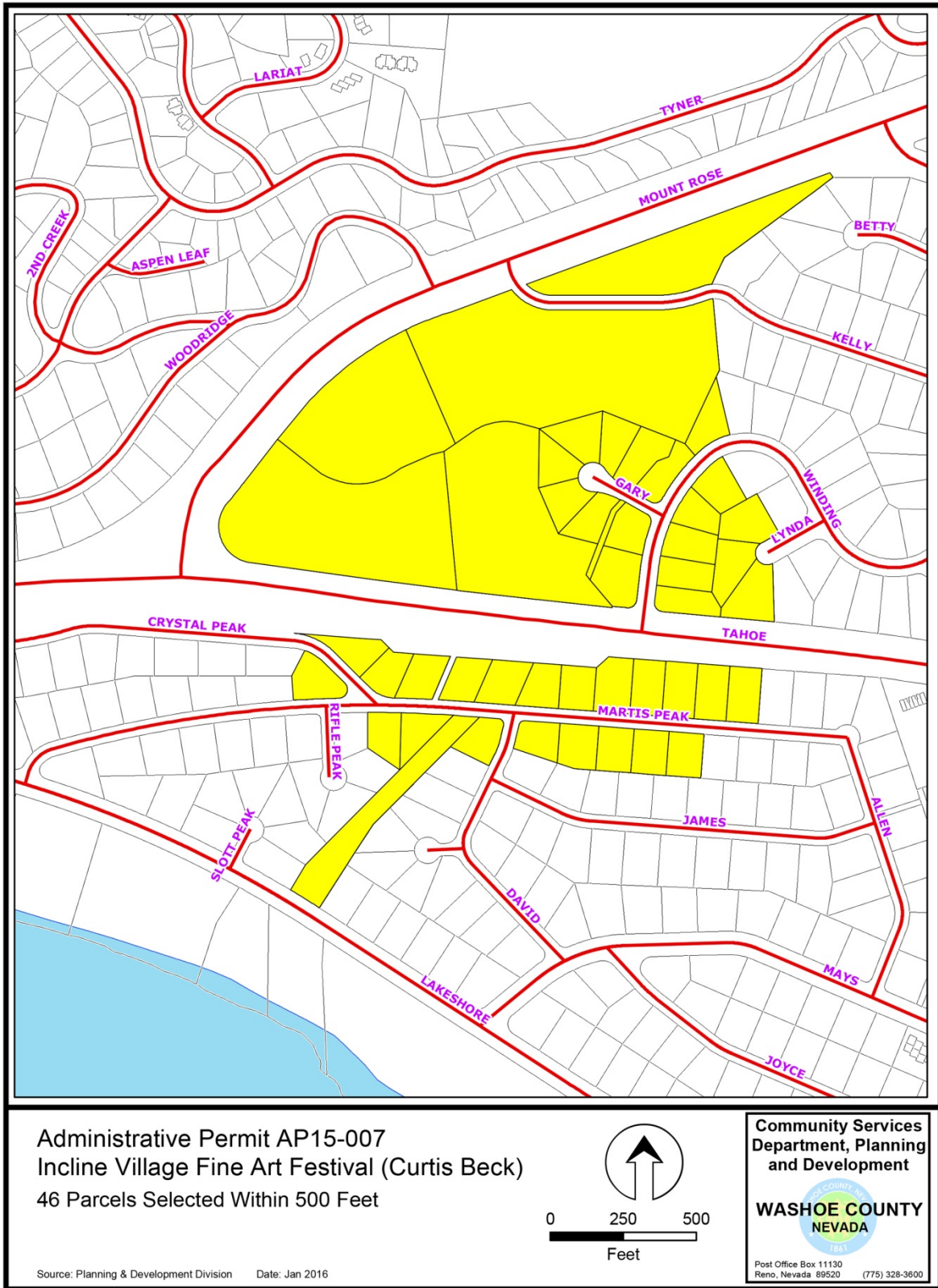
The proposed Conditions of Approval for Administrative Permit Case Number AP15-007 are attached to this staff report (Attachment A) and will be included with the Action Order if the administrative permit is approved by the Board of Adjustment.



Vicinity Map



Site Plan



Noticing Map

Noticing

Administrative Permit Case Number AP15-007 was noticed according to WCC Section 110.808.40 (c) (1). Noticing included all owners of property within 500 feet of the subject parcel, and Incline Village General Improvement District. Forty-six parcels were noticed. Staff did not receive any adverse comments regarding the event from noticed properties.

Incline Village/Crystal Bay Citizen Advisory Board

Washoe County Code does not require administrative permits to be presented to Citizen Advisory Boards (CABs). However, this application was provided to the Incline Village/Crystal Bay CAB as part of the noticing process. Comments from the CAB are included in Attachment B.

Application Evaluation

The Incline Village Fine Art Festival is a two-day exhibit and sale including approximately 40 vendors and two food trucks (one each day of the event). The applicant estimates no more than 500 people will attend the event each day it is held. The event, including setup and breakdown, will be held during weekend daytime hours.

Preston Field is regularly utilized for events. Existing restroom facilities, when complimented with the portable facilities and trash collection being provided by the applicant, will be adequate for the projected attendance. The 5.09 acre property is surrounded by Public Semi Public facilities to the west and north, and is adjacent to Medium Density Suburban residential property to the east and south (across State Route 28). If approved, 2016 will mark the third year the event has been held at Preston Field.

Agency comments concerning this event (as held during previous years) were favorable; the event is well organized and there have been no issues of concern, with the exception of parking.

There is one parking lot at Preston Field providing 33 parking spaces. The applicant estimates patrons will stay at the event for approximately one hour. If that is the case, 33 parking spaces can accommodate 231 cars during the open hours of each day of the event. In the past, limited parking at Preston Field has resulted in overflow parking along State Route 28 which can cause traffic safety issues. The proposed Conditions of Approval for traffic and parking at the Incline Village Fine Art Festival include the preparation and approval of a parking and signage plan. The applicant may want to consider identifying an area for overflow parking and provide a shuttle bus from the overflow parking area to attendees.



2014 Incline Village
Art Festival at
Preston Field



Reviewing Agencies

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

- Washoe County Community Services Department
 - Engineering and Capital Projects, Traffic Engineer
- Washoe County Health District
 - Environmental Health Services Division
 - Emergency Medical Services
- Washoe County Risk Management
- Washoe County Sheriff, Law Enforcement Division
- North Lake Tahoe Fire Protection District
- Tahoe Transportation District
- State of Nevada
 - Department of Transportation
 - Highway Patrol
- Regional Transportation Commission

Four of the ten above listed agencies/departments provided recommended conditions of approval (Attachment C) in response to their evaluation of the project application. A summary of these agencies' recommended conditions of approval and their contact information is provided. Five of the ten agencies/departments responded that they have no conditions; Nevada Department of Transportation responded that they agree with Washoe County Engineering that no parking should be allowed on State Route 28. The Conditions of Approval document is attached to this staff report (Attachment A) and will be included with the Action Order if the Administrative Permit is approved by the Board of Adjustment.

- Washoe County Planning and Development Division addressed the hours of operations and operational conditions that will be in effect for the duration of the event.
Contact: Lora R. Robb, 775.328.3627, lrobb@washoecounty.us
- Washoe County Engineering and Capital Projects Division addressed traffic and parking.
Contact: Clara Lawson, 775.328.3603, clawson@washoecounty.us
- Washoe County Health District addressed requirements for food service permits.
Contact: James English, 775.328.2610, jenglish@washoecounty.us
- Washoe County Risk Management addressed requirements for insurance.
Contact: Doreen Ertell, 775.328.2660, dertell@washoecounty.us

Staff Comment on Required Findings

Washoe County Code Section 110.808.25 requires that all of the following findings, if applicable, be made to the satisfaction of the Board of Adjustment 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 event is a permitted use when an administrative permit and an associated business license are acquired. There are no policies and action programs 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 proposed event will not create any negative impact upon the provision of utilities, sanitation, and water supply. With proper traffic management, the roadways are adequate for the event. As mentioned above, agency-imposed conditions will assure adequate public facilities.*

3. **Site Suitability.** That the site is physically suitable for an outdoor community event, and for the intensity of such.

***Staff Comment:** The proposed site is suitable for the event. There is adequate room for the number of vendor tents and anticipated participants. The success of the event at this venue in past years is an indication the site is suitable for the 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 agencies concerned with public health, safety and welfare have provided the conditions of approval necessary for the event to be not detrimental. Surrounding properties in the area will not be negatively impacted by the event. The conditions of approval provide noise controls (no amplification) and limited hours of operation to assure minimum impact. No surrounding property owners responded to the notice to indicate concern or objection.*

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

***Staff Comment:** There are no military installations within the required noticing distance. Therefore, this finding is not required to be made by the Board of Adjustment.*

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after analysis and review, Administrative Permit Case Number AP15-

007 is recommended for approval with conditions (Attachment A). Staff offers the following motion for the Board's consideration.

Possible Motion

I move that, after giving reasoned consideration to the information contained in the staff report, information received during the public hearing, and subject to the conditions contained as Attachment A in the staff report, the Board of Adjustment approve Administrative Permit Case Number AP15-007 for the Incline Village Fine Art Festival, having made all four findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for an outdoor community event, 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.

Appeal Process

The 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 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.

xc: Applicant: Curtis W. Beck (CWB Events)
1725 Mary Road
Action, CA 93510

Property Owner: Incline Village General Improvement
District 893 Southwood Blvd.
Incline Village, NV 89451

LICENSING REQUIREMENTS
OUTDOOR COMMUNITY EVENT BUSINESS LICENSE

INCLINE VILLAGE FINE ART FESTIVAL

(Approved by the Washoe County Board of Adjustment on February 4, 2016)

At the public hearing held on February 4, 2016, as required under Washoe County Code (WCC) section 25.279, the Washoe County Board of Adjustment approved Administrative Permit Case Number AP15-007 and established conditions which must be met prior to the issuance of any outdoor community event business license, pursuant to WCC sections 25.263 to 25.307 inclusive. Such conditions are imposed for the protection of the health, welfare, safety and property of local residents and persons attending an outdoor community event such as that approved as part of AP15-007. Such conditions include, without limitation, the conditions specified in WCC sections 25.291 to 25.307, inclusive. License conditions are requirements placed on the license by each reviewing agency. These license conditions 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.

Compliance with the conditions of this license is the responsibility of the licensee at the licensee's expense. Failure to comply with any pre-event conditions as attached may cause Washoe County to not issue the outdoor community event business license. Failure to comply with during-event conditions as attached may cause Washoe County to take appropriate measures to revoke or suspend the outdoor community event business license. Failure to comply with post-event conditions as attached may cause Washoe County to impose more stringent conditions on, or potentially jeopardize the approval of, future outdoor community event business license applications.

Washoe County reserves the right to review and revise the approved conditions of this license should the County determine that a subsequent license of permit issued by Washoe County violates the intent of this approval.

The applicant shall submit all required plans, permits, documentation and other pertinent records or documents to the identified responsible agency. The applicant shall further provide the assigned case planner with proof of compliance with all pre-event conditions pursuant to WCC section 25.283(1) by July 29, 2016. The outdoor community event business license shall be issued when the case planner notifies the Director of the Planning and Development Division, Community Services Department, that all imposed pre-event conditions have been met.

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

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

1. Washoe County Planning and Development Division

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

Contact: Lora R. Robb, 775.328.3627, lrobb@washoecounty.us

Pre-event Conditions:

- A. The applicant shall pay the required business license fees prior to July 29, 2016.
- B. The applicant will provide the Planning and Development Division with proof of coordination and compliance with the North Lake Tahoe Fire Protection District (NLTFPD) requirement to obtain an Outdoor Event permit. (The NLTFPD is directed and governed by its own board. Therefore, any conditions set by the NLTFPD must be appealed to that board.) **Staff contact: Mark Regan, 775.831.0351, ext. 8107 mregan@nltpd.net**

During-event Conditions:

- C. The applicant shall demonstrate substantial conformance to the plans (to include parking plans) approved as part of this Administrative Permit and outdoor community event business license. The Planning and Development Division shall determine compliance with this condition.
- D. An outdoor community event license for Incline Village Fine Arts Festival shall be issued prior to commencing display of art. The license shall be prominently displayed at the event site.
- E. Hours of Operation. The event shall take place between the hours of 10:00 a.m. and 5:00 p.m. on each day. Event set-up activities shall not occur before 8:00 a.m. on Saturday, August 13, 2016. At the end of the event, on Sunday, August 14, all activities (to include clean up and trash removal) shall cease by 8:00 p.m.
- F. Noise. Only acoustic music shall be provided. No amplified music or stages are allowed during the event.
- G. Lighting. No lighting shall be used.
- H. Restroom Facilities. Restrooms must be open and available to the public during the entire time of the event. Additional portable toilets and hand wash facilities shall be provided on site to augment the existing permanent facilities and shall be removed when the event ends.
- I. Compliance with Conditions/Inspection. Failure to comply with the conditions of approval shall render this approval null and void and may jeopardize approval of any future events by this organization. Planning and Development Division staff will conduct an inspection to verify compliance. Inspection shall be random and unannounced.

Post-event Conditions:

- J. Clean Up. The applicant shall be responsible for total cleanup of the site, returning it to pre-event condition.

2. Washoe County Engineering and Capital Projects Division

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

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

Pre-event Conditions:

- A. **Signage**. The applicant shall obtain a temporary permit from the Nevada Department of Transportation for any signs placed within the State's right-of-way on State Route 431 (Mt. Rose Highway) or State Route 28 (Tahoe Boulevard). **Permit office phone number: 775.834.8330**
- B. **Traffic and Parking**. Parking and traffic management shall be provided in accordance with the plans approved by the Washoe County Engineering and Capital Projects Division.
 - i. The applicant shall submit a parking and signage plan which shall include no parking signs along both sides of State Route 28 to the approval of the Engineering Division. Signs and cones shall conform to the Manual of Uniform Traffic Control Devices.

During-event Conditions:

- ii. Primary event parking shall be provided by the existing on-site paved parking lot adjacent to Preston Field. Signs shall be placed in accordance with the approved parking plan and shall clearly indicate where parking is allowed, how to access the site, and that an event is occurring.

3. Washoe County Health District

The following conditions are requirements of Washoe County Health District, which shall be responsible for determining compliance with these conditions.

Contact: James English, 775.328.2610, jenglish@washoecounty.us

During-event Conditions:

- A. The applicant shall ensure any food service provided has the necessary permits as required by the Washoe County District Board of Health Regulations Governing Food Service Establishments.

4. Washoe County Risk Management

The following conditions are requirements of Risk Management, which shall be responsible for determining compliance with these conditions.

Contact: Doreen Ertell, 775.328.2660, dertell@washoecounty.us

Pre-event Conditions:

- A. A copy of the applicant's insurance certificate naming Washoe County as an additional insured is required. The evidence of insurance must be provided by July 28, 2016.

*** End of Conditions ***

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: IV CB

Meeting Date (if applicable): _____

Topic or Project Name (include Case No. if applicable): AP 15-007
Incline Village Fine Art Festival

Please check the appropriate box:
My comments were (or) were not discussed during the meeting.

Identified issues and concerns:
from what I have observed of this
event from past years - the review appears
accurate + credible. There has been issues on
the Highway with oversized vehicles parking on the
roadside.

Suggested alternatives and/or recommendations:
Would ask to clarify that no patron parking
gets sacrificed if other jurisdictions require
relief of highway parking issues.

Name Gerald W. Eick Date: 12/21/15
(Please Print)

Signature: Gerald W. Eick

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.
Commissioner's Name: _____

Use additional pages, if necessary.
Please mail, fax or email completed worksheets to: Washoe County Manager's Office
Attention: CAB Program Coordinator
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2491
Email: stone@washoecounty.us

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: Incline Village-Crystal Bay _____

Meeting Date (if applicable): Board of Adjustment – February 4, 2016 _____

Topic or Project Name (include Case No. if applicable): _____
Administrative Review AP15-007 (Incline Village Fine Art Festival)

Please check the appropriate box:

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

Identified issues and concerns:

I would approve the Applicant's fine arts festival plan. There is no stated plan or assurance of payment of costs for trash receptacles, recycling receptacles, rubbish removal, restoration of turf field damage and cleanup post-event. On the page regarding ancillary services to be provided in conjunction with the event the applicant states, "None." I suggest that the Applicant post a bond or provide other security for trash removal and cleanup, and restoration of any damage to the grass fields and grounds at Preston Park. Post-event trash removal should encompass the entire Preston Park area and the surrounding streets called Winding Way and Highway 28. Without a bond or security, these costs and responsibilities would be shifted to Washoe County and/or IVGID.

Suggested alternatives and/or recommendations:

I recommend action to approve an Administrative Permit and outdoor community event business license for the Incline Village Fine Art Festival to be held at Preston Field located at 700 Tahoe Blvd. in Incline Village, Nevada. A bond or other security should be required as noted above.

Name Andrew Wolf Date: Jan. 7, 2016.
(Please Print)

Signature: [Handwritten 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.

Commissioner's Name: Birkbigler

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office
Attention: CAB Program Coordinator
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2491
Email: stone@washoecounty.us

Robb, Lora R

From: Lawson, Clara
Sent: Tuesday, January 12, 2016 10:40 AM
To: Robb, Lora R
Subject: Art on Preston Field
Attachments: 2015 Conditions Incline Art Festival 2016.docx

Below and on the attachment are my recommendations for conditions of approval. I called NDOT and left a message of what I'm proposing. Let me know if you have any questions or concerns.

1. Traffic and Parking. Parking and traffic management shall be provided in accordance with the plans approved by Washoe County Engineering.

The applicant shall submit a parking and signage plans which will include no parking signs along both sides of SR 28 to the approval of the Engineering Division. Signs and cones shall conform to the Manual of Uniform Traffic Control Devices.

2. Primary event parking shall be provided by the existing on-site paved parking lot adjacent to Preston Field. Signs shall be placed in accordance with the approved parking plan and shall clearly indicate where parking is allowed, how to access the site, and that a special event is occurring.
3. The applicant shall obtain a temporary permit from the Nevada Department of Transportation for any signs placed within the State's right-of-way on SR 431 (Mt. Rose Highway) or SR 28 (Tahoe Boulevard).

Permit Office Phone Number: 775-834-8330



Clara Lawson, PE, PTOE, Licensed Engineer
Washoe County | Community Services Dept | **Engineering Division** 1001 E. Ninth St., Reno NV 89520
clawson@washoecounty.us | o 775-328-3603 | fax 775-328-3699

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**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

January 14, 2016

Lora R. Robb, Water Management Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: Incline Village Fine Art Festival; APN: 124-032-33
Administrative Review; AP15-007

Dear Ms. Robb:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering and Vector have reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. The promoter shall ensure any food service provided has the necessary permits as required by the Washoe County District Board of Health Regulations Governing Food Service Establishments.
2. After having reviewed the request, the Vector-Borne Diseases Program has no requirements or detail designs to be added to the building plans.

If you have any questions regarding the foregoing, please call Jim English at 328-2610 or Jim Shaffer 785-4599 regarding engineering or vector comments, respectively.

Sincerely,

James English
Environmental Health Specialists Supervisor
Environmental Health Services

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

JE/JS:je

cc: File - Washoe County Health District

ec: CWB Events: info@cwbevents.com

Robb, Lora R

From: Fagan, Donna
Sent: Monday, December 21, 2015 12:44 PM
To: Robb, Lora R
Subject: FW: Agency Review Memo II - December 2015
Attachments: December Agency Review Memo II.pdf

Lora,

Comments from Rick Management on AP15-007.

~ Donna ~

From: Ertell, Doreen
Sent: Monday, December 21, 2015 12:31 PM
To: Fagan, Donna
Subject: FW: Agency Review Memo II - December 2015

Hi Donna,

The documents look good. We will need a copy of their insurance certificate naming Washoe County as an additional insured.

Thank you,
Doreen

From: Fagan, Donna
Sent: Monday, December 21, 2015 11:09 AM
To: Ertell, Doreen
Subject: Agency Review Memo II - December 2015

Hi Doreen,

Please find the attached Agency Review Memo with the cases received this month by Washoe County Planning and Development.

You've been asked to review item #1. Click on the blue highlighted case description for a link to the application.

Thank you,
Donna

Donna Fagan
Office Assistant III
Washoe County Community Services Department
(775) 328-3616 (office)
dfagan@washoecounty.us
1001 E. Ninth St., Bldg. A, Reno, NV 89512

