



Board of Adjustment Action Order

Special Use Permit Case Number WSUP23-0016 (Sky Tavern Junior Ski Program Expansion)

Decision: **Approval with Conditions**
Decision Date: April 4, 2024
Mailing/Filing Date: April 8, 2024
Applicant: Sky Tavern Junior Ski Area
Staff Planner: Kat Oakley, Senior Planner
Phone: 775.328.3628
E-Mail: koakley@washoecounty.gov

Special Use Permit Case Number WSUP23-0016 (Sky Tavern Junior Ski Program Expansion) – For hearing, discussion, and possible action to approve a special use permit for 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 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.

- Applicant: Sky Tavern Junior Ski Area
- Property Owner: City of Reno
- Location: 21130 Mount Rose Hwy
- APN: 048-050-03
- Parcel Size: 143.070 Acres
- Master Plan: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: Forest
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permits. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code. The action was based on the following findings in accordance with Washoe County Code Section 110.810.30:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;

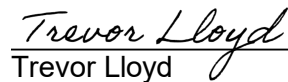
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- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate 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.

This Action Order is issued 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. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval 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 Planning and Building Division.

Washoe County Community Services Department
Planning and Building Division


Trevor Lloyd

Secretary to the Board of Adjustment

TL/KO/AA

Attachments: Conditions of Approval

Applicant: Sky Tavern Junior Ski Area, mike.oehlert@skytavern.com

Property Owner: City of Reno

Representatives: Robison Engineering Company, Inc, nathan@robisoneng.com

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Action Order xc: Elizabeth Hickman, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Howard Stockton, Assessor's Office; Katrina Pascual, Utilities; Rob Wimer / Stephen Hein, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection; Regional Transportation Commission; Truckee Meadows Regional Planning Agency.



Conditions of Approval

Special Use Permit Case Number WSUP23-0016

The project approved under Special Use Permit Case Number WSUP23-0016 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on April 4, 2024. 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.

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 and Building 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 institution of revocation procedures.

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 Health District must be appealed to the District Board of Health.**

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

Washoe County Planning and Building Division

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

**Contact Name – Kat Oakley, Senior Planner, 775.328.3628,
koakley@washoecounty.gov**

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. **The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.**
- c. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within five years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- f. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.
- g. All proposed structures shall have non-reflective siding and roofing and be painted to blend in with the surroundings.
- h. The development shall not be required to meet the standards of WCC 110.410.25(c), (f), or (g)(3); those of WCC 110.412.25(c); those of WCC 110.412.40; or those of WCC 110.204.05(d)(1) or (2).
- i. Signs shall be installed along both sides of Bum Gulch Road between the SR 431 right-of-way and the Sky Tavern parking area access that read "parallel parking only." Signs shall be installed 50' apart, be installed per Washoe County's Standard Details, and meet MUTCD requirements. Approval may be needed from the Nevada Department of Transportation (NDOT) for any signs in their right-of-way. A revokable occupancy permit will be required by Washoe County stating that the applicant will be required to install and maintain the signs
- j. The following **Operational Conditions** shall be required for the life of the business:
 - i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.

- ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
- iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.
- v. Any site lighting shall not be operational later than 9:00 pm.

Washoe County Engineering and Capital Projects

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

Contact Name – Robert Wimer, P.E., 775.328.2059, rwimer@washoecounty.gov

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
 - b. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
 - c. Exported materials shall not be sold without the proper business license.
 - d. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100- year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drainpipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties. Additionally, any increase in storm water runoff resulting from the development and based upon the 5- and 100-year storms shall be detained on site and attenuated to existing flow rates for discharge to the satisfaction of the County Engineer.
 - e. The following note shall be added to the construction drawings; "All properties, regardless of if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."
3. The following conditions are requirements of the Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

Contact Name – Mitchell Fink, P.E., 775.328.2050, mfink@washoecounty.gov

- a. All Washoe County roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.

- b. An updated traffic report shall be submitted to provide additional analysis and mitigation recommendations, specifically addressing the safety of the left turn movements onto and

from the Mount Rose highway, the intersection turning movements exhibiting LOS E and F, the driveway conflict with the proposed right turn pocket length not meeting NDOT standards, and any additional requirements by NDOT. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required in association with NDOT right of way.

- c. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for any construction activities, improvements, and for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

Washoe County Utilities

- 4. The following conditions are requirements of Utilities, which shall be responsible for determining compliance with these conditions.

**Contact Name – Katrina Pascual, 775-954-7352, kpascual@washoecounty.gov;
Alexander Mayorga, P.E., 775.328.2313, amayorga@washoecounty.gov,**

- a. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.

Truckee Meadows Fire Protection District

- 5. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Brittany Lemon, Fire Captain, 775.326.6079, blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>

Nevada Department of Transportation

- 6. The following condition is a requirement of the Nevada Department of Transportation, which shall be responsible for determining compliance with this condition.

Contact Name – Jeff Graham, P.E., 775.834-8382, Jeffrey.graham@dot.nv.gov

- a. The access to SR 431 from existing approaches may require improvements to meet current requirements of NDOT's Access Management System and Standards to accommodate the increased traffic volumes associated with the expansion. A review and acceptance of the traffic impact study will be required prior to the permit application for roadway improvements in NDOT right of way.
- b. All work proposed within SR 431 right of way will require an encroachment permit and must comply with NDOT's Standard Plans, Access Management System and Standards, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and the Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.
- c. Since the site is located directly adjacent to SR 431 and has potential to effect area drainage patterns, the applicant may be required to obtain an occupancy permit from NDOT for the drainage encroachment.

Washoe County Regional Parks and Open Space

7. The following condition is a requirement of Washoe County Regional Parks and Open Space, which shall be responsible for determining compliance with this condition.

Contact Name – Faye-Marie Pekar, Park Planner, 775.328.3623, fpekar@washoecounty.gov

- a. Consistent with the Mount Rose Scenic Byway Corridor Management Plan and 2008 Regional Open Space and Natural Resource Plan goals, it is recommended that the applicant use best practices for dark sky compliance.
- b. Any earthen materials imported to the site shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
- c. The project shall comply with Washoe County Code section 110.412.67, Revegetation.
- d. All undeveloped areas disturbed as the result of project activities shall be revegetated utilizing a native seed mix as reviewed and approved by the Washoe Storey Conservation District and/or Washoe County Regional Parks and Open Space.

Northern Nevada Public Health

8. The following conditions are requirements of Northern Nevada Public Health, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in Northern Nevada Public Health. Any conditions set by NNPH must be appealed to the District Board of Health.

Contact Name – Jim English, EHS Supervisor, 775.900.7239, jenglish@nnph.org

- a. EHS only reviewed the application for the purpose of allowing the issuance of a special permit for the expansion of the ski area. This review does not approve the site plan or proposed improvements as depicted.
- b. If the application is approved, the future building plans and permits must be reviewed and approved by EHS at which time the plans must meet all applicable sections of the current Washoe County District Board of health Regulations governing well construction.
- c. If the application is approved, future building plans must clearly identify whether the proposed water infrastructure is independent of the existing water system. Based on how the proposed new water infrastructure is proposed will determine if a separate water project is required pursuant to NAC 445A.

*** End of Conditions ***