



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: March 23, 2021

DATE: February 19, 2021

TO: Board of County Commissioners

FROM: Chris Bronczyk, Planner, Planning & Building, Community Services Department, 775.328.3612, cbronczyk@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building, Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public hearing: Recommendation to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code. (Commission District 5.)

SUMMARY

Washoe County, the applicant, is seeking to revoke Special Use Permit Case Number SB13-008, for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code. SB13-008 was granted an approval by the Washoe County Board of Adjustment on June 6, 2013.

Washoe County Strategic Objectives supported by this item: Stewardship of our Community; and, Safe, Secure and Healthy Communities.

PREVIOUS ACTION

February 4, 2021, Washoe County staff presented the revocation request to the Washoe County Board of Adjustment. The Board of Adjustment voted unanimously to recommend that the BCC revoke Special Use Permit SB13-008.

January 13, 2021, Washoe County staff presented the revocation request to the Warm Springs Citizen Advisory Board. The CAB recommended unanimously to revoke SB13-008.

July 2014, Washoe County staff brought a status report to the Board of County Commissioners which added an additional condition that required the applicant to turn in all reviewing agencies' requirements no later than three days before a horse racing event.

AGENDA ITEM # _____

July 23, 2013, The Washoe County Board of County Commissioners unanimously voted in support of the Board of Adjustment's decision of approval with the condition that the special use permit come back before the Board with a status report after the third horse racing event.

June 14, 2013, Mr. Thomas Scoggins (adjacent property owner) filed an appeal of the Washoe County Board of Adjustment's decision to approve Special Use Permit Case Number SB13-008.

June 6, 2013, SB13-008 was considered, in a public hearing, before the Board of Adjustment. The Board of Adjustment approved the special use permit, with four in favor and one opposed.

BACKGROUND

The owner (Hilaria De La Luz) of 6205 Grass Valley Road (APN:076-340-13) requested the approval of a Special Use Permit to allow for a maximum of 20 one-day horse racing events per calendar year, with a maximum of 400 people per horse racing event. The maximum number of 400 people included spectators, participants, volunteers, employees, contractors, vendors, and visitors. Each event was to be held on either a Saturday or a Sunday beginning in May and running through September. There are a considerable amount of conditions of approval associated with the SUP, which requires the property owner/applicant to do pre, during, and post compliance operations to meet the required conditions of approval.

There is a history of non-compliance with the conditions of approval by the property owner:

- Compliance issues began in 2009, and in 2012 which led to the property owner submitting for a SUP in 2013.
- In 2014, there were reported instances of non-compliance with either the conditions of approval or approved event plans, or both, from the Washoe County Health District, EMS, Planning, and Palomino Valley General Improvement District.
- In 2016, Washoe County Sheriff provided a police report related to an incident that took place on May 14, 2016.
- Continued non-compliance was reported in 2018 and 2019, both of which Washoe County Code Enforcement issued Stop Activity Orders to the property owner.
- In July of 2020, Washoe County staff were informed that the property owners had conducted numerous unpermitted events during the height of the Covid-19 pandemic. The following are reports staff received from PVGID and members of the public.
 - An illegal event held on July 4, 2020.
 - An event in June 2020.
 - An event on Friday, August 14, 2020 from 5pm to 9pm.
 - An event on Saturday, August 22, 2020 starting at 9am.

- On July 14, 2020, Washoe County Code Enforcement issued another Stop Activity Order. The property owners did not contact the assigned code enforcement officer about the Stop Activity Order. The applicant did not contact staff when staff informed the applicant of the revocation. When staff reached out to the applicant regarding the Citizen Advisory Board (CAB) meetings, the applicant once again did not communicate with staff; and staff was unsure if the property owners would be present at the meeting.
- Staff from the Washoe County Health District; Emergency Medical Services; Washoe County Sheriff's Office; Palomino Valley General Improvement District; and Washoe County Code Enforcement support revocation of SB13-008

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

After holding the public hearing and reviewing the record, it is recommended that the Board of County Commissioners consider the recommendation of the Board of Adjustment and take action to revoke Special Use Permit Case Number SB13-008.

Should the Board decide not to revoke SB13-008, the special use permit and all associated conditions shall remain in effect.

POSSIBLE MOTION

Should the Board decide to take action to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing), staff offers the following motion:

“Move to take action to revoke Special Use Permit Case Number SB13-008 based upon the ability to make the findings, pursuant to WCC 110.810.70(b), that the following grounds for revocation exist:

- (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; and,
- (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.”

Attachment A: Board of Adjustment Staff Report dated 1/5/21

Attachment B: SB13-008 DeLaLuz Horse Racing (Original) Action Order

Attachment C: Warm Springs CAB Draft Minutes

Cc:

Property Owner: Jose and Hilaria De La Luz, 6205 Grass Valley Road, Reno, NV
89510; Email: delaluzyvette@gmail.com



Board of Adjustment Staff Report

Meeting Date: February 4, 2021

Agenda Item: 8G

SPECIAL USE PERMIT CASE NUMBER: SB13-008 (De La Luz Horse Racing Events Revocation)

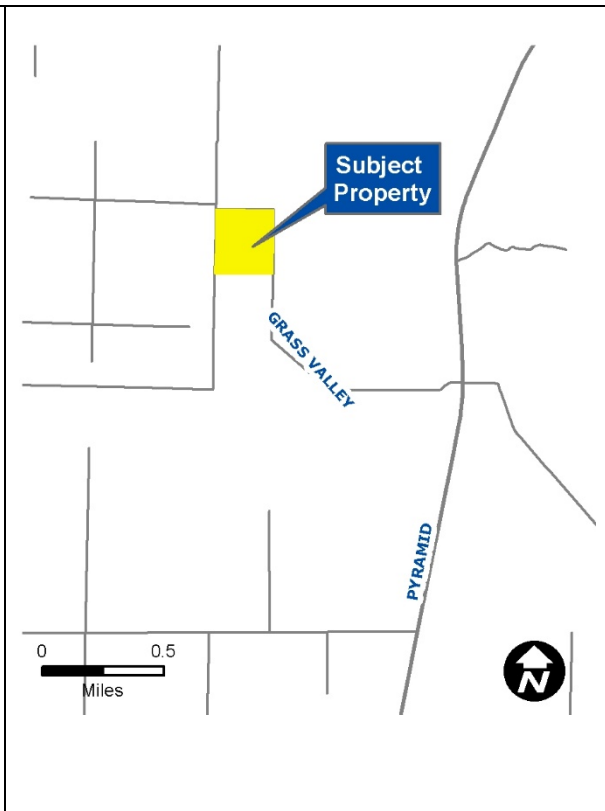
BRIEF SUMMARY OF REQUEST: Revocation of Special Use Permit Case Number SB13-008 due to noncompliance.

STAFF PLANNER: Planner's Name: Chris Bronczyk
Phone Number: 775.328.3612
E-mail: cbronczyk@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code.

Applicant:	Washoe County
Property Owner:	Hilaria De La Luz
Location:	6205 Grass Valley Road, Warm Springs Valley
APN:	076-340-13
Parcel Size:	+40.13 acres
Master Plan:	Rural (R)
Regulatory Zone:	General Rural Agriculture (GRA)
Area Plan:	Warm Springs
Citizen Advisory Board:	Warm Springs
Development Code:	Authorized in 302, Allowed Uses; and Article 810, Special Use Permits
Commission District:	5 – Commissioner Herman



STAFF RECOMMENDATION

REVOKE

DENY

POSSIBLE 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 revoke Special Use Permit Case Number SB13-008, having made two of the grounds for revocation in accordance with Washoe County Code Section 110.810.70(b).

Staff Report Contents

Special Use Permit.....3

Approved Site Plan (SB13-008).....4

Site Aerial.....5

Background.....5

Grounds for Revocation / Summary of Conditions Violated:6

Action History7

Compliance History7

Warm Springs Citizen Advisory Board (WS CAB).....11

Recommendation11

Motion11

Appeal Process11

Exhibits Contents

SB13-008 Original Staff ReportExhibit A

SB13-008 Original Action OrderExhibit B

Code Enforcement TimelineExhibit C

Sheriff Memo.....Exhibit D

Health District Memo.....Exhibit E

Health Enforcement Complaint.....Exhibit F

EMS MemoExhibit G

Truckee Meadows Fire Protection District Memo.....Exhibit H

Animal Services Memo.....Exhibit I

PVGID MemoExhibit J

Noncompliance April 2014 EmailsExhibit K

Noncompliance September 2014 Emails.....Exhibit L

Neighbor Report of EventsExhibit M

Email Chain from July 2020.....Exhibit N

Email Chain from 2019.....Exhibit O

Screenshot from July 4 Video.....Exhibit P

Screenshot from July 4 Video.....Exhibit Q

Screenshot from July 4 Video.....Exhibit R

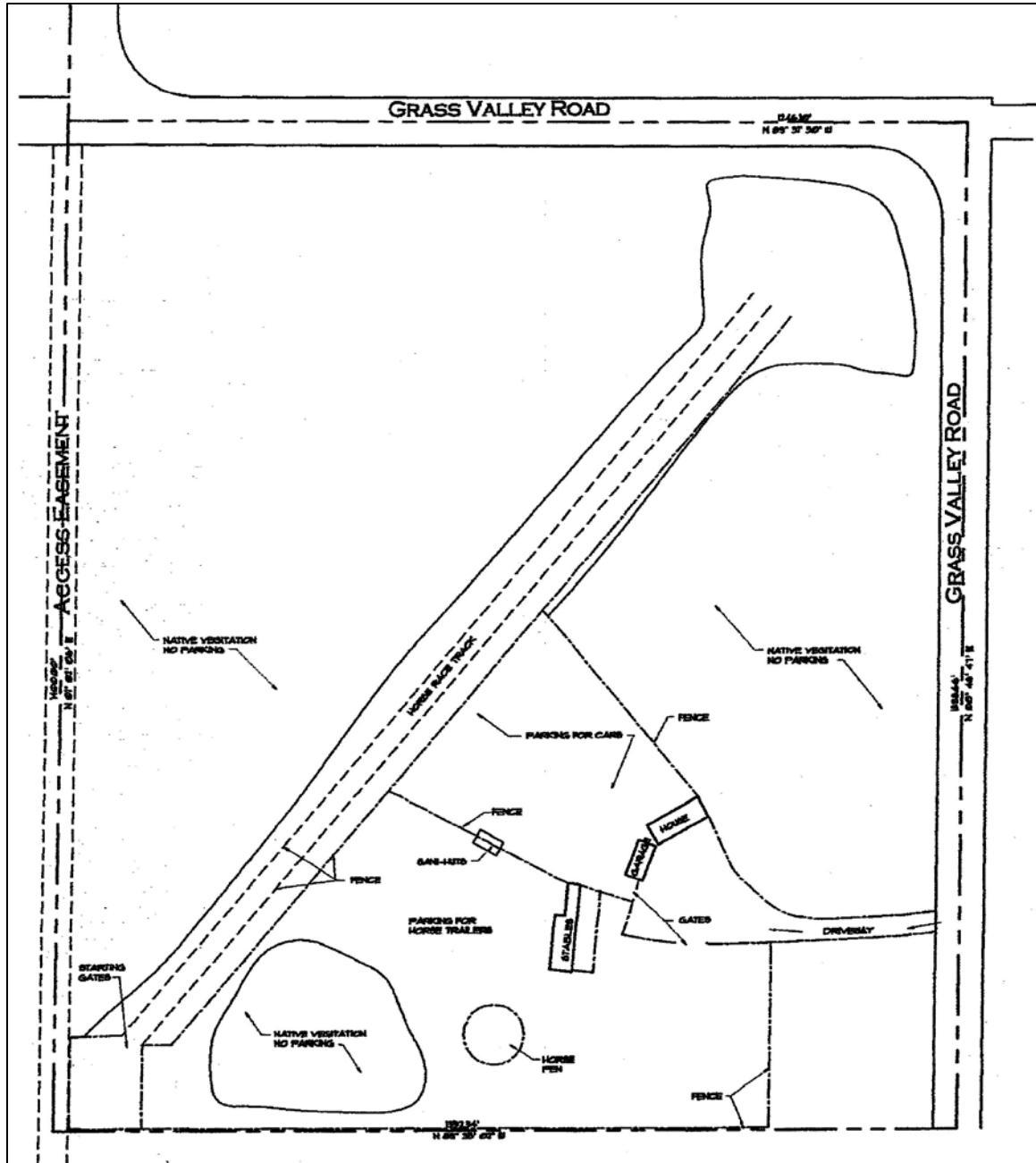
Response from EMS regarding July 2019 Date.....Exhibit S

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 subject property is designated as General Rural Agriculture (GRA). The approved use of the property was for horse racing which is classified as Commercial Stables. It was permitted with a special use permit (SUP) in 2013 per WCC 110.302.05.3. The Board of Adjustment is being asked to revoke the special use permit due to multiple violations of the special use permit’s conditions of approval, as detailed in this staff report.





Site Aerial

Background

Washoe County is proposing to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) due to non-compliance with numerous conditions of the special use permit, including conditions 1(c), compliance with the conditions of approval to the satisfaction of each reviewing agency before a business license is issued for horse racing events; 1(x), maintaining a valid business license, and 1(i), which required the applicant to submit an events calendar no later than April 1st of each year and to submit any changes to the event calendar 15 days prior to the date that was changed.

In 2013, Special Use Permit SB13-008 was approved to allow for horse racing events to take place at 6205 Grass Valley Road. The request was to allow for a maximum of 20 one-day horse racing events per calendar year, with a maximum of 400 people per horse racing event. The maximum number of 400 people included spectators, participants, volunteers, employees, contractors, vendors, and visitors. Each event was to be held on either a Saturday or a Sunday beginning in May and running through September.

The subject parcel is ± 40 acres, has a master plan category of *Rural* and a regulatory zone designation of *General Rural Agricultural (GRA)*. The subject parcel is located within the Warm Springs Planning Area. 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, which is approximately 300 feet in length, dedicated to the horse races. This parcel is served by private septic and well and is surrounded by similar ± 40 acre parcels with GRA zoning. The entire subject parcel is within a designated FEMA 100-year flood zone.

All event related traffic utilizes 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 original SB13-008 request had a limit of 10 horses maximum for each day of horse racing, a maximum of 12 horse races per event day, and 6 to 8 participants.

Washoe County Development Code, Article 302, *Allowed Uses* (referred to as "Use Types") establishes the uses that are allowed in each regulatory zone and Article 304 defines those uses.

The Development Code does not specifically identify "Horse Racing" as a use type. Equestrian events are categorized as *Commercial Stables*, which is a use type defined in Article 304, *Use Classification System*, that often involves horse competition events in addition to commercial boarding. Therefore, it was determined at the time (ie: 2013) that a "Horse Racing" use type is most equivalent to a "Commercial Stables" use type.

Section 110.304.25 Commercial Stables. Commercial stables refers to boarding or raising of three (3) 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.

Grounds for Revocation/Summary of Conditions Violated:

WCC 110.810.70(b) sets forth the grounds for revocation of a SUP:

Grounds for Revocation. A special use permit may be revoked pursuant to the provisions of this section upon a finding of **any one (1) or more of the following grounds:**

- (1) That the special use permit approval was obtained or extended by fraud;
- (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

Staff finds that grounds (2) and (3) above are applicable to SB13-008. The property owner has consistently violated several of the conditions of approval, which in turn has led to events being conducted in a manner detrimental to the public health and constituting a public nuisance. In addition, staff has evidence that the owner has held illegal events during the COVID-19 pandemic in contravention to the Governor's Emergency Directives prohibiting public events, thus endangering the public health and safety of the citizens of Washoe County. In addition, the following are the conditions of approval which have been violated:

- **Condition 1(a)** The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.

Staff comment: Investigations by various agencies discovered that the event organizer was not following plans submitted to reviewing agencies and the explanation of the scope of the event kept changing as described in page 7 and 8 of this staff report.

- **Condition 1(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.

Staff Comment: The applicant consistently failed to meet agency deadlines for submission of contracts, failed to communicate with reviewing agencies about upcoming events, and even when approved by an agency, failed to follow the approved agency conditions. This failure of communication and documentation is demonstrated by the lack of supporting evidence of approval from reviewing agencies, such as Air Quality.

- **Condition 1(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.

Staff Comment: The applicant has consistently failed to meet these deadlines and even when an events calendar was eventually submitted, the applicant would change dates less than 15 days prior to the event date (Exhibit S). Staff also has evidence that illegal (unauthorized) events have been held this year even though no event calendar was submitted and no events were reviewed nor approved. Additionally, these illegal events were held during the COVID-19 pandemic in violation of the Governor's Emergency Directives.

- **Condition 1(x)** This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

Staff Comment: The applicant has not maintained a valid business license. The applicant allowed their business license to expire on August 21, 2020.

It should be noted that condition 1(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" is part of the basis for this revocation proceeding. Additionally, the revocation is being requested at this time due to the cumulative violations, disregard of conditions, and especially due to the very serious violation of the Governor's Emergency Directive regarding large gatherings and events.

WCC Section 110.810.70(c) requires the Planning Commission, Board of Adjustment or hearing examiner shall submit findings based on any one or more of the grounds listed in subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the special use permit has been issued shall be notified of any recommendations made by the Board of Adjustment no later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.

Action History

A temporary special event permit allows a gathering of less than 100 persons on any one day of the event. In 2009, one temporary Special Event permit was issued. Washoe County's permit system shows no activity for the subject parcel in 2010. In 2011, the applicant was issued nine temporary special event permits, and 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

June 6, 2013, The Washoe County Board of Adjustment approved Special Use Permit Case Number SB13-008, a motion to approve passed, with four in favor and one opposed.

June 14, 2013, Mr. Thomas Scoggins (adjacent property owner) filed an appeal of the Washoe County Board of Adjustment's decision to approve Special Use Permit Case Number SB13-008.

July 23, 2013, The Washoe County Board of County Commissioners unanimously voted in support of the Board of Adjustment's decision of approval with the condition that the special use permit come back before the Board with a status report after the third horse racing event. Even with the approval of a special use permit, the applicant is still required to do pre, during, and post compliance operations to meet their conditions of approval.

In July of 2014, Washoe County staff brought a status report to the Board of County Commissioners which added an additional condition that required the applicant to turn in all reviewing agencies' requirements no later than three days before a horse racing event. The applicant submitted their event schedule to staff within the month of April, but then reschedule several events. Due to this, some of the conditions weren't satisfied until the day of the event.

Compliance History

September 18, 2009 – Washoe County Business License: Business License had an application for 6205 Grass Valley Road, Palomino Valley, Nevada on September 18, 2009. Staff received a copy of the license application and staff called the contact and advised them to pull a

permit prior to 5PM on September 18, 2009. Staff was informed from business license staff that the applicant had changed their stories many times with regards to the event and they were not sure what was going to happen out there.

September 20, 2009 – Washoe County Health District: WCHD responded to a complaint on September 20, 2009 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 sub-standard 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 (allowed under the temporary special event permit). Prior to leaving the event, WCHD touched base with the Washoe County Sheriff's Office (WCSO) who had four deputies on site; the Health District officials explained their concerns with the event and listened to the exchange between the property owner's son and the officers. Once again, the operator was given a different story.

September 20, 2009 – Washoe County Sheriff's Office: WCSO Deputies were dispatched on September 20, 2009 to 6205 Grass Valley Road on a report of a disturbance. Upon arrival they witnessed 250-300 vehicles and estimated 500-600 people congregating. A subject who identified himself as Jose De Luz, Jr. produced a Health District permit for food service, however they did not have their full special use permit. Jose Sr. ultimately allowed deputies access to the property and stated it was a "horse exhibition" and people could view show and dancing horses to purchase. As Jose Sr. was finishing his statement, deputies observed horses with riders exit the chutes in racing fashion with riders dressed in jockey apparel. Deputies were told the race was for bidding purposes to purchase the animals. The subjects initially told deputies they did not charge people to enter the event, but they later learned people were charged \$10 to enter.

October 12, 2012 – Washoe County Health District: WCHD responded to a complaint on October 12, 2012 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.

April 2014 - Washoe County Health District, Emergency Medical Services, and Planning: All three agencies reported noncompliance in April 2014 (Exhibit K) regarding the lack of a manure plan and a signed contract with a franchised waste hauler 15 days prior to their first event; a lack of a signed contract for security service a minimum of 30 days prior to the first event; and that event dates had been reported changed, but not communicated to WC staff.

September 11, 2014 – Washoe County Planning, Emergency Medical Services, and PVGID: All three agencies reported conditions not being satisfied. Emails to the applicant were sent on September 11, 2014 (Exhibit L) to inform the applicant the event to be held on September 13, 2014 could not be held due to outstanding items.

May 14, 2016 – Washoe County Sheriff's Office: WCSO deputies were dispatched on May 14, 2016 to 6205 Grass Valley Road on a report of shots fired and a man pointing a gun at people at an event. Upon arrival they observed a large crowd of people milling around in an open field on the property. A person in a REMSA uniform told deputies he observed a subject pull a gun from his pants. He further explained that several ESI security personnel and others from the crowd wrestled the firearm from the subject and then one of the suspect's friends took the gun and hid it. Deputies got into a foot pursuit with the suspect once they located him and attempted to talk to him. Deputies ultimately learned the firearm was put into a Porta Potty. Deputies reached out to the Porta Potty company which drained the toilet in question and a .40 pistol was recovered. The suspect in this case was arrested. It is unknown how the suspect in this case is related to the property owners.

June 2018 – Washoe County Planning: In June 2018, planning staff reported non-compliance with the operational conditions related to Washoe County Special Use Permit SB13-008. Additionally, the Palomino Valley GID complained in an email thread that no communication had taken place with the event organizers and the GID. The GID provided additional photos that events were being held without the required meeting (see Item #4 on page 10) and conditions. Code Enforcement issued a stop activity order to the applicant and informed them that they are required to meet all their SUP conditions as well as agency requirements (e.g. contracts) listed on the SUP. The applicant eventually worked with staff to comply and was permitted to hold one event in September.

January 2019 – Washoe County Planning: The Planner who handles SUP conditions notified code enforcement of non-compliance of conditions. The non-compliance was related to past events that were not witnessed by the code enforcement officer, so the complaint was closed; however, another Stop Activity Order was issued to ensure that future events would be properly approved by planning.

July 2020 – Washoe County Planning: Staff was alerted that the applicant held an illegal event on July 4, 2020; and an event in June of 2020 (Exhibit N). Two additional events took place on August 14, 2020 from 5:00 p.m. to 9:00 p.m. and on August 22, 2020 starting at 9:00 a.m. Staff received videos (Exhibit P, Q, R), photos from the public and from the Palomino Valley General Improvement District (PVGID). Staff was also provided social media links that showed the horse race events on July 4, 2020 taking place. The applicant never reached out to staff throughout 2020. The applicant is required to do pre, during, and post compliance operations in order to meet their approved special use permit conditions of approval. Open communication between WC planning staff is required for continued maintenance and enforcement of the approved SUP's conditions of approval. These recent reports are what led staff to proceed with the revocation of SB13-008. On July 13, 2020 Code Enforcement issued yet another Stop Activity Order for the property. The property owners did not contact the assigned code enforcement officer about the Stop Activity Order. The applicant did not contact staff when staff informed the applicant of the revocation.

When staff reached out to the applicant regarding the Citizen Advisory Board (CAB) meetings, the applicant once again did not communicate with staff; and staff was unsure if the property owners would be present at the meeting. Ultimately, the applicant was present at the CAB and were told to start communicating with staff.

Agency Review

Washoe County Air Quality: Air Quality informed staff that they have no record of complaints, and no record of them being either in or out of compliance with the following requirements.

1. Water truck shall be available on site the day prior to through the day after all events.
2. 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 Regional Animal Services: Animal Services informed staff that they did inspections on the property in 2014 and 2015 and everything was in order at those visits. They have had no communication and have done no inspections on this property since 2015. Animal Services shows no complaints lodged against this address. The Board of Adjustment Action Order shows that the applicant was required to submit a large animal veterinary plan before each event. Animal Services has no record of them ever receiving this.

Truckee Meadows Fire Protection District: TMFPD informed Planning that staff had inspected the site in May and June of 2019, as well as July of 2017, and August of 2016. No major issues were reported. TMFPD informed staff that no one has contacted them in 2020 regarding any conditions and have no documentation of major enforcement issues.

Washoe County Emergency Medical Services: WCEMS stated that the conditions required, were met in 2013, 2014, 2015, and 2016. The handwashing facilities and accessible temporary restrooms were provided by Sani-Hut Co., and receipts were received related to these services. EMS standby services/first aid stations were provided by REMSA, and receipts or emails from REMSA were received confirming these services. A map of the site was provided each of these years as well, designating the first aid station location, ingress and egress routes for EMS vehicles, and medical helicopter landing site. No medical records are on file for any year, indicating no patients were treated at the event or EMS did not receive these records.

The EMS Oversight Program has no record of these conditions being met from 2017 onward; HOWEVER, due to recent turnover in EMS Oversight Program staff, it cannot be determined if this is because staff members never received such documentation from 2017-2019 or if they are just unable to find the documents. EMS staff has reached out to REMS's special events coordinators for any additional documentation they may have regarding these events.

EMS staff has not received any documents regarding this event for the year 2020; therefore, if the applicant held any of these events this year, the applicant is not in compliance with the standards outlined in the original permit. Per condition 6, item A of SB13-008: "All items...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...".

Due to the resources involved in reviewing the conditions annually for this SUP, EMS is in support of the revocation of SB13-008.

Washoe County Sheriff's Office: WCSO provided the following comments regarding the revocation of SB13-008.

Although the above incidents are spread out over a long period of time, each call took considerable resources from the Washoe County Sheriff's Office to respond to and investigate. It also appears the permitting requests for the events may not actually be what is occurring in respect to the number of attendees and the types of events being held. It is the position of the Washoe County Sheriff's Office Patrol Division to not allow this permit to remain in place.

Palomino Valley General Improvement District: PVGID required the following conditions on the original approval.

1. On event days, the applicants shall water Grass Valley Road (from Pyramid Highway to just past any 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 PVGID.
4. The applicants 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 grading, if necessary.

PVGID stated that event schedules were not always sent to PVGID in a timely manner, and the promoters did not promptly inform PVGID of schedule changes. PVGID noted that on numerous occasions watering contracts were not sent by the deadline, and contracts were often missing signatures and other vital information. One such occasion took place in 2018.

On May 29, 2018, PVGID requested confirmation on whether an event was taking place that weekend and if they could provide a water contract by May 30, 2018. No response was provided by Ms. De La Luz. On June 2, 2018, PVGID learned there was an event taking place and PVGID staff drove to the property and reported at least 100 vehicles on the property, and at least 10 more vehicles showing up while PVGID staff were at the property.

Most recently, PVGID received an email from a resident who lives near the event property, and the resident informed PVGID of an event taking place on July 4, 2020, which is the second event held this summer.

PVGID agrees with the actions being taken by Washoe County and supports the revocation of SUPSB13-008.

Warm Springs Citizen Advisory Board (WS CAB)

The proposed revocation was brought forward by Washoe County staff at the regularly scheduled Citizen Advisory Board (CAB) meeting on September 9, 2020. The Warm Springs Citizen Advisory Board did not have a quorum.

The proposed revocation was presented by Washoe County staff at the regularly scheduled Citizen Advisory Board (CAB) meeting on January 13, 2021. The CAB members and members of the public brought up concerns related to animal cruelty, lack of compliance with PVGID, watering the roads, and being bad neighbors. The CAB recommended unanimously to revoke SB13-008.

Recommendation

After a thorough analysis and review, it is recommended that the Washoe County Board of Adjustment revoke Special Use Permit Case Number SB13-008. 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 revoke Special Use Permit Case Number SB13-008, having made two of the grounds for revocation in accordance with Washoe County Code Section 110.810.70(b)(2) and (3):

Grounds for Revocation. A special use permit may be revoked pursuant to the provisions of this section upon a finding of **any one (1) or more of the following grounds:**

- (1) That the special use permit approval was obtained or extended by fraud;
- (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is 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 Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant: Washoe County



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. 9C

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
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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

Description 1
 Special Use Permit 3
 Vicinity Map 4
 Site Plan 5
 2011 Aerial Photo 6
 100 Year Flood Zone Map 7
 Public Notice 8
 Project Evaluation 8
 Development Code Standards 11
 Site Visit 12
 Reviewing Agencies 13
 Public Comment 15
 Staff Comment on Required Findings 18
 Recommendation 19
 Motion 20
 Appeal Process 20

Exhibits Contents

Conditions of Approval Exhibit A
Reviewing Agency Conditions of Approval
 Washoe County Engineering Division Exhibit B
 Washoe County Air Quality Division Exhibit C
 Washoe County Vector-Borne Diseases Division Exhibit D
 Washoe County Environmental Health Services Exhibit E
 Washoe County Emergency Medical Services Exhibit F
 Washoe County Regional Animal Services Exhibit G
 Washoe County Traffic Engineer Exhibit H
 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

Washoe County Board of Adjustment

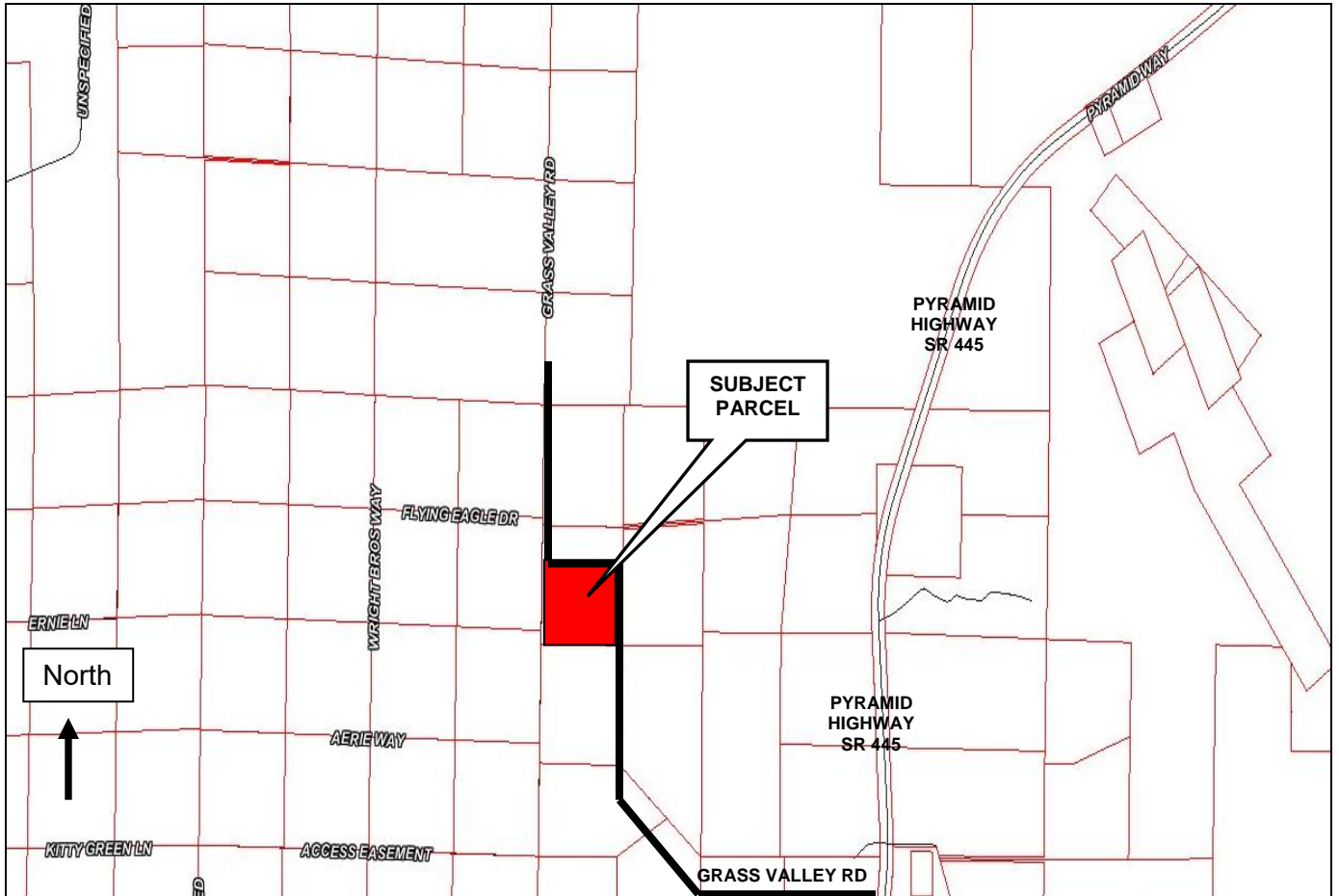
Staff Report Date: May 24, 2013

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:

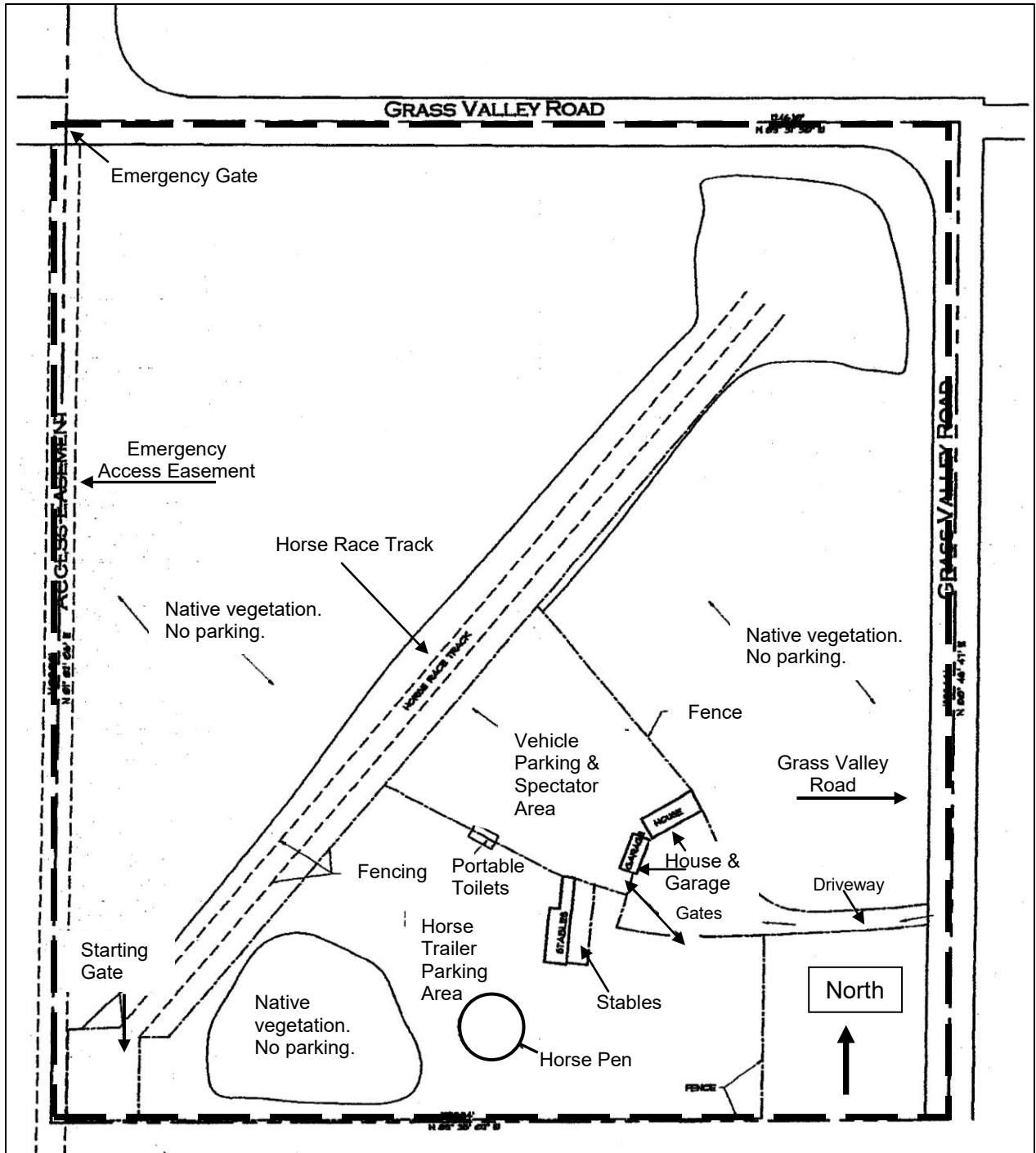
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational 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.



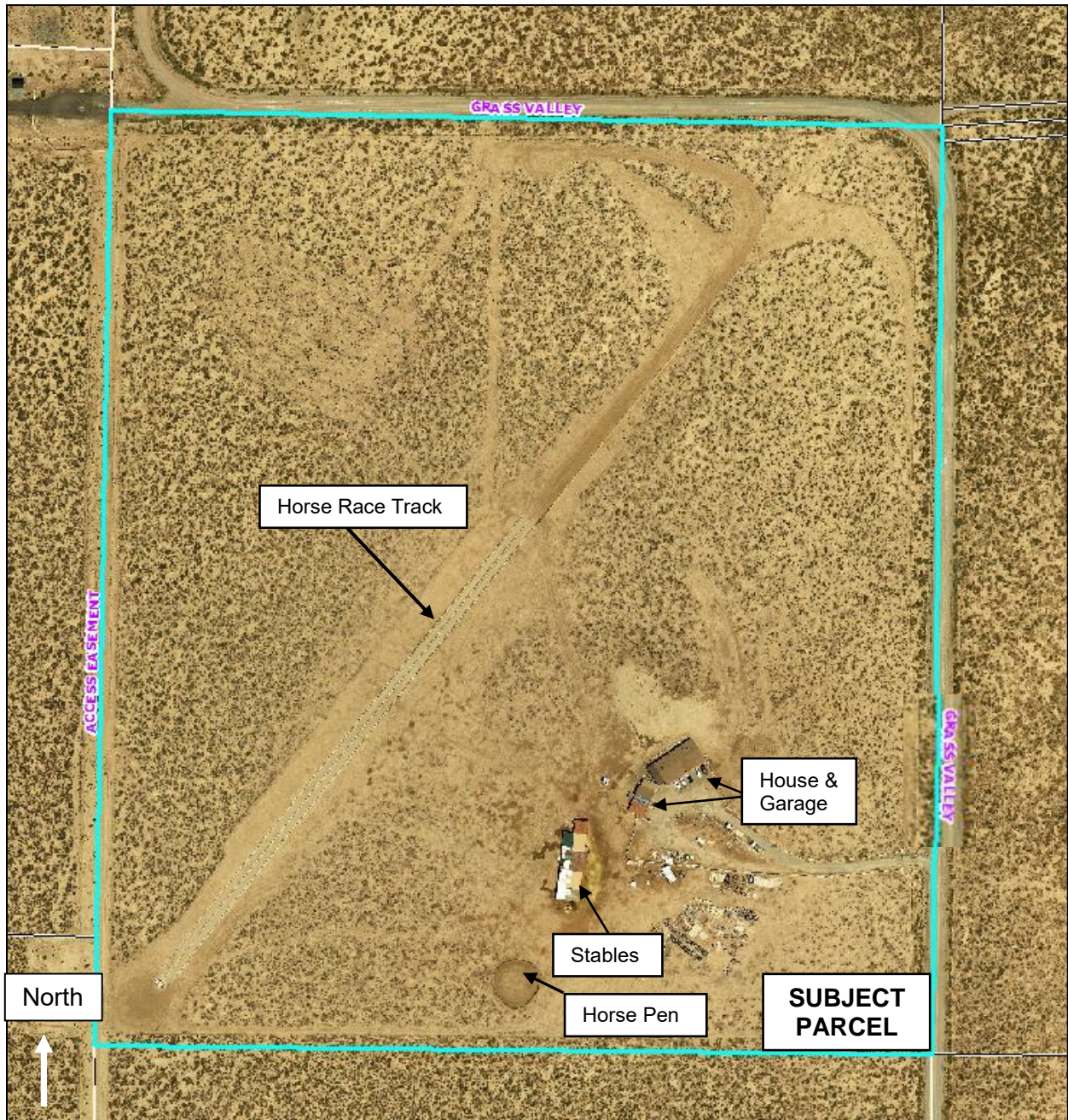
Vicinity Map

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

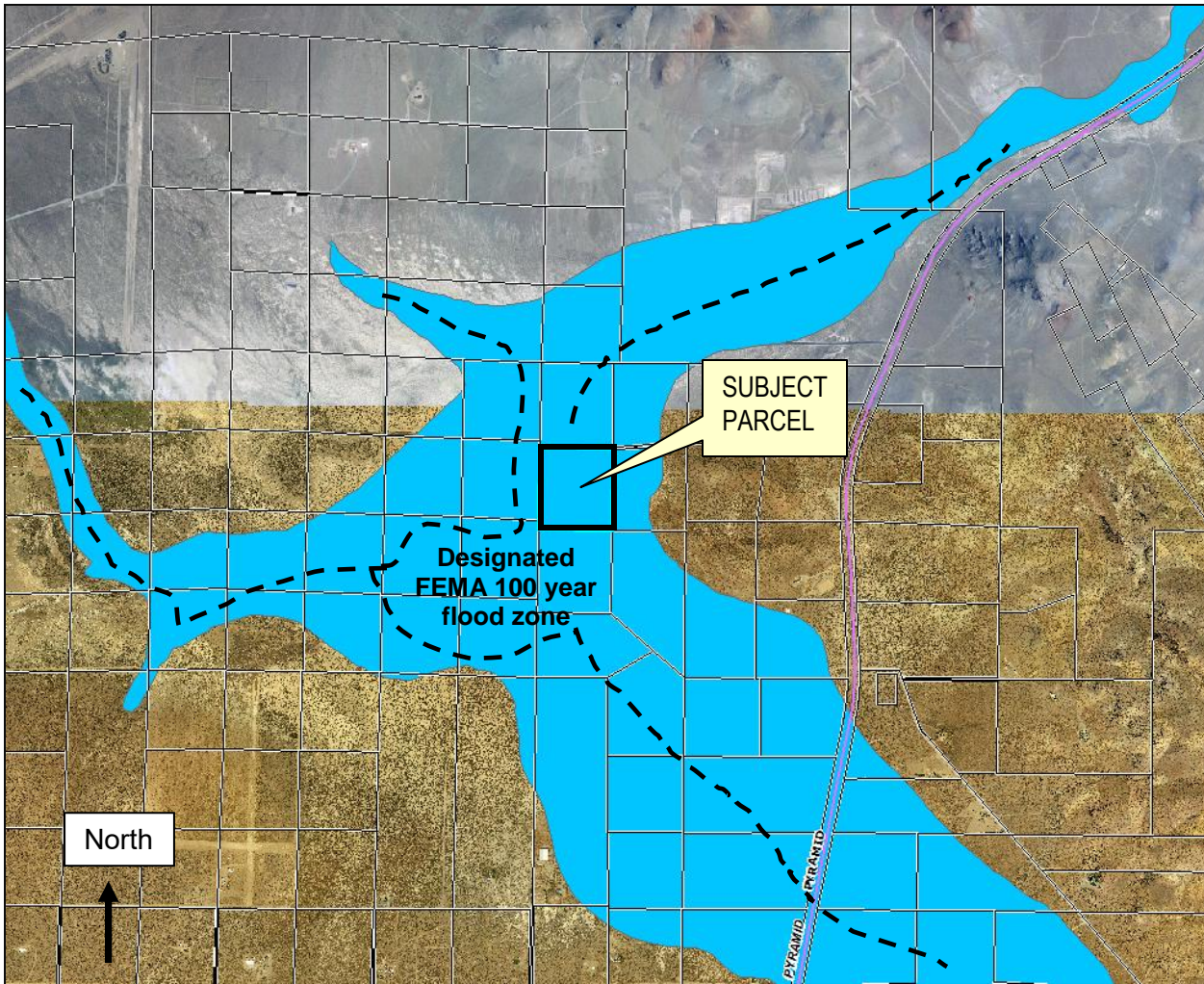


Site Plan

Subject ± 40 acre parcel



2011 Aerial Photo



100 Year Flood Zone Map

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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.

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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.

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

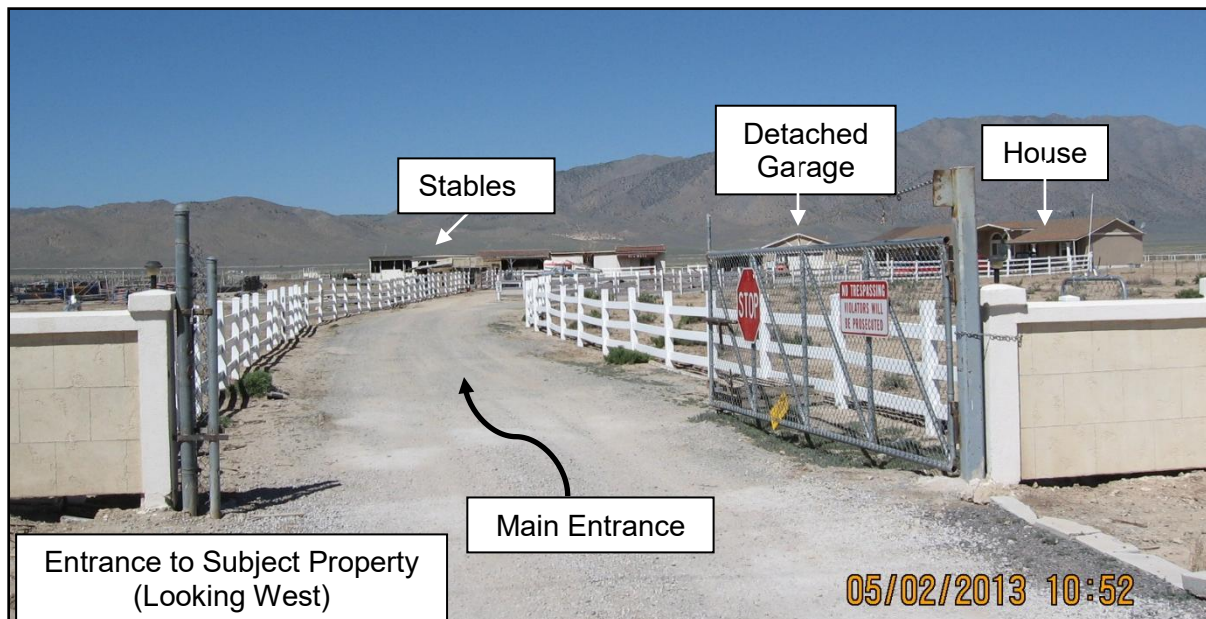
standards of the Development Code as part of the approval of the special use permit application. A portion of Section 110.810.20 is provided below.

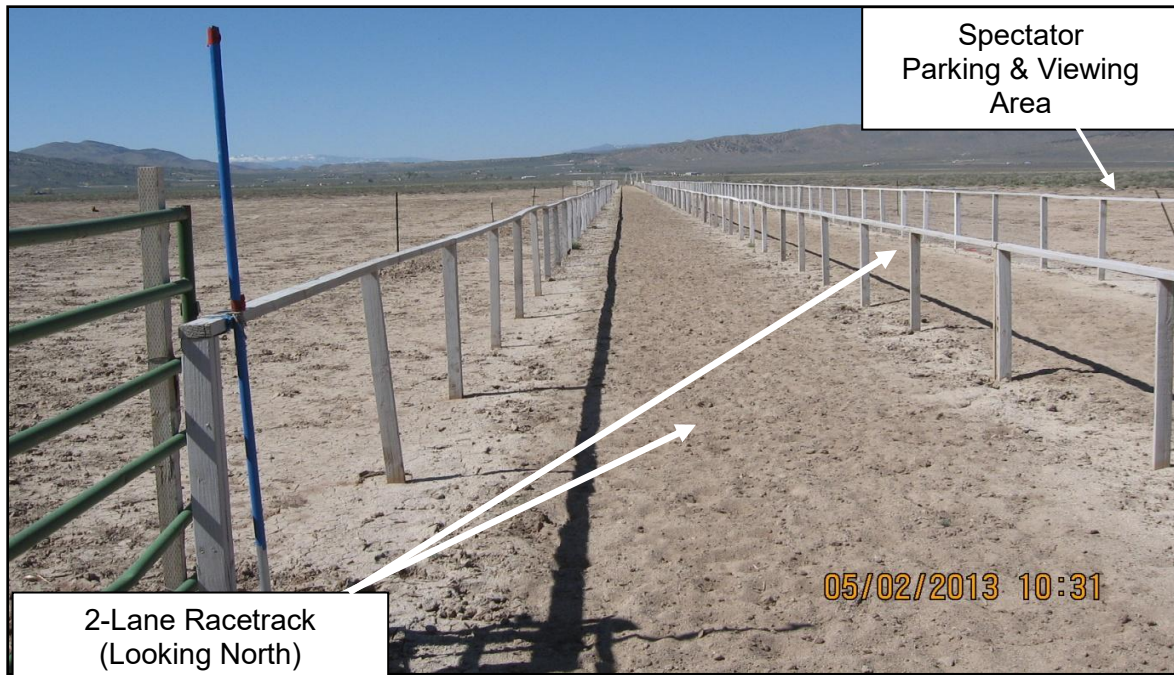
Section 110.810.20 Review Procedures.

(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

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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@tmfspd.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.

Washoe County Board of Adjustment

Staff Report Date: May 24, 2013

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:



Board of Adjustment Action Order

Special Use Permit Case No. SB13-008

Decision: Approval with Conditions
Decision Date: June 6, 2013
Applicant/Property Owner: Hilaria De La Luz, 6205 Grass Valley Road, Reno, NV 89510
Assigned Planner: Grace Sannazzaro, Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3771
Email: gsannazzaro@washoecounty.us

Project Description: 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.

- 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

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810. If no appeals have been filed within 10 days after the date of decision, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 810 of the Washoe County Development Code.

This Action Order of approval is granted subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. A business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Department.

To: Hilaria De La Luz
Subject: Special Use Permit Case No SB13-008
Date: June 7, 2013
Page: 2

Washoe County
Planning & Development

William Whitney
Secretary to the Board of Adjustment

WW/GS/ds (SB13-008 DeLaLuz Horse Racing Action Order)

Attachments:

- Conditions of Approval

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

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

Agencies: Gregory Salter, Esq., Washoe County District Attorney's Office;
Carol Buonanoma, Washoe County Assessor's Office (CAAS);
Theresa Wilkins, Washoe County Assessor's Office;
Leo Vesely, Washoe County Engineering Division;
Charlene Albee, Washoe County Air Quality Management Division;
Jim Shaffer, Washoe County Vector-Borne Diseases;
Jim English, Washoe County Environmental Health Services Division;
Stacey Akurosawa, Washoe County EMS Division;
Bobby Smith, Washoe County Regional Animal Services Division;
Amy Ray, Truckee Meadows Fire Protection District;
Larry Johnson, President, PVGID
Warm Springs Citizen Advisory Board



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

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-6106
FAX (775) 328.6133

COMMUNITY SERVICES DEPARTMENT Planning and Building Division Code Compliance

Code Enforcement Timeline

WCMP18-01776 / WCMP20-00913
6205 GRASS VALLEY RD., WASHOE COUNTY, NV 89510
De La Luz Violation of Special Use Permit

WCMP18-1776

Date	Case Notes:
6/4/2018	Email from Palominio Valley GID explaining that De La Luz event leaders and the GID have not had communication. Photos presented to Washoe County. Rodeo events are being held without a meeting.
6/6/2018	Per Planning Manager, Bob Webb, Code Enforcement Officer Farmer will issue a Stop Activity Order to the address at 6205 Grass Valley and require them to meet all their SUP conditions as well as agency requirements (contracts) listed on that SUP.
6/7/2018	Stop Activity Order posted to property and mailed via USPS certified. Certified Mail#7008 0150 0003 7315 0000
06/07/018	Code Enforcement case closed by CEO Farmer, no immediate evidence of non-compliance witnessed by the code enforcmeent office, but Washoe County Planner who oversees Special Use Permit for De La Luz Rodeos was notified of Stop Activity Order being posted to property.

WCMP20-00913

Date	Case Notes:
7/6/2020	Email from palomino Valley GID to Washoe County Planner stating that rodeo events occurred over the 4th of July weekend. No list of events for 2020 have been received or approved by Washoe County Planning Department .
7/9/2020	Stop Activity Order posted to 6205 Grass Valley Rd. by Code Enforcement Officer Farmer
08/09/202	De La Luz 4th of July event advertisments received by Code Enforcemetn Staff and forwarded to Washoe County Planner
08/25/202	De La Luz 4th of July event video footage received by Code Enforcement staff

From: [Gil, Donald](#)
To: [Bronczyk, Christopher](#)
Cc: [Herrera, Greg](#)
Subject: RE: August Agency Review
Date: Wednesday, August 19, 2020 5:13:14 PM
Attachments: [image001.png](#)
Importance: High

Chris,

Please accept the following related to the Special Use Permit SB13-0008 and enforcement issues the Washoe County Sheriff's Office has had with past events at the property.

09-20-2009:

WCSO Deputies were dispatched to 6205 Grass Valley Road on a report of a disturbance. Upon arrival they witnessed 250-300 vehicles and estimated 500-600 people congregating. A subject who identified himself as Jose De Luz Jr produced a Health Department permit for food service, however they did not have their full special use permit. Jose Sr ultimately allowed deputies access to the property and stated it was a "horse exhibition" and that people could view show and dancing horses to purchase. As Jose Sr was finishing his statement, deputies observed horses with riders exit the chutes in racing fashion with riders dressed in jockey apparel. Deputies were told the race was for bidding purposes to purchase the animals. The subjects initially told deputies they did not charge people to enter the event, but they later learned people were indeed charged \$10 to enter.

02/18/2012:

WCSO deputies were dispatched to 6205 Grass Valley Road on a report of animal cruelty. Deputies were advised there were approximately 100 vehicles on site and the homeowners were possibly conducting illegal rooster fights. Once deputies and animal control approached the residence, multiple subjects left the property westbound through a field. Jose De La Luz made contact with deputies at the locked gate to the property and allowed access. De La Luz advised deputies he was conducting a rooster auction and not rooster fights. He added that some of the roosters might be purchased and transported to Mexico. An animal control officer located a rooster in a cardboard box that was bleeding from various injuries, which appeared to be lacerations and puncture wounds. In the horse stalls several other roosters were located in cardboard box's and wooden boxes and a 2nd rooster was found with similar injuries. Further investigation revealed multiple items consistent with rooster fighting to include, metal bladed instruments used to attach to the claws of roosters. De La Luz claimed the boxes did not belong to him and he did not know why someone would bring injured roosters to his auction. Ultimately a permission to search was obtained and officers found a third injured rooster with similar injuries as the others. During a search of the residence officers observed two stuffed red tail hawks, which are a protected bird. The Nevada Department of Wildlife wanted those items collected for evidence. A sawed off shotgun was also found on the east side of the garage and De La Luz stated the firearm was not his. After receiving results from the findings of a veterinarian who treated and evaluated the injured roosters, deputies submitted for a warrant on this investigation.

05/14/2016:

WCSO deputies were dispatched to 6205 Grass Valley Road on a report of shots fired and a man pointing a gun at people at an event. Upon arrival they observed a large crowd of people milling around in an open field on the property. A person in a REMSA uniform told deputies he observed a subject pull a gun from his pants. He further explained that several ESI security personnel and others from the crowd wrestled the firearm from the subject and then one of the suspect's friends took the gun and hid it. Deputies ultimately got into a foot pursuit with the suspect once they located him and attempted to talk to him. Deputies ultimately learned the firearm was put into a Porta Potty and the company responded, drained the toilet in question, and a .40 pistol was recovered. The suspect in this case was ultimately arrested. It is unknown how the suspect in this case is related to the property owners.

Closing:

Although the above incidents are spread out over a long period of time, each call took considerable resources from the Washoe County Sheriff's Office to respond to and investigate. It also appears the permitting requests for the events may not actually be what is occurring in respect to the number of attendees and the types of events being held. It would be the position of the Washoe County Sheriff's Office Patrol Division to not allow this permit to remain in place.

Thank you,

Don Gil

Captain – Patrol Division

911 Parr Blvd. Reno, NV 89512

Desk: 775-328-3354

Email: dgil@washoecounty.us

Web: www.WashoeSheriff.com

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>

Sent: Wednesday, August 19, 2020 11:19 AM

Subject: August Agency Review

Importance: High

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events.**

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff

Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

From: [English, James](#)
To: [Bronczyk, Christopher](#); [EHS Plan Review](#); [Rubio, Wesley S](#)
Cc: [Stark, Katherine](#)
Subject: RE: August Agency Review
Date: Tuesday, August 25, 2020 8:49:13 AM
Attachments: [image005.png](#)

Chris,

WCHD does not keep records of these events if the applicant does not reach out. I know for 2020 they have not discussed the conditions or provided proof they had the requirements in place for the events in previous years. WCHD has not been on site for an event since probably 2013 or 2014. Based on this, the WCHD is supportive of the revocation of the Special Use Permit.

Regards,
Jim

James English, REHS, CP-FS

Environmental Health Specialist Supervisor | Environmental Health Services | Washoe County Health District
jenglish@washoecounty.us | (775) 328-2610 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512



WashoeEats.com

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>
Sent: Wednesday, August 19, 2020 11:18 AM
To: EHS Plan Review <EHSPlanReview@washoecounty.us>; English, James <JEnglish@washoecounty.us>; Rubio, Wesley S <WRubio@washoecounty.us>
Cc: Stark, Katherine <KRStark@washoecounty.us>
Subject: August Agency Review
Importance: High

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events**.

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

Washoe County Health District

Environmental Health

2009 Case Comments

Case#: CM09001094

Complaint: OPERATING A SPECIAL EVENT FACILITY OPEN TO THE PUBLIC & SERVING & SELLING FOOD, BEVERAFGE & ALCOHOL. OPERATOR JOSE LUIS SANCHES WILL BE OPERATING ON 9/20/09 FROM APROX 1500-2000 OR 2100 HRS. RECOMENDED TO GET THERE AFTER 1600 HRS.

Case Comments:

09/18/2009 1400 hours Jeff Brasel and I went to Washoe County Business License to see if a business license was pulled for the event. (For any address on Grass Valley Rd, as 7500 Grass Valley Rd did not show a business license in Permits Plus.) Business License had an application for 6205 Grass Valley Rd, Palamino Valley, Nevada. We received a copy of the license application and Jeff called the contact and advised them to pull a permit prior to 5PM on the 18th. We were informed from business license staff that the applicant had changed their stories many times with regards to the event and they were not sure what was going to happen out there.

09/20/2009 Jeff Brasel and I arrived onsite at approximately 1515 hours. We parked on Grass Valley Rd and walked to the gate at the property. There we identified ourselves as being with the Health Department to conduct a food inspection. We followed a WCSO vehicle into the property to where many of the activities were taking place. While Jeff Brasel spoke with the son of the property owner, I contacted the Deputy and explained to him why we were on site. We conducted the food inspection, where we found the booth to not meet our construction standards, additionally, the handwash was without soap and water. (It had all been used up and supposedly someone was on the way to the store to get more water and soap.) The booth was set up on a fine dirt surface which was getting everywhere. Since the food temperatures met our requirements, Jeff allowed them to continue operating. It was noted that they were not selling any beverages or alcohol, although the business license application listed those items as being sold on site. There was another small food booth setup that was only selling prepackaged snacks. We left an inspection sheet with the operator and explained what would need to be corrected for another permit to be issued. We told the property owner's son, Jose Jr. that for any future events, more portable toilets, garbage containers, handwash facilities and greywater tanks would need to be onsite. The map attached to the business license application was not accurate, and the infrastructure shown was not present. Furthermore, we reiterated with him the requirements for a temporary food permit to be issued in the future. Prior to leaving the event, we touched base with the WCSO which at the time had four deputies onsite. We told them our concerns with the event and listened to the exchange between the property owner's son and the officers. Once again, the operator was not giving the same story. At that time we left the site. Community Development and Code Enforcement were concerned with the vehicle traffic at the event. The WCSO estimated over 400 cars on the property, attached are some photos of the parking areas and traffic into the event.

9/22/2009 I provided a copy of the attached photos to Karen at WC Community Development to place in her business license application. She informed me that the WCSO called her for a copy of the business license application and were involving the FBI in their investigation for possible illegal gambling, betting and animal activities. She stated no further activities would be approved at the property until such time as the property owner and event organizer obtained a special use permit. I told her, the property owner's wife had already attempted to get another temporary food permit which we did not issue. We will not issue any other special event temporary food permits for this address until such time as the event organizer gets a special use permit. In the end, the operator got a temporary food permit. Case closed. James English investigating.

ENVIRONMENTAL HEALTH SERVICES

1001 East Ninth Street, Building B, Reno, Nevada 89512
775-328-2434 | Fax: 775-328-6176 | washoecounty.us/health

Serving Reno, Sparks and all of Washoe County, Nevada. Washoe County is an Equal Opportunity Employer.



Subject:
Date:
Page 2 of 2

EMS Conditions for SB13-0008:

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;
 1. 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;
 2. 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;
 3. There shall be a Disposal Plan for Biological Waste at the First Aid Station;
 4. An Automatic External Defibrillator (AED) shall be supplied at the First Aid Station;
 5. Distribution methods for the First Aid Station maps/information for participants and spectators, and identification method for visibility for Emergency Medical Services (EMS) Personnel;
 6. Ingress and Egress routes for Emergency Medical Services (EMS) vehicles;
 7. A plan designating a pre-planned landing area for a Medical Helicopter;
 8. 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.
 9. 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:
 - Number of patients treated on site;
 - Number of patients known to have been transported to a medical facility by private vehicle, ambulance or other means;
 - Listing of individual types of illnesses or injuries seen.

Planning Condition:

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.

Each of these conditions were met 2013, 2014, 2015, and 2016. The handwashing facilities and accessible temporary restrooms were provided by Sani-Hut Co., and receipts were received related to these services. EMS standby services/first aid stations were provided by REMSA, and receipts or emails from REMSA were received confirming these services. A map of the site was provided each of these years as well, designating the first aid station location, ingress and egress routes for EMS vehicles, and medical helicopter landing site. No medical records are on file for any year, indicating no patients were treated at the event or EMS did not receive these records.



Subject:
Date:
Page 2 of 2

The EMS Oversight Program has no record of these conditions being met from 2017 onward; HOWEVER, due to recent turnover in EMS Oversight Program staff, it cannot be determined if this is because staff members never received such documentation from 2017-2019 or if we are just unable to find the documents. EMS staff has reached out to REMSA special events coordinators for any additional documentation they may have regarding these events.

EMS staff has not received any documents regarding this event for the year 2020; therefore, if the applicant held any of these events this year, the applicant is not in compliance with the standards outlined in the original permit. Per condition 6, item A of SB13-008: "All items...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..."

Due to the resources involved in reviewing the conditions annually for this SUP, EMS is in support of the revocation of SB13-0008.

Vicky Olson

Vicky Olson, MPS, RN

EMS Coordinator | Epidemiology and Public Health Preparedness | Washoe County Health District
volson@washoecounty.us | O: (775) 326 6043 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

From: [Lee, Brett](#)
To: [Bronczyk, Christopher](#)
Subject: RE: August Agency Review
Date: Wednesday, August 19, 2020 4:05:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Chris,

I haven't been out there for a couple of years, but my coworker went out in May of 2019 and again in June 2019. Address was 6205 Grass Valley Rd.

Brett Lee

Fire Prevention Specialist II | Truckee Meadows Fire & Rescue

blee@tmfprd.us | Office: 775.326.6074 | Cell: 775.378-7411
3663 Barron Way, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>
Sent: Wednesday, August 19, 2020 3:45 PM
To: Lee, Brett <BLee@tmfprd.us>
Subject: Re: August Agency Review

Hi Brett,

When was the last Event you inspected, and can you confirm the address?



Chris Bronczyk

Planner | Planning & Building Division |

cbronczyk@washoecounty.us | Office: 775.328.3612

1001 East Ninth Street, Reno, NV 89512

From: Lee, Brett <BLee@tmfprd.us>
Sent: Wednesday, August 19, 2020 3:36 PM
To: Bronczyk, Christopher <CBronczyk@washoecounty.us>

Subject: RE: August Agency Review

Chris,

We have done an on-site inspection prior to each scheduled event. The applicant is always easy to work with and ensures all of TMFPD's requirements are met.

One change that needs to be made is the contact person listed on the Action Order...Deputy Chief Dale Way should be listed instead of Amy Ray.

Let me know if you have any questions.

Thank you,

Brett Lee

Fire Prevention Specialist II | Truckee Meadows Fire & Rescue

blee@tmfpd.us | Office: 775.326.6074 | Cell: 775.378-7411

3663 Barron Way, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>

Sent: Wednesday, August 19, 2020 11:19 AM

Subject: August Agency Review

Importance: High

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events.**

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

From: [Way, Dale](#)
To: [Bronczyk, Christopher](#)
Cc: [Lee, Brett](#); [Lemon, Brittany](#)
Subject: RE: August Agency Review
Date: Thursday, August 20, 2020 7:30:00 AM
Attachments: [image003.png](#)

Chris,

No one has contacted us that I'm aware of regarding conditions, I'm not aware of any major enforcement issues (maybe any issues), and don't have any other comments related to this special use.

I have copied Brett and Brittany so that they can comment if they're aware of any issues.

Thank you.

Dale Way

Deputy Fire Chief – Fire Prevention | Truckee Meadows Fire & Rescue

dway@tmfpd.us | Office: 775.326.6000

3663 Barron Wy, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>
Sent: Wednesday, August 19, 2020 11:19 AM
Subject: August Agency Review
Importance: High

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events**.

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

From: [Lee, Brett](#)
To: [Bronczyk, Christopher](#)
Subject: RE: Give me a call please
Date: Monday, August 24, 2020 12:28:09 PM
Attachments: [image001.png](#)
[image002.png](#)
[DeLaLuz Horse Races 8-12-16.pdf](#)
[DeLaLuz Horse Races 7-31-17.pdf](#)

Chris,

Sorry it's taken a few days to get back to you. I found two old special use permits issued to the De La Luz events...See attached. I don't have anything from 2018 and 2019, but I know we did an on-site inspection each year.

Hope this helps.

Thanks,

Brett Lee

Fire Prevention Specialist II | Truckee Meadows Fire & Rescue

blee@tmfpd.us | Office: 775.326.6074 | Cell: 775.378-7411

3663 Barron Way, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

From: Bronczyk, Christopher <CBronczyk@washoecounty.us>

Sent: Wednesday, August 19, 2020 4:17 PM

To: Lee, Brett <BLee@tmfpd.us>

Subject: Give me a call please

My cell is 502-855-2176.



Chris Bronczyk

Planner | Planning & Building Division |

cbronczyk@washoecounty.us | Office: 775.328.3612

1001 East Ninth Street, Reno, NV 89512

From: [Wines-Jennings, Tammy L](#)
To: [Bronczyk, Christopher](#)
Cc: [Schull, Shyanne](#)
Subject: RE: August Agency Review
Date: Wednesday, August 19, 2020 1:23:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good Afternoon,

After doing a little research, it looks like we did some inspections on this property in 2014 and 2015 and everything was in order. We have had no communication and have done no inspections on this property since 2015. In the action order it states we are supposed to receive a large animal veterinary plan before each event and I don't show us ever receiving one of those. We have had no complaints lodged against this address. Let me know if you need any more information.

Thanks,
Tammy



Tammy Wines-Jennings
Assistant Director | Washoe County Regional Animal Services
twines-jennings@washoecounty.us | Office: 775-353-8945 | Dispatch 775-322-3647
2825 Longley Lane, Suite A, Reno, Nv 89502



From: Bronczyk, Christopher <CBronczyk@washoecounty.us>
Sent: Wednesday, August 19, 2020 11:19 AM
Subject: August Agency Review
Importance: High

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events**.

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

From: [Palomino Valley GID](#)
To: [Bronczyk, Christopher](#)
Subject: Re: August Agency Review
Date: Wednesday, August 26, 2020 12:13:15 PM
Attachments: [image001.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

August 26, 2020

Chris Bronczyk, Planner

Community Services Department

Planning & Building Division

Via email to: cbronczyk@washoecounty.us

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

Dear Mr. Bronczyk,

As the Assistant to the Board for the Palomino Valley General Improvement District (PVGID), I have been responsible for ensuring the event promoters are in compliance with the PVGID's conditions of approval for the above mentioned special use permit (SUP), as follows:

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.

Conditions of approval numbers 1 and 4, are the primary conditions that had to be met each event season (May through September). Event schedules were not always sent to the PVGID in a timely manner and the promoters did not promptly inform the PVGID of schedule changes.

On numerous occasions, I had to remind them to send the watering contract or invoice/quote by the deadline (three working days before an event). Several contracts were missing vital information and not signed by the contractor. I eventually sent them a watering contract template to use.

One such occasion was on May 29, 2018, when I sent an email to Sandy De La Luz asking if they were still having an event on June 2, 2018, and if so, the PVGID needed a watering contract or invoice by the May 30, 2018 deadline. I did not receive a response from Ms. De La Luz. However, on June 2, 2018, I learned that a horse race was taking place. I drove over to the property and took photos of the event in progress. There were at least 100 vehicles on the property and while I was there, at least 10 more vehicles came in.

I send the photos to Chris Bronczyk, who is the Washoe County planner for this SUP. I was informed by Mr. Bronczyk that Washoe County code enforcement placed a "Stop Activity Order" on the event promoters.

Most recently, the PVGID received an email from a resident who lives near the event property. This resident informed us that an event was taking place that day (Saturday, July 4, 2020) and this was the second event this summer. The PVGID had not received an event schedule or a watering contract for 2020. We had assumed no events were going to take place due to the COVID-19 pandemic and the Governor's Emergency Directives restricting gatherings.

On Monday, July 6, 2020, I forwarded the resident's email to Washoe County Code Enforcement, Mr. Bronczyk, and Mr. Trevor Lloyd (Washoe County Planning Manager). On July 13, 2020, Code Enforcement Officer, Brian Farmer reported that Code Enforcement had issued a Stop Activity Order for the property and the Planning Department would initiate a revocation of the SUP.

The PVGID agrees with the actions being taken by Washoe County, and supports revocation of SUP SB13-2008, De La Luz Horse Racing Events.

Sincerely,

Cathy Glatthar
Assistant to the Board

On Tue, Aug 25, 2020 at 10:12 AM Bronczyk, Christopher <CBronczyk@washoecounty.us> wrote:

Hi Cathy,

Will PVGID be providing any agency comments related to the revocation?



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

<https://www.washoecounty.us/>

From: Palomino Valley GID <palvalgid@gmail.com>
Sent: Thursday, August 20, 2020 1:42 PM
To: Bronczyk, Christopher <CBronczyk@washoecounty.us>
Subject: Re: August Agency Review

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Received, thank you.

~ Cathy

Cathy Glatthar

Assistant to the Board

On Wed, Aug 19, 2020 at 11:19 AM Bronczyk, Christopher
<CBronczyk@washoecounty.us> wrote:

Good morning,

Washoe County Planning is moving forward with the revocation of Special Use Permit Number **SB13-0008, De La Luz Horse Racing Events.**

I am requesting that you review the Action Order with Conditions, and if necessary the previous Staff Report from 2013. I am wanting to find out if the applicant has reached out to you regarding their conditions from 2013- present, any major enforcement issues you have had, and any other comments/concerns related to the special use permit.

Comments are due on August 26, 2020



Chris Bronczyk

Planner | Planning & Building Division | Community Services Department

cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133

1001 E. Ninth St., Reno, NV 89512

For Planning call (775) 328-6100

Email: Planning@washoecounty.us

<https://www.washoecounty.us/>

From: Sannazzaro, Grace
Sent: Wednesday, April 30, 2014 3:22 PM
To: 'sandradelaluz@yahoo.com'
Cc: Bracy, Bert; Whitney, Bill; Salter, Gregory
Subject: NONCOMPLIANCE OF HORSE RACE CONDITIONS!
Attachments: SB13-008 Action Order wsig.pdf

Importance: High

Sandra,
Pursuant to the Action Order dated June 6, 2013 (see attached), that was issued regarding approval of Special Use Permit SB13-008 to allow an equestrian facility for horse racing events, you are required to meet all of the conditions of approval listed in the Action Order in a timely manner. It is **your responsibility** to ensure that all of the conditions of approval in the Action Order are met in a timely manner.

At the time of this writing of April 30, 2014, you have not satisfied Condition #1p, which states that you shall submit to the Washoe County Planning & Development Division a signed contract for security service a minimum of 30 days prior to your first event. Please be advised that you need to submit to me by Thursday, May 1, 2014 a signed contract enlisting a security service to provide 5 security guards for at least the first horse racing event, whenever that date is.

Brittany of the Washoe County Emergency Medical Services (EMS) Division advised me that you have changed your event dates from the original dates that you submitted to me at the Washoe County Planning & Development Division. I need a revised list of event dates by tomorrow, May 1, 2014. Currently, I show that your first event is scheduled for May 3, 2014, this Saturday. **Please be advised that due to the fact that you have not been compliant with satisfying all of your conditions of approval as listed in the Board of Adjustment Action Order of June 6, 2013 (the decision date), you may be subject to administrative, civil or criminal actions as a consequence if you indeed hold an event before meeting all of your conditions of approval as listed in the Action Order of June 6, 2013. Also, keep in mind that the Board of County Commission ordered a status report on your project after the third event.**

My contact information is provided below. I strongly suggest that you continue to try to reach me until you make contact.

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Tuesday, April 29, 2014 2:48 PM
To: 'sandradelaluz@yahoo.com'
Subject: Horse Race Conditions of Approval!!
Importance: High

Sandra,
Please contact me immediately to discuss noncompliance with your conditions of approval number "p" of your Action order, which requires that you submit a signed contract with a security agency showing that you hired a minimum of 5 security guards. Also, a revised list of events is required immediately.

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: English, James J.
Sent: Wednesday, April 30, 2014 3:40 PM
To: Sannazzaro, Grace
Cc: Rubio, Wesley S
Subject: RE: De La Luz Horse Race Events SB13-008

Hello Grace,

This agency has not received any updated information for the 2014 events to date.

Thanks Jim

From: Sannazzaro, Grace
Sent: Wednesday, April 30, 2014 2:31 PM
To: English, James J.
Subject: De La Luz Horse Race Events SB13-008
Importance: High

Hi Jim,
Just checking to see if you are satisfied that the applicants have met their conditions of approval issued by Environmental Health Services. I show that they are required to submit to Environmental Health Services a manure plan and a signed contract with a franchised waste hauler, both 15 days prior to their first event.

Sincerely,

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Wednesday, April 09, 2014 9:07 AM
To: Vesely, Leo; Albee, Charlene; Shaffer, Jim; English, James J.; Dayton, Brittany; Smith, Robert A; Ray, Amy; 'Palomino Valley GID'
Cc: Kremers, Karin
Subject: De La Luz Horse Race Events SB13-008

RE: De La Luz Horse Racing Events
Special Use Permit: SB13-008
Approved by BCC: 07/23/2013

Dear Reviewing Agencies:

I have received a list of event dates for De La Luz Horse Racing Events Special Use Permit Case No. SB13-008. Some of you wanted to know ahead of time in order to do inspections. The list and the conditions of approval are attached for your records. Karin, forgive me if you don't need this list. Wasn't sure.

Sincerely,

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Wednesday, April 30, 2014 5:13 PM
To: Vesely, Leo; Albee, Charlene; Shaffer, Jim; English, James J.; Dayton, Brittany; Smith, Robert A;
Ray, Amy; 'Palomino Valley GID'
Subject: SB13-008 De La Luz Horse Racing

RE: SPECIAL USE PERMIT SB13-008
DE LA LUZ HORSE RACING EVENTS
APPROVED BY BOARD OF ADJUSTMENT JUNE 6, 2013

Dear Reviewing Agencies:

I just got off the phone with Sandra De La Luz, the applicant for the horse racing events. I strongly advised her to contact each of you to find out what she has to do to satisfy any conditions of approval that may have a deadline before the first event of 2014. Please keep me in the loop and let me know if you have any issues. She should be calling you on Thursday, May 1, 2014.

Thanks.

Grace Sannazzaro, Planner

Washoe County Community Services Department

Planning & Development Division

Email: gsannazzaro@washoecounty.us

Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Thursday, September 11, 2014 11:10 AM
To: 'sandra delaluz'
Cc: Whitney, Bill; Albee, Charlene; Dayton, Brittany; English, James; palvalgid@gmail.com; Ray, Amy; Shaffer, Jim; Smith, Robert A.; Vesely, Leo
Subject: NOTICE OF VIOLATION
Importance: High

Sandra,
The new condition of approval recently issued by the Washoe County Board of County Commission on August 12, 2014 states that all conditions of reviewing agencies must be satisfied no later than three days BEFORE an event takes place. You have exceeded the time limit set by this condition, as there are still outstanding items that need to be submitted to Planning & Development, Emergency Medical Services and PVGID. I have provided below the new condition authorized by the Board of County Commissioners. Please be advised that the September 13, 2014, horse event scheduled to be held at 6205 Grass Valley Road must not take place and must be cancelled. Please acknowledge receipt of this email.

"All conditions of approval shall be met to the satisfaction of each reviewing agency a minimum of three days prior to each horse racing event. If all conditions are not met to the satisfaction of each reviewing agency a minimum of three days prior to each horse racing event, the horse racing event shall not take place."

Sincerely,
Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Thursday, September 11, 2014 2:19 PM
To: 'sandra delaluz'
Subject: Rancho De La Luz Horse Races

Sandra,
I have not received an email from you advising that you decided to cancel your September 13, 2014 event.

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: sandra delaluz [<mailto:sandradelaluz@yahoo.com>]
Sent: Thursday, September 11, 2014 1:03 PM
To: Sannazzaro, Grace
Subject: Rancho De La Luz Horse Races

Hello Grace ,

I know we haven't met all conditions I thought I sent an email to you yesterday to let you know we have decided to cancel our event .

[Sent from Yahoo Mail on Android](#)

From: Sannazzaro, Grace
Sent: Friday, September 12, 2014 9:06 AM
To: 'sandradelaluz@yahoo.com'
Cc: Whitney, Bill; Solaro, David; Albee, Charlene; Dayton, Brittany; English, James; palvalgid@gmail.com; Ray, Amy; Shaffer, Jim; Smith, Robert A.; Vesely, Leo
Subject: Rancho De La Luz Horse Races
Importance: High

Sandra,
As you know, I noticed you yesterday via email that you have not followed the terms of the condition of approval of your special use permit, which requires submittal of all requirements to Reviewing Agencies at least three days before an event. Simply stated, you failed to have everything in to the Reviewing Agencies at least three days before the September 13, 2014 event. You further stated in an email yesterday that you will not hold the event on Saturday, September 13, 2014 because you failed to have all requirements submitted to the Reviewing Agencies at least three days prior to the September 13, 2014 event.

YOU ARE NOT AUTHORIZED TO RUN AN EVENT ON SEPTEMBER 13, 2014.

If you choose to hold an event, you will be breaking the terms of your special use permit, and your special use permit could be revoked permanently.

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: sandradelaluz@yahoo.com [<mailto:sandradelaluz@yahoo.com>]
Sent: Thursday, September 11, 2014 11:13 PM
To: Sannazzaro, Grace
Subject: Rancho De La Luz Horse Races

Good. Morning Grace,

I know we dint met all conditions. For our event. On time but we always. Meet all our conditions. And for us its very important. To have our events. This Saturday. Because that horses that going to races this Saturday. Have arrived to reno they have come from very far they have come from Oregon, utah, Washington, idaho this event its very important. we are hosting. Fundraiser for a family in need that need money to have a surgery done they don't. Have no insurance. To cover expense for that hospital. This family. Has a son with cancer for us its very important. To help this family

Our business Horses. Racing event its dedicated. Helping. Family's

I will like. To know. If its possible. To have our event this Saturday. I will really. Appreciate.

Thanks

From: Sannazzaro, Grace
Sent: Thursday, September 11, 2014 2:23 PM
To: Albee, Charlene; Dayton, Brittany; English, James; 'palvalgid@gmail.com'; Ray, Amy; Shaffer, Jim; Smith, Robert A.; Vesely, Leo
Cc: Whitney, Bill
Subject: RE: NOTICE OF VIOLATION

Reviewing Agencies,

Please be advised that Sandra De La Luz has confirmed via an email that there will not be an event this Saturday, September 13, 2014 on the property located at 6205 Grass Valley Road.

Grace Sannazzaro, Planner

Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: Sannazzaro, Grace
Sent: Thursday, September 11, 2014 11:10 AM
To: 'sandra delaluz'
Cc: Whitney, Bill; Albee, Charlene; Dayton, Brittany; English, James; palvalgid@gmail.com; Ray, Amy; Shaffer, Jim; Smith, Robert A.; Vesely, Leo
Subject: NOTICE OF VIOLATION
Importance: High

Sandra,
The new condition of approval recently issued by the Washoe County Board of County Commission on August 12, 2014 states that all conditions of reviewing agencies must be satisfied no later than three days BEFORE an event takes place. You have exceeded the time limit set by this condition, as there are still outstanding items that need to be submitted to Planning & Development, Emergency Medical Services and PVGID. I have provided below the new condition authorized by the Board of County Commissioners. Please be advised that the September 13, 2014, horse event scheduled to be held at 6205 Grass Valley Road must not take place and must be cancelled. Please acknowledge receipt of this email.

"All conditions of approval shall be met to the satisfaction of each reviewing agency a minimum of three days prior to each horse racing event. If all conditions are not met to the satisfaction of each reviewing agency a minimum of three days prior to each horse racing event, the horse racing event shall not take place."

Sincerely,
Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning & Development Division
Email: gsannazzaro@washoecounty.us
Phone: (775) 328-3771

From: [Palomino Valley GID](#)
To: [Farmer, Brian](#)
Cc: [Bronczyk, Christopher](#)
Subject: Fwd: Horse races
Date: Thursday, August 20, 2020 1:38:54 PM
Attachments: [Video.mov](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Brian,

Per the email below, it appears the De La Luz Horse Races operators are violating the stop activity order and have conducted two additional horse races. Can the Sheriff's Office be called on a Friday night or the weekend if they hold another race?

Thank you for any information you can provide and I will pass it along to this resident.

~ Cathy

Cathy Glatthar
Assistant to the Board

----- Forwarded message -----

From: **Kelly Barr** <kellybarr2002@yahoo.com>
Date: Tue, Aug 18, 2020 at 11:09 PM
Subject: Horse races
To: <palvalgid@gmail.com>

Hi there,

I emailed you guys a few months ago about the horse race is on the west side of grass Valley Road in Palomino Valley I emailed you guys a few months ago about the horse race is on the west side of grass Valley Road in Palomino Valley.

I received an email back from you guys stating the fact that they have not turned in a water permit or the horse race schedule. I received an email back from you guys stating the fact that they have not turned in a water permit or the horse race schedule. Since then, they have had two more horse races a smaller one and the other Friday it was over 500 people. Where in tear on grass Valley Road is ridiculous, I feel like my teeth are being ejected out of my mouth every time I drive down the road, and the shocks on my car are ridiculous. I am not able to have a beauty salon at my house because of county rules and only five people a month, these people that run the horse races have 2000 people a month and more. Our grass Valley Road on the west side is absolutely unbearable to drive on our grass Valley Road on the west side is absolutely unbearable to drive on. We all want to know who is going to pay for our vehicles shocks in our teeth in her mouth We all want to know who is going to pay for our vehicles shocks in our teeth in her mouth LOL Makes me sick to my stomach because I'm not able to have a beauty salon out here. But they are able to have 2 to 3000 people a month for horse races But they are able to have 2 to 3000 people a month for horse races. The horse

place that trains horses with the red roof, pays \$55,000 a year in taxes, how are these people over here on grass Valley Road only paying the minimal house tax, that the rest of us are paying? The horse place that trains horses with the red roof, pays \$55,000 a year in taxes, how are these people over here on grass Valley Road only paying the minimal house tax, that the rest of us are paying? They should be paying \$20-\$60,000 in taxes, as they are running a business, they are all making money on these races and betting as a casino They should be paying \$20-\$60,000 in taxes, as they are running a business, they are all making money on these races and betting as a casino. this is me driving my cAr,today on the road. It is awful. What is the course of action for the GID to intervene with these horse races? We are all for everyone having fun, but thousands of vehicles tread on the road, so uncomfortable with all the dirt flying into houses, etc....;

Kelly Ann Barr
Kellybarr2002@yahoo.com
775-790-4832

From: Farmer, Brian
Sent: Friday, July 10, 2020 12:08 PM
To: Bronczyk, Christopher
Cc: Giesinger, Chad; Chism, Johnna
Subject: RE: help

FYI, Stop Activity Order posted on their property yesterday.

Brian Farmer
Code Enforcement Officer II, Planning and Building Division | Community Services
Department
bfarmer@washoecounty.us | Office: 775.328.2312
1001 E. Ninth St., Bldg A, Reno, NV 89512

From: Bronczyk, Christopher
Sent: Monday, July 06, 2020 8:50 AM
To: Code-Enforcement <Code-Enforcement@washoecounty.us>
Cc: Lloyd, Trevor <TLloyd@washoecounty.us>; Giesinger, Chad <CGiesinger@washoecounty.us>
Subject: RE: help

They have not come through Planning to move forward with any events this year.

Chris Bronczyk
Planner | Planning & Building Division | Community Services Department
cbronczyk@washoecounty.us | Office: 775.328.3612 | Fax: 775.328.6133
1001 E. Ninth St., Reno, NV 89512
<https://www.washoecounty.us/>

From: Palomino Valley GID <palvalgid@gmail.com>
Sent: Monday, July 06, 2020 8:44 AM
To: Code-Enforcement <Code-Enforcement@washoecounty.us>
Cc: Bronczyk, Christopher <CBronczyk@washoecounty.us>; Lloyd, Trevor <TLloyd@washoecounty.us>
Subject: Fwd: help

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

The email below is in regards to the Rancho De La Luz Horse Races, Hilaria De La Luz, operator, located at 6205 Grass Valley Road in Palomino Valley. The property owner has a special use permit (SP13-008 - see attached Action Order) with an extensive list of conditions of approval. The Palomino Valley General Improvement District (PVGID) imposed a condition requiring watering of Grass Valley Road from Pyramid Highway to just past the driveway entrance(s) before spectators and participants arrive and again just

before vehicles start leaving the events.

The PVGID has not received a watering contract or a schedule from Rancho De La Luz for 2020. The PVGID was not expecting any events to be held due to the Governor's COVID-19 Pandemic Directives not allowing public or private gatherings of more than 50 people (hundreds of people attend these horse race events). Yet according to the resident's email, the De La Luzs have held two events this summer. There have been violations in the past resulting in a stop activity order. Without this resident sending this email, the PVGID would have been unaware that these events have taken place (in direct violation of the SUP). At what point does their SUP get revoked?

Please advise the PVGID of any action taken by Code Enforcement.

Thank you,

Cathy Glatthar
Assistant to the Board

----- Forwarded message -----

Date: Sat, Jul 4, 2020 at 8:51 AM
Subject: help
To: <palvalgid@gmail.com>

Hi there,

We live on the west side of Palomino Valley on grass Valley Road, these people have horse races every month about 1000 people are there, so many cars, they are having another race today, I thought they were supposed to water the road? They never do, it is horrible.

This is their second race of the year, and this dirt is flying, we are far enough away but all those neighbors over there it is awful and the condition of the road gets destroyed with all these vehicles, this is their second race of the year, and this dirt is flying we are far enough away but all those neighbors over there it is awful and the condition of the road gets destroyed with all these vehicles. They are running a commercial operation, and this is ridiculous, they drive so fast and have no respect. How are they allowed to have over 500 vehicles there? Spray the road, fix the road Thanks.

From: Chism, Johnna
Sent: Wednesday, July 8, 2020 3:56 PM
To: Giesinger, Chad
Cc: Farmer, Brian
Subject: Email Thread from 2019 - Delaluz Rodeos :: Fw: SB13-008 Rodeo Events and Conditions of Approval for First Event (May 4, 2019)

Chad,
I'll try to put together a timeline for the Delaluz Rodeos as discussed in our meeting this morning, but it may be best and more accurate coming from Chris as he was the main contact/coordinator on this SUP. Code Enforcement was only involved when asked to be and did not take the lead on this (as far as I can remember).

There should be a couple of documents attached as well...I'll start piecing together what I can from Accela.

-Johnna

Johnna Chism, Office Support Specialist
Code Enforcement, Planning & Building Division | Community Services Department
Visit us first online: www.washoecounty.us/csd
Code-Enforcement@washoecounty.us | Office: 775.328.6106 | Fax: 775.328.6133
1001 E. Ninth St., Bldg A, Reno, NV 89512

Have some kudos to share about a Community Services Department employee or experience? Email: CSDSuperstars@washoecounty.us

From: English, James <JEnglish@washoecounty.us>
Sent: Friday, April 12, 2019 1:25 PM
To: Bronczyk, Christopher <CBronczyk@washoecounty.us>; Dayton, Brittany <BDayton@washoecounty.us>; Giesinger, Chad <CGiesinger@washoecounty.us>; Chism, Johnna <JChism@washoecounty.us>; Farmer, Brian <BFarmer@washoecounty.us>
Subject: RE: SB13-008 Rodeo Events and Conditions of Approval for First Event (May 4, 2019)

Chris,

EHS has not received any information from Ms. De La Luz for any 2019 events.

Regards,

James English, REHS, CP-FS
Environmental Health Specialist Supervisor | Environmental Health Services | Washoe County Health District
jenglish@washoecounty.us | (775) 328-2610 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

WashoeEats.com

From: Bronczyk, Christopher
Sent: Thursday, April 11, 2019 1:10 PM

SB13-008
EXHIBIT O

To: Dayton, Brittany <BDayton@washoecounty.us>; Giesinger, Chad <CGiesinger@washoecounty.us>; English, James <JEnglish@washoecounty.us>; Chism, Johnna <JChism@washoecounty.us>; Farmer, Brian <BFarmer@washoecounty.us>
Subject: Re: SB13-008 Rodeo Events and Conditions of Approval for First Event (May 4, 2019)

Hi Brittany,

I'm sorry, it slipped my mind. I have those documents you provided to us in March, and attached them to this email. However Sandy hasn't met the bulk of her conditions so far.

From: Dayton, Brittany
Sent: Thursday, April 11, 2019 1:05:09 PM
To: Bronczyk, Christopher
Subject: RE: SB13-008 Rodeo Events and Conditions of Approval for First Event (May 4, 2019)

Hello Chris,

Just FYI - I received REMSA contracts for first-aid for the events from Sandy. I have a Sani Hunt invoice for the May 3-6, none of the other dates. Let me know if you have any questions.

Thanks,
Brittany

Brittany Dayton, MPA
EMS Coordinator | Division of Epidemiology & Public Health Preparedness | Washoe County Health District
bdayton@washoecounty.us | O: (775) 326-6043 | C: (775) 544-4847 | F: (775) 325-8131 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

From: Bronczyk, Christopher
Sent: Thursday, April 11, 2019 12:54 PM
To: Sandy De La Luz; Giesinger, Chad; Farmer, Brian; Dayton, Brittany; jshaffer@washoecounty.us; Wolf, Mike; English, James; Chism, Johnna; Beaver, Lisa; palvalgid@gmail.com; twine-jennings@washoecounty.us; rasmith@washoecounty.us
Subject: SB13-008 Rodeo Events and Conditions of Approval for First Event (May 4, 2019)
Importance: High

Hi Sandy,

Some of the requirements from your Conditions of Approval are going to be due soon, and a few have already passed the deadline on. As of right now, anything that says 30 days was required to be in our office and the relevant agency by April 4, 2019, and anything stated as 15 days is required to be in our office and the relevant agency by April 19, 2019.

As of right now you have not met your 30 day conditions to permit a May 4 event.

Planning Condition 1 (p) - Planning Contact - Chris Bronczyk,
775.328.3612, cbronczyk@washoecounty.us

SB13-008
EXHIBIT O

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.

Environmental Health Conditions 5 (a-c) - Environmental 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.

EMS Conditions 6 A (1-9) and B - EMS Contact - Brittany Dayton, bdayton@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 Conditions 7 (a-b) - Regional Animal Services Contact - 775.353-8900

1. All events must comply with NRS Chapter 574 Animal Cruelty and Washoe County Code Chapter 55 relating to animals.
2. 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. Attached is the Action Order with the above conditions listed.

Chris Bronczyk
Planner | Planning & Building Division |
cbronczyk@washoecounty.us | Office: 775.328.3612
1001 East Ninth Street, Reno, NV 89512



13:28

15:32





7:35



15:02



Tercia estela 200 y 300 yardas... See More

SB13-008
EXHIBIT Q



7:50

15:02



From: [Sandy De La Luz](#)
To: [Bronczyk, Christopher](#); [Giesinger, Chad](#); [Wolf, Mike](#); jshaffer@washoecounty.us; [English, James](#); [Dayton, Brittany](#); rasmith@washoecounty.us; [Beaver, Lisa](#); palvalgid@gmail.com
Subject: Rancho De La Luz Horse Races Events Dates "2019"
Date: Monday, March 18, 2019 11:46:53 PM

EVENTS DATES

EVENT TIMES 11AM - 7PM

MAY 4
MAY 18
JUNE 1
JUNE 22
JULY 6
JULY 27
AUGUST 10
AUGUST 17
AUGUST 31
SEP 14
SEP 28

From: [Dayton, Brittany](#)
To: [Bronczyk, Christopher](#)
Subject: FW: Rancho De La Luz Horse Races/ Receipts MAY 4, 2019 Event
Date: Monday, July 15, 2019 8:42:08 AM

Good morning,

I just wanted to forward this on so you have it for your records as well. I don't have current information for the July 20 event – and I actually thought it was going to be July 27. I'll cc you on my response to Yvette.

Thanks,
Brittany

Brittany Dayton, MPA

EMS Coordinator | Division of Epidemiology & Public Health Preparedness | [Washoe County Health District](#)
bdayton@washoecounty.us | O: (775) 326-6043 | C: (775) 544-4847 | F: (775) 325-8131 | 1001 E. Ninth St., Bldg. B,
Reno, NV 89512



From: Sandy De La Luz [mailto:delaluzyvette@gmail.com]
Sent: Friday, July 12, 2019 6:31 PM
To: Dayton, Brittany
Subject: Re: Rancho De La Luz Horse Races/ Receipts MAY 4, 2019 Event

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hi Brittany

I wanted to notify you regarding our upcoming event on Saturday July 20 , 2019. I also attached receipts from Remsa / Sanit Hut from our past events MAY 4 , JUNE 1 and JULY 6. Please let me know if you have any questions or concerns.

Regards, Yvette

On Fri, Jun 21, 2019, 1:00 PM Dayton, Brittany <BDayton@washoecounty.us> wrote:

Hello Yvette,

Thanks for letting us know about the date change.

Have a good weekend,

Brittany

Sent from my iPhone

On Jun 21, 2019, at 12:57 PM, Sandy De La Luz <delaluzyvette@gmail.com> wrote:

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

----- Forwarded message -----

From: **Sandy De La Luz** <delaluzyvette@gmail.com>

Date: Fri, Jun 21, 2019, 12:45 PM

Subject: Rancho De La Luz Horse Races

To: <blemon@tmfpd.us>

Hi! Brittany

This is Yvette to notify you we are not having an event on Saturday June 21.
Our next event is Saturday July 6.

Thanks ..



Board of Adjustment Action Order

Special Use Permit Case No. SB13-008

Decision: Approval with Conditions

Decision Date: June 6, 2013

Applicant/Property Owner: Hilaria De La Luz, 6205 Grass Valley Road, Reno, NV 89510

Assigned Planner: Grace Sannazzaro, Planner
Planning & Development Division
Washoe County Community Services Department

Phone: 775.328.3771

Email: gsannazzaro@washoecounty.us

Project Description: 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.

- 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

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810. If no appeals have been filed within 10 days after the date of decision, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. An appeal shall be filed in accordance with the provisions found in Article 810 of the Washoe County Development Code.

This Action Order of approval is granted subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. A business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally, compliance shall be required with all federal, state and local statutes, ordinances and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Department.

To: Hilaria De La Luz
Subject: Special Use Permit Case No SB13-008
Date: June 7, 2013
Page: 2

Washoe County
Planning & Development

William Whitney
Secretary to the Board of Adjustment

WW/GS/ds (SB13-008 DeLaLuz Horse Racing Action Order)

Attachments:

- Conditions of Approval

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

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

Agencies: Gregory Salter, Esq., Washoe County District Attorney's Office;
Carol Buonanoma, Washoe County Assessor's Office (CAAS);
Theresa Wilkins, Washoe County Assessor's Office;
Leo Vesely, Washoe County Engineering Division;
Charlene Albee, Washoe County Air Quality Management Division;
Jim Shaffer, Washoe County Vector-Borne Diseases;
Jim English, Washoe County Environmental Health Services Division;
Stacey Akurosawa, Washoe County EMS Division;
Bobby Smith, Washoe County Regional Animal Services Division;
Amy Ray, Truckee Meadows Fire Protection District;
Larry Johnson, President, PVGID
Warm Springs Citizen Advisory Board



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 ***



Warm Springs Citizen Advisory Board

Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the regular meeting of the Warm Springs Rural Citizen Advisory Board held **JANUARY 13, 2021** via teleconference

1. *1. *CALL TO ORDER/DETERMINATION OF QUORUM

The meeting called to order at 6:13 p.m. by Susan Ambrose. CAB members present included: Robert (Bob) Gunn, Kevin Cook, Marshall Todd, Kelly Ann Barr (alternate), Hugh Ezell, Susan Ambrose.

Absent: None

2. *PLEDGE OF ALLEGIANCE – The pledge was recited.

3. *PUBLIC COMMENT – There were no requests for public comment. Susan Ambrose closed the public comment period.

4. **APPROVAL OF AGENDA FOR THE MEETING OF JANUARY 13, 2021 (for Possible Action)** – Bob Gunn moved to approve the agenda for the meeting of **JANUARY 13, 2021**. The motion was seconded by Marshall Todd. seconded the motion to approve the agenda for **JANUARY 13, 2021**. Motion carried unanimously.

5. **APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 8, 2020 (for Possible Action)** – Susan Ambrose noted our last meeting of the Warm Springs Rural CAB was held back in July 2019, not September 8, 2020; therefore we cannot approve the minutes and can be approved at a future meeting.

6.A. **Revocation of Special Use Permit SB13-008 (De La Luz)** – For possible action, hearing, and discussion to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code.

- Property Owner: Hilaria De La Luz
- Location: 6205 Grass Valley Road, Warm Springs Valley
- Assessor's Parcel Number: 076-340-13
- Staff: Chris Bronczyk, Planner, (775) 328-3612; cbronczyk@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 4, 2021

Chris Bronczyk informed the public of the chat feature, mute/unmute button to be able to make a public comment.

Chris Bronczyk, Washoe County Planner, provided a staff report PowerPoint presentation. Chad Giesinger spoke about the next steps.

Susan Ambrose inquired if there were other GID members wishing to speak. There were no GID members who spoke.

Bob Gunn said the allegations are serious and wondering what means of enforcement can be done through these steps to get judicial review. If it's revoked, what means of enforcement do we have. Larry Chesney, GID representative, said this individual has consistently not met their requirements for Special Use Permit (SUP), causing grave and extenuating problems to the road. He said they haven't been a good neighbor to the community. It's all about them and not about bringing good to the community. He said that is his expression for the GID. As an individual who lives out here, he said they are bad neighbors. They are not good. They have not done well. They run a plastering business which has nothing to do with this event. Palomino Valley GID recommendation is revocation of SUP.

Susan Ambrose even if the permit is revoked, they could apply for special event, and my concern would be county enforcement that they were meeting public safety and roads within the GID.

Chad Giesinger, Code Enforcement, said the problems we have been having with this SUP is that we are finding out about violations after the fact and it already occurred. He said if they were to come in for single, one-time events, he would make sure code enforcement would be present, that day of the events. He said we used to do that when we issued the permit to do compliance checks. The first year they did well and then started to have problems. We didn't have the manpower to go out and baby sit. The other mechanism is to coordinate with sheriff's office. They have the authority to enforce if someone is hosting an unpermitted event. He said we also would have to rely on the community. Health district get a lot of comments. He said he receives emails from them on Monday mornings if something happens over the weekend. It's like any code enforcement issue, it's going to be difficult and lengthy enforcement process. He said we have already issued 3 stop activities orders so we could do a criminal citation. He said the SUP makes it hard to take a case to criminal action. Susan Ambrose said she hopes code enforcement can be there. If there were to be a future event, even though they wouldn't have this current permit, the large number of attendees accessing the dirt road, it can't handle hundreds of cars. She said she read the sheriffs having issues with discharge of firearms at these events. It's fraught with many concerning violations. She expressed concern with even granting a one-day event and the challenges with enforcing compliance as far as public safety, roads and dust.

Kelly Barr stated she lives behind the subject property. She said she is all for people having fun. She said she would sit on the gate and listen to the music. She said the problem began when they were supposed to water the road before and after the event. She said one day there was a wall of dirt drifting in her direction and there was 1,000 people in the back yard who were parked on that road. They had no regard for the neighbors on that road. One of those houses is for sale because of the dirt problem. Just do what you are supposed to do. Our roads are horrible. Just water the roads.

Kevin Cook said he is familiar with the situation. He said in his experience, after these events, the biggest issue is lack of regard for neighbors and safety for those in the area. He said for example, there is trash left behind on the road after the event. You will see discarded beer bottles. He said he hasn't seen anyone throw it out but assumes its coming from those attending the event. He said his father-in-law had to slam on his breaks on the dirt road. The people leaving the event had no regard for our own traffic. It's a safety aspect. It's courtesy. He asked Chad, if they hold an event illegally, would a criminal citation from a sheriff be the only repercussion once this is revoked. He asked what other means could be done so they don't hold the event illegally. Chad Giesinger said we have two mechanisms of enforcement – we have administrative with enforcing fines and appeal process to hearing officer and the other is criminal avenue. If they violate the stop activity order in any way, then we observe it, and we can issue a citation. He said the issue is we aren't informed of issues until after the fact. We have no way of catching them in the act. He said that is where the sheriff can come in and help. He said the other option would be to have video of the act with a witness willing to sign a statement and willing to testify. If we go the administrative enforcement route, it's a \$100 penalty and they can pay it and move on. The penalty goes up to \$400 dollars. It's not a big hammer. They could appeal during administrative hearing. We have been relying on evidence such as posts on Facebook and feedback from reviewing agencies such as the GID. The concerns are valid. It will still be hard to enforce but they won't have the coverage of SUP. As long as they have SUP, they have a cover which is more than if they didn't have it.

Kevin Cook said \$100 to \$400 is probably pocket change for them. He asked if there a way to make a bigger hammer to help with the problem. He said revoking is not going to do much considering who we are dealing with. Chad Giesinger said not without going through a lengthy process to change code enforcement process for entire county. It would be amending the current code chapter to include stricter penalties. He said it took 3 years to get the process they have now. The commission wasn't willing to allow code enforcement that much power. The criminal option is the quickest to prevent illegal activity.

Bob Gunn said he is concerned with the violations but also concerned with animal abuse and mistreatment of horses. If revocation of SUP, there needs to permanently revoke any future application for future events at this property with this owner. You can see by history they will ignore any kind of action to suppress their activities. Chad Giesinger said we made a point in the presentation to state that they can apply for single events; however, the county doesn't have to approve those. Part of the reviewing process of the special events is they are required to submit their application 90 days in advance. We can consider past events and behaviors as criteria in the reviewing process. They are supposed to get temporary liquor license and food permits. There is the ability to deny if necessary. Chad Giesinger spoke about the business license – it expired, but code allows

90 days to reapply. They need to apply for new business license. He said he has grounds to deny business license.

Hugh Ezell said if we see event on the weekend and there is no staff around, there is nobody to call. The onerous is on the county to show up on the weekend and provide public a means to report violations of conditions or problems with event as they are happening. It's easy to calm down the events, we just need the sheriff to set up a check point. He said have seen car wrecks. He said he has seen two on Road Runner. People are leaving the events drunk. The sheriff can enforce. The residents and neighbors are happy to call and report if there is a number provided. He said he is upset and agree that they are poor neighbors.

Ms. Barr spoke about events held off of Winnemucca at the horse barn. She said there is 300 to 500 vehicles for events. Susan said that is Mexican ranch. Hugh Ezell said that is over on Road Runner where he lives. He said it's the same type of event. The events can be a problem. They need some place to do this, but they need to be good neighbors. He said he is disappointed the applicants are on the phone tonight.

Ms. Barr said we like to have fun. Just water the roads.

Larry Chesney said over the years, the Mexican rodeos north of Hugh's place, were shut down for not meeting conditions. He said when he was on the CAB and this operation was on the agenda as a special use permit and it was denied due to soils not conducive to horse racing, the property isn't conducive to horse racing, and the owners have consistently not shown good faith. It's not a matter of determining if the events are acceptable. They are absolutely acceptable with SUP. But the owners have to meet conditions of SUP. You cannot just come out here and kill horses and expect everyone to turn their head. As a resident of the valley, this SUP should have never been allowed in the first place.

Hugh Ezell asked Chad/Chris. If we vote this down and BOA revokes the permit, and the event goes away, does that mean they will go over to the other side of the valley and host events. Chad Giesinger said he cannot control what people do; however, events have their parameters which can be violated. If they have more attendees than allowed; don't get permits; hold events outside the determined schedule, then those would be violations. Chad Giesinger said for the other event held at the other location, he said he been in contact with the property owner numerous times in the last 6 months because of COVID check-ins and they are required to limit capacity and informed them the sheriff would be by.

Susan Ambrose if rodeo events are concerns, we can put that on future agenda.

Marshall Todd said these people have shown complete disregard with complying with rules. One way to get them to comply is to revoke the permit and make them start it back up. Instead of code enforcement, they should deal with the sheriff. He said he thinks that is sufficient impetuous to get them in-line.

Pam Roberts thanked Chris and Chad for this thorough presentation of the history of noncompliance for this property. She said given they were properly notified, she said she completely supports the CAB to take position that the SUP permit be revoked. She said she appreciates the explanation of remedies that residents have if that after it's revoked, we would be able to call code enforcement and sheriff about illegal activity that would be happening without permit. Although administrative penalties seem small, misdemeanor crime is punishable up to \$1000 especially if there is repeat offense. She said she hopes the judge that imposes the fine would give maximum especially for repeat offenses.

Chris Bronczyk ensured the applicants have been properly noticed. The processor served them in October. This case got pushed to February. They were noticed per statute. We have done our due diligence. He said the sheriff has been brought up in this meeting. He said they provided an agency review and they supported revocation of this SUP.

MOTION: Marshall Todd moved to recommend the SUP be revoked. Hugh Ezell seconded the motion. The motion carried unanimously.

Hugh Ezell asked Chad if permit is revoked and they have illegal events, what do you want from us if something happens on Saturday. He asked if Chad wants pictures, videos. He asked what you need as far as evidence of illegal action. Chad said date/time stamped photo or video and witness statement form which he

will provide. Chad Giesinger said sheriff is their own entity. We have been building a good relationship with them. They have helped by visiting the events. If we have difficulty catching them in the act, the evidence is helpful. But if something is happening that is unsafe, contact them.

Susan Ambrose said two deputies come out to patrol the valley, but they are spread thin. Sheriff Balem has been a strong advocate and cooperative.

7. *WASHOE COUNTY COMMISSIONER UPDATE – Commissioner Jeanne Herman spoke about County activities. She said we had a strategy meeting today. The meeting wasn't well attended; however, we had Hugh Ezell speak and he made a great public comment. You have an outstanding public member who spoke well. She spoke about COVID – things aren't getting done as they normally would. We have some folks who are doing a great job. She said she speaks with people who cannot get permits or cannot get anything done. There are some people who are waiting over a year. She said people aren't supposed have to wait.

Susan Ambrose thanked Jeanne for attending and providing an update. Susan Ambrose said we understand these difficult times with COVID and everyone is doing the best they can. Hopefully things will improve once the vaccine is rolled out and get back to work. We will get caught up on things that are back logged.

8. *CHAIRMAN/BOARD MEMBER ITEMS- Susan Ambrose announced recent CAB appointments. She welcomed Hugh, Kevin, and Kelly. She thanked the GID and county staff.

9. *GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –

Pam Roberts said for the next meeting agenda, the minutes from July 2019 meeting need to be included. The minutes haven't been reviewed or approved. She noted she had amendments to the minutes. Chad Ciesinger will include it on the next agenda with corrections.

There were no further requests for public comment.

Meeting adjourned at 7:13 p.m.

Number of CAB members present: 6

Number of Public Present: 2

Presence of Elected Officials: 1

Number of staff present: 1