



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.gov

STAFF REPORT

BOARD MEETING DATE: May 28, 2024

DATE: April 26, 2024

TO: Board of County Commissioners

FROM: Kat Oakley, Senior Planner, Planning & Building Division Community Services Dept., (775) 328-3628, koakley@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, (775) 328-3619, kmullin@washoecounty.gov

SUBJECT: Public Hearing: Appeal of the Washoe County Board of Adjustment's approval of special use permit case number WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) which seeks an expansion to the Sky Tavern Junior Ski Area, including a utility services use type for the installation of snowmaking infrastructure including 1-million and 2-million gallon water storage tanks, approximately 11,000 linear feet of snowmaking water supply piping, and two well and pump houses; an expansion of the destination resort use type to expand site parking and lighting for the parking area and lighting for night skiing; requests to vary certain standards of Washoe County Code Articles 204, 410, 412, and 414; and associated major grading including approximately 6,600 cy of cut and fill, and 6.1 acres of disturbed area.

The appellant is the Mount Rose Bowl Property Owners Water Co. The applicant is the Sky Tavern Junior Ski Area. The subject parcel is located off Nevada State Route 431 approximately 10 miles south of Reno on parcel APN 048-050-03, has a master plan designation of Rural (R) and a regulatory zone designation of Parks and Recreation (PR).

The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and any additional evidence submitted at the Board's public hearing. The Board may affirm, modify or reverse the Board of Adjustment's decision. (Commission District 1.)

SUMMARY

Appellant Mount Rose Bowl Property Owners Water Co., on behalf of a group of residents and property owners near the subject property, is seeking to overturn part of the Washoe County Board of Adjustment's April 4, 2024, approval of the proposed ski resort expansion. The applicant is the Sky Tavern Junior Ski Area and the property owner is the City of Reno. The appellant is specifically seeking to overturn the approval of lights for night skiing, based on concerns regarding impacts to the dark night sky and the scenic

AGENDA ITEM # _____

value of the area. They also allege that the documents presented at the neighborhood meeting were not consistent with the final proposal and that noticing was insufficient. The subject property is generally located off Nevada State Route 431 approximately 10 miles south of Reno.

Washoe County Strategic Objective supported by this item: Economic Impacts: Meet the needs of our growing community.

PREVIOUS ACTION

April 12, 2024. Appellant Mount Rose Bowl Property Owners Water Co. submitted an appeal of the Board of Adjustment's decision in WSUP23-0016.

April 4, 2024. The Washoe County Board of Adjustment approved the Sky Tavern Junior Ski Program's application for a special use permit to expand the Sky Tavern Junior Ski Area, including a utility services use type for the installation of snowmaking infrastructure including 1-million and 2-million gallon water storage tanks, approximately 11,000 linear feet of snowmaking water supply piping, and two well and pump houses; an expansion of the destination resort use type to expand site parking and lighting for the parking area and lighting for night skiing; requests to vary certain standards of WCC Articles 204, 410, 412, and 414; and associated major grading including approximately 6,600 cy of cut and fill, and 6.1 acres of disturbed area.

NEIGHBORHOOD MEETING

May 16, 2023. A neighborhood meeting was held at Sky Tavern Ski Resort. Approximately nine people attended. The general vision for the expansion of Sky Tavern was discussed.

BACKGROUND AND REQUIRED LEGAL FINDINGS

On April 4, 2024, the Board of Adjustment approved Special Use Permit Case Number WSUP23-0016 for the Sky Tavern expansion, which included a utility services use type for the installation of snowmaking infrastructure including 1-million and 2-million gallon water storage tanks, approximately 11,000 linear feet of snowmaking water supply piping, and two well and pump houses; an expansion of the destination resort use type to expand site parking and lighting for the parking area and lighting for night skiing; requests to vary certain standards of WCC Articles 204, 410, 412, and 414; and associated major grading including approximately 6,600 cy of cut and fill, and 6.1 acres of disturbed area.

In approving WSUP23-0016, the Board of Adjustment made all five required findings from WCC 110.810.30, which are as follows:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Planning Area.
- (b) 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.
- (c) Site Suitability. That the site is physically suitable for a destination resort, utility services, and major grading, and for the intensity of such a development.
 - (d) 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.
 - (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

A full staff analysis of the project and required findings can be found in Attachment C, Board of Adjustment Staff Report. While there are many components of the subject request, the appeal specifically seeks to overturn approval of lighting for night skiing. They cite two broad reasons for their appeal: impacts to the dark night sky in a scenic area and inconsistency between the application and the materials provided at the neighborhood meeting. They also mention that the greater Truckee Meadows area did not receive notice of the project despite its impact on the area. Other than appealing the approval of the lighting for night skiing, the appellants are not asking to overturn any of the other approvals associated with this special use.

The May 16, 2023, a neighborhood meeting was held in accordance with Washoe County policy. All noticing for the Board of Adjustment public hearing met the legal noticing requirements. The Board of Adjustment considered the impact that the proposed lighting would have on the dark night sky. After deliberation, they determined that the impacts would be sufficiently limited by time restrictions on the use of the lights (to be used no later than 9:00 pm) and that the project met all required findings for the issuance of a special use permit.

In considering this appeal, the Board may consider the threshold issue of “standing”, i.e., whether the appellant has a right to bring the appeal in the first place. If the Board finds the appellant has standing to bring the appeal, the Board must then analyze the merits of the appeal. On the merits of the appeal, considering the record and information presented at the public hearing, the Board must consider if the findings required by WCC 110.810.30 can be met, specifically the consistency of the project with the master plan, whether adequate improvements exist, the suitability of the physical site for the proposed project, and whether issuance of the special use permit is significantly detrimental.

FISCAL IMPACT

No fiscal impact.

PUBLIC NOTICE

Notice for special use permits must be given in accordance with WCC 110.810.25, as amended.

Owners of all real property to be noticed are owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent

to the last known addresses of such real property owners as identified in the latest County Assessor's records.

All property owners located within 500 feet of the area to which the proposed special use permit pertains and a minimum of 30 separately owned parcels nearest the property must be noticed by mail at least 10 days before the public hearing date.

Noticing for this proposal: 33 property owners nearest the subject parcel were noticed by mail not less than 10 days before today's public hearing.

POSSIBLE OPTIONS

The Board of County Commissioners may review the record and the evidence submitted during the Board's public hearing and take one of the following three actions:

1. Affirm the decision of the Board of Adjustment and approve WSUP23-0016 (Sky Tavern Junior Ski Program Expansion); or
2. Affirm the decision of the Board of Adjustment and approve WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) with modifications to the approved plans and/or with added or modified conditions of approval; or
3. Reverse the decision of the Board of Adjustment and partially approve WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) but deny the request for lighting for night skiing.

POSSIBLE MOTIONS

Should the Board agree with the *Board of Adjustment's* approval of WSUP23-0016 (Sky Tavern Junior Ski Program Expansion), staff offers the following motion:

"Move to affirm the decision of the Board of Adjustment approving WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) based upon the ability to make the findings required by WCC Section 110.810.30."

or

Should the Board disagree with the *Board of Adjustment's* approval of WSUP23-0016 (Sky Tavern Junior Ski Program Expansion), staff offers the following motion:

"Move to partially reverse the decision of the Board of Adjustment to approve WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) denying the application as to the installation of lights for night skiing. The partial reversal of the Board of Adjustment's decision is based on the Board's inability to make all the findings required by WCC Section 110.810.30 [specify which findings cannot be made], with regard to the installation of lights for night skiing."

Attachments A-G Constitute the Record on Appeal:

- A. Board of Adjustment signed Action Order dated 4/8/24
- B. Appeal received 4/12/24
- C. Board of Adjustment staff report dated 4/4/2024
- D. Board of Adjustment Minutes dated 4/4/2024

- E. County Staff Presentation to Board of Adjustment
- F. Video recording of April 4, 2024, Board of Adjustment Hearing
- G. Written Public Comment received before the April 4, 2024, Board of Adjustment Hearing
- H. Written Public Comment received after the April 4, 2024, Board of Adjustment Hearing

Applicant: Sky Tavern Junior Ski Area, mike.oehlert@skytavern.com
Property Owner: City of Reno
Representatives: Robison Engineering Company, Inc, nathan@robisoneng.com
Appellant: Mount Rose Bowl Property Owners Water Co., ssbroili@yahoo.com