



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: December 10, 2019

DATE: October 24, 2019
TO: Board of County Commissioners
FROM: Chris Bronczyk, Planner, Planning and Building, Community Services Department, 775.328.3612, cbronczyk@washoecounty.us
THROUGH: Mojra Hauenstein, Arch., AICP, Division Director, Planning and Building Community Services Department, 328-3619, mhauenstein@washoecounty.us
SUBJECT: Public Hearing: Appeal of the September 5, 2019 denial by Washoe County Board of Adjustment of Administrative Permit Case Number WADMIN19-0014 for De La Montanya Winery.

The proposed project seeks to allow for a winery use type on two parcels located at 16435 and 16445 Bordeaux Drive (APNs: 047-162-21; 047-162-19) which is in the Forest Area Plan, located outside of the Montreux neighborhood, adjacent to Mt. Rose Highway.

The property is within a Low Density Suburban (LDS) regulatory zone. The winery will consist of a tasting room, and associated vineyards on 2 parcels totaling 2 acres. The permit would generally include (1) the sale and tasting of wine, (2) the production of wine, (3) crop production related to the associated vineyards, and (4) parking for customers and employees.

The property owners and appellants are Dennis and Tina De La Montanya. The board may affirm, reverse or modify the decision of the Board of Adjustment. In doing so, the Board may remand the matter back to the Board of Adjustment with instructions, or may directly grant all or part of the appeal and approve the administrative permit.
(Commission District 2.)

SUMMARY

The applicant, Dennis and Tina De La Montanya, applied for an Administrative Permit WADMIN19-0014 to allow for a winery use type, with associated vineyards. That permit was denied by the Washoe County Board of Adjustment on September 5, 2019. The Board of Adjustment expressed concerns in several areas including the impacts the winery would have on a nearby bus stop, and the overall site suitability of this application.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

AGENDA ITEM # _____

PREVIOUS ACTION

On September 5, 2019, the Washoe County Board of Adjustment (BOA) held a second public hearing and took public testimony on the proposed administrative permit. Draft minutes of the meeting are included with this staff report as Attachment C. The BOA staff report is included as Attachment D. The proposed administrative permit was recommended for approval by staff but denied with a 2-1 vote from the BOA.

On August 1, 2019, the proposed Administrative Permit was heard by the BOA, and was continued to the September 5, 2019 meeting.

On July 11, 2019, the proposed administrative permit was discussed at the regularly scheduled South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) meeting. The CAB chose not to take any official action on the item due to lack of a quorum.

BACKGROUND

The applicant is seeking to allow for a winery use type, and associated vineyards to 16435 and 16445 Bordeaux Drive – a property with a regulatory zone of Low Density Suburban (LDS).

Winery. The Winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass, on its premises, wine produced, blended, or aged on site by the winery subject to any limitations set forth in NRS 597.240.

A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Wine making in the urban, commercial or industrial regulatory zones, or in conjunction with the manufacture of other types of intoxicating liquor, is classified as Liquor Manufacturing, a separate Commercial Use Type. Any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30 of this Code. The business license application process for an allowed winery shall include the noticing of all adjacent property owners within 500 feet of the subject parcel, homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division which have an interest in the subject parcel, and any properties that share a privately maintained access road to the subject parcel. Review and approval of a business license application to establish a winery shall include, at a minimum, review by the Washoe County Health District, the fire department of jurisdiction, and any General Improvement District with jurisdiction.

Full details about the existing and proposed business operations are included with the staff report to the Board of Adjustment, which is provided as Attachment B.

The Washoe County Board of Adjustment denied the Master Plan Amendment based on an inability to make the finding of Site Suitability. The following findings are required by Washoe County Code (WCC) Section 110.808.25:

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

The Board of Adjustment staff report (Attachment D) includes discussion for each of these required findings.

The applicants Dennis and Tina De La Montanya have appealed the Board of Adjustment's action to deny the administrative permit, and have asked the Board to overturn that action and adopt the proposals. The full appeal is provided as Attachment A.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board review the record and information received during the public hearing and either affirm or reverse the Board of Adjustment's denial of Administrative Permit Case Number WADMIN19-0014.

POSSIBLE MOTIONS

Two possible motion options are provided, depending on whether the Board chooses to affirm or reverse the Board of Adjustment's denial of the two requests.

Affirm

Should the Board agree with the Board of Adjustment's action, a possible motion would be:

“Move to deny the appeal and affirm the decision of the Board of Adjustment on September 5, 2019, to deny Administrative Permit Case Number WADMIN19-0014 for De La Montanya Winery, being unable to make any of the required findings.”

Reverse

Should the Board disagree with the Board of Adjustments action and wish to approve the appeal by reversing the Board of Adjustments action and adopting the proposed administrative permit, a possible motion would be:

“Move to approve the appeal, reverse the Board of Adjustment’s denial, and adopt Administrative Permit Case Number WADMIN19-0014. This action is based on the Board’s review of the written materials and oral testimony at the public hearing, and the Board’s ability to make all of the findings listed in WCC Sections 110.808.25.”

Attachments:

- A. Appeal application
- B. Board of Adjustment signed Action Order dated 9/9/19
- C. Minutes of 9/5/19 Board of Adjustment meeting
- D. Board of Adjustment staff report dated 9/5/2019.
- E. Conditions of Approval

cc: Appellant/Applicant: Dennis and Tina De La Montanya
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