

AGENDA PACKET NO. 10.

**Staff Report**  
**Board Meeting Date: December 19, 2024**

**TO:** District Board of Health (DBOH)  
**FROM:** Amber English, EHS Supervisor  
775-433-4015, [aeenglish@nnph.org](mailto:aeenglish@nnph.org)  
**SUBJECT:** Recommendation to uphold the decision of the Food Protection Hearing and Advisory Board to approve Variance Case #2-24FP of the regulations of the District Board of Health Governing Food Establishments for Diamond Peak Ski-Main Lodge BBQ Outdoor Food Establishment (H19-0053FOOD).

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**SUMMARY**

This staff report summarizes the Environmental Health Services Division's (EHS) review of the variance request along with the recommendation of the Food Protection Hearing and Advisory Board (FPHAB) for Variance Case #2-24FP for Diamond Peak Ski-Main Lodge BBQ Outdoor Food Establishment (H19-0053FOOD) as heard on December 3, 2024.

**District Health Strategic Priorities supported by this item:**

- 1. Healthy Lives:** Improve the health of our community by empowering individuals to live healthier lives.

**PREVIOUS ACTION**

The District Board of Health (DBOH) has taken no previous action on this item.

**BACKGROUND**

This variance case arose when Northern Nevada Public Health (NNPH) staff conducted a routine inspection of Diamond Peak Ski- Main Lodge BBQ Outdoor Food Establishment located at 1210 Ski Way, Incline Village, NV 89451 on April 12, 2024. During the inspection, it was observed that the facility was not equipped with an ANSI certified plumbed handwashing sink per the requirements of Sections 060.205, 070.020, and 200.025 of the food establishment regulations. Upon file review, it was determined that the establishment submitted a written operational plan for an outdoor food establishment on February 15, 2019. The written operational plan was conditionally approved pending a follow-up verification inspection, and the establishment permit to operate was issued on April 11, 2019.

**ENVIRONMENTAL HEALTH SERVICES**

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However, due to the COVID 19 pandemic, the verification inspection of the establishment was not conducted until February 11, 2021. During the verification inspection, it was noted that the facility may need a variance to allow for a non-plumbed handwashing sink due to the latest change to the Outdoor Food Establishments section of the food establishment regulations which occurred on September 13, 2019. Therefore, during the April 12, 2024, inspection, it was noted that the establishment did not have an ANSI certified, plumbed hand sink and that the operators would be required to either install a plumbed hand sink or request a variance from the applicable sections of the food establishment regulations.

The variance will allow Diamond Peak Ski- Main Lodge BBQ to operate a portable hand sink. Additionally, Diamond Peak Ski- Main Lodge BBQ operators have prepared and submitted an updated operational plan for their outdoor food establishment and the plan has been conditionally approved by NNPH. The Operational Plan includes procedures for the maintenance of the proposed portable handwashing sink.

The case was heard at the December 3, 2024, FPHAB meeting where the FPHAB voted unanimously to recommend approval of the variance to the DBOH with the condition that Diamond Peak work with the Health District to establish a clear timeline for installation of a permanent handwashing sink.

Attached to this staff report is the FPHAB Report and the variance application packet.

### **FISCAL IMPACT**

There is no fiscal impact should the Board uphold the recommendation of the FPHAB to approve the variance request with the listed condition. All applicable permit fees and operational plan review fees have been paid in full.

### **RECOMMENDATION**

Staff recommends the Board uphold the decision of the Food Protection Hearing and Advisory Board to approve Variance Case #2-24FP of the regulations of the District Board of Health Governing Food Establishments for Diamond Peak Ski-Main Lodge BBQ Outdoor Food Establishment (H19-0053FOOD).

### **ALTERNATIVE**

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the item should be pulled from the Consent Agenda for discussion. Possible alternatives are:

1. The Board may decide to not uphold the decision of the FPHAB to approve variance #2-24FP.
2. The Board may decide to modify the decision of the FPHAB to approve variance #2-24FP with any conditions as they see fit.

### **POSSIBLE MOTION(s)**

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold the decision of the FPHAB to approve variance #2-24FP.

Or, should the Board consider an alternative, the possible motions may be:

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2. “Move to modify the decision of the FPHAB in the following manner:”

Or

3. “Move to reverse the decision of the FPHAB”

Or

“Move to refer the variance back to the FPHAB for further additional consideration.”