



SB13-008 Revocation



**Board of County Commissioners Meeting
March 23, 2021**

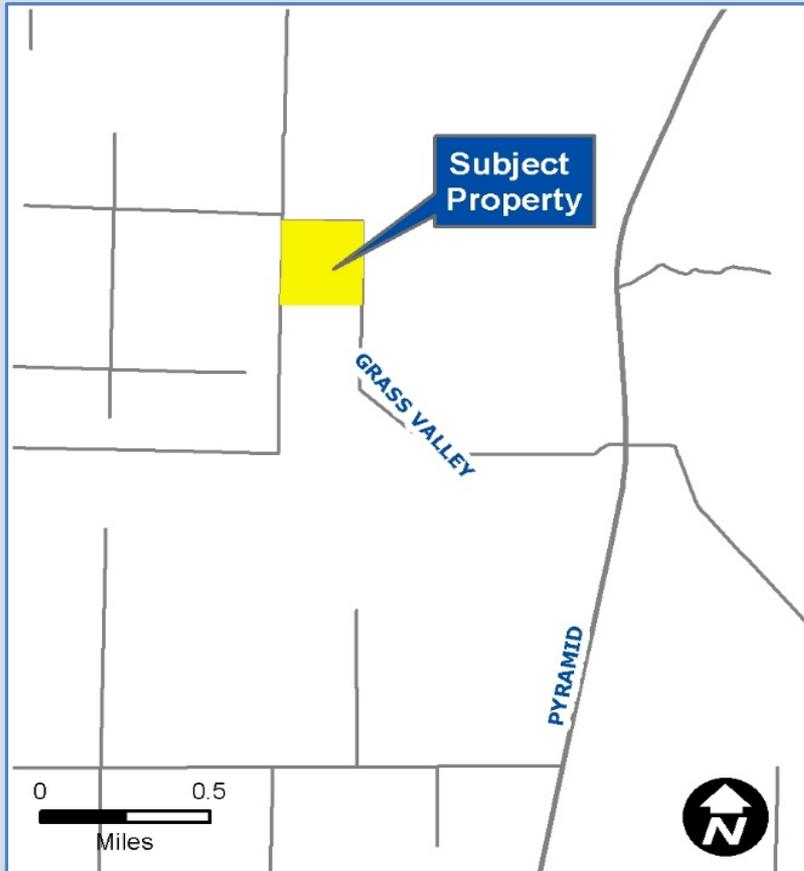


Request

- **Revoke SB13-008 (De La Luz Horse Racing Events)**
- **Revocation is in accordance with 110.810.70(b)(2)(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:**
 - (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



SB13-008



- SB13-008 granted in 2013
- Allows for 20 – 1 day horse racing events
- Annual submittal no later than April 1st of an events calendar with dates and times (15-day notice)
- Allows for a maximum number of 400 people
- Allowed to run from May through September



Condition Violations

- **Condition 1(a): The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.**
- **Investigations by various agencies discovered that the event organizer was not following plans submitted to reviewing agencies**



Condition Violations

- **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.**
- **The applicant consistently failed to:**
 - Meet agency deadlines for submission of contracts,
 - Communicate with reviewing agencies about upcoming events; and,
 - Even when events were approved by an agency, failed to follow the approved agency conditions.



Condition Violations

- **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 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.



Condition Violations

- **Condition 1(i) continued:**
 - The applicant has consistently failed to meet these deadlines
 - Even when an events calendar was eventually submitted, the applicant would change dates less than 15 days prior to the event date
 - Staff also has evidence that illegal (unauthorized) events have been held in 2020 even though no event calendar was submitted and no events were reviewed nor approved.



Condition Violations

- **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.**
- **The applicant has not maintained a valid business license.**
- **The applicant allowed their business license to expire on August 21, 2020.**
- **Online, mail, or over the phone renewal was available.**



Condition Violations

- **The revocation is being requested at this time due to the cumulative violations, disregard of conditions, and requests from other reviewing agencies to revoke the SUP; and,**
- **Due to the violation of the Governor's Emergency Directive regarding large gatherings and events during the COVID-19 pandemic and during high case rates in WC**



Recent Compliance History

- **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 (during COVID restrictions).
- **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
- **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.**



CAB Review/Action

- **The Warm Springs Rural CAB reviewed the request at its January 13, 2021 meeting**
- **The property owners were notified of the CAB meeting (multiple times) but did not attend**
- **Minutes of the CAB meeting have been provided as an attachment to the staff report**
- **Most of the discussion centered around negative impacts stemming from the on-going events**
- **The CAB voted unanimously to recommend the BOA recommend revoking the SUP**



Notice

- **Per NRS 241.034, the property owners were noticed of the BCC hearing by a professional process server within the required timeframe**
- **Staff contacted and met with the property owners to remind them of the BCC meeting**
- **Standard mailed notice (per the Development Code SUP requirements) was also provided**



NEXT STEPS

- **If BCC revokes the SUP, a 25-day judicial review period begins**
- **If no appeal, the SUP is revoked and future events are not authorized...unless,**
- **The owner may still apply for one time events, each of which must be approved separately; no guarantee of future approval (past event history)**
- **BCC action is final unless the matter is appealed to judicial review, then decision of the court is final**



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.”***