

Special Use Permit Application

Prepared by:



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Property

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	S	taff Assigned Case No.:		
Project Name: Black Rock Rentals - SUP				
Project Requested is a SUP for the Storage of Operable Vehicles, Construction Sales and Services and Description: Equipment Repair & Sales. Additionally, a Director's Modification is included in the package for waiving of landscape requirements and allowance of an alternative method of screening.				
Project Address: 0 SR 447				
Project Area (acres or square fe	et): 5.37+/- AC			
Project Location (with point of re	eference to major cross	streets AND area locator):		
Approx. 1/4 mile N. of	C Street Inter	section in Empire on V	V. side of Hwy	
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
071-120-09	5.37+/- AC			
Indicate any previous Washo	e County approval	s associated with this applicat	ion:	
Case No.(s).				
Applicant Inf	ormation (attach	additional sheets if necess	ary)	
Property Owner:		Professional Consultant:		
Name: Keith B. Deforest, et al.		Name: Bowman Consulting Group, L	_td.	
Address: P.O. Box 54		Address: 1150 Corporate Blvd		
Gerlach, NV	Zip: 89412	Reno, NV	Zip: 89502	
Phone:	Fax:	Phone: 775-856-7073 Fax:		
Email: blackrockrentals1963@gmail.	com	Email: dsnelgrove@bowman.com		
Cell: 775-335-6001	Other:	Cell: 775-737-8910	Other:	
Contact Person: Keith Deforest		Contact Person: R. David Snelgrove, AICP		
Applicant/Developer:		Other Persons to be Contacted:		
Name: Same as Property Owner		Name:		
Address:		Address:		
	Zip:		Zip:	
Phone:	Fax:	Phone: Fax:		
Email:		Email:		
Cell:	Other:	Cell: Other:		
Contact Person:		Contact Person:		
	For Office	Use Only		
Date Received:	Initial:	Planning Area:		
County Commission District:		Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

A special use permit for the Storage of Operable Vehicles, Construction Sales and Services and Equipment Repair & Sales to allow for the rental of spaces for other individuals to store their trailers, vehicles and equipment and to all of the rental of trash dumpsters by the property owner and for the rental of outdoor and camping oriented equipment and the cleanu and minor repair of trailers and equipment.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

A preliminary site plan is provided with this application.

3. What is the intended phasing schedule for the construction and completion of the project?

No phasing is proposed with this project. A office building will be submitted separately as a building permit application to establish a primary use on the site, which will allow for the storage and rental of Black Rock Rentals' trailers and equipment for camping and outdoor activity use.

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The site is situated on SR 447, which is the primary access route to the Black Rock Desert, the Granite Range, the Buffalo Hills and other natural areas offering camping, hunting, off-road vehicle riding and other outdoor and activities. The storage facility is well located to serve users of these areas.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

The site has been used for storage and rental of equipment by the previous property owner (the current owners brother, who recently passed away). There is limited commercial zoned property along SR 447 that would be appropriate and suitable for such as use.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

Visual screening will be important. With the general lack of water in the area, it is proposed that screening be accomplished in an alternative fashion using Connex boxes, art cars, artfully painted or decorated trailers or similar acceptable equipment.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

Please see project narratives for discussions relating to landscaping, parking signs and lighting.

8.	Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to
	the area subject to the special use permit request? (If so, please attach a copy.)

☐ Yes	■ No

9. Utilities:

a. Sewer Service	Septic
b. Electrical Service	None currently - NV Energy in general area but a long way away
c. Telephone Service	various wireless service providers
d. LPG or Natural Gas Service	Propane
e. Solid Waste Disposal Service	None
f. Cable Television Service	Not Avaialbe
g. Water Service	None currently, but well if necessary

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #	acre-feet per year	
i. Certificate #	acre-feet per year	
j. Surface Claim #	acre-feet per year	
k. Other #	acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

No water rights are currently associated with the property and water usage and demand are very low and anticipated to continue as such.

10. Community Services (provided and nearest facility):

a. Fire Station	Gerlach Volunteer Fire Department
b. Health Care Facility	Gerlach Medical Clinic
c. Elementary School	Not Applicable
d. Middle School	Not Applicable
e. High School	Not Applicable
f. Parks	Not Applicable
g. Library	Not Applicable
h. Citifare Bus Stop	Not Applicable

Director's Modification of Standards Supplemental Information

(All required information may be separately attached)

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Requested is a full v	vaiver from the lan	idscape re	quirements th	nat would	be	
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applicable to the proposed site as covered under Article 412 of the Washoe County Development Code.

1. What modification or deviation are you requesting? **Be specific.**

2. Why is the modification or deviation necessary to the success of the project/development? **Be specific.** Are there any extenuating circumstances or physical conditions on the proposed project/development site?

The site is remote and does not have water service nor water rights in association with the property. The property is not located within the Gerlach GID area and cannot obtain water service. An alternative screening method using Connex boxes, art cars, artfully painted or decorated trailers or similar appealing equipment would be used to provide the required screening along the highway frontage.

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J.	Are yo	u propo	ising to	miligale	ıne	eneci	or the	modification	OI	reduction	!

Yes. Scrrening would be accomplished as noted in question 2.

4. What section of code are you requesting to modify or deviate? **Be specific.** List the code section and if there are specific requirements for the modification, provide detailed information. For deviation, provide the percentage of the deviation.

It is requested that a 100% deviation from the landscape (planting) requirements contained in Article 412 of the Washoe County Development Code be granted

5. For Minor Deviation request; list what properties/parcels are affected by the deviation? Explain if there will be any impacts to the affected neighboring properties. (At a minimum, affected property owners are those owners of parcels that immediately abut the location of the proposed minor deviation.)

Not Applicable

Project Overview

Requested is a special use permit (SUP) to allow for the storage of operable vehicles and construction sales and services on a 5.37+/- acre parcel in Empire, Nevada. It should be noted that the use of Automotive Sales and Rentals (an allowed use, by right) will also occur on the subject property, allowing for the rental of Black Rock Rentals owned trailers, and supplies for camping and outdoor activities.

<u>Continued Operation Request</u> – it is identified within this project narrative that this application request is in response and necessary due to a code violation notice that was received by the property owner/applicant. The use has been in operation (rightly or wrongly) for many years and is recognized to be a needed use due to the unique nature and timing of tourism that is experienced in the Gerlach area. The general community is supportive of the continuation of the use (see comment cards received from neighborhood meeting).

Due to the location, nature, and timing of the primary demand and use associated with Black Rock Rentals operations, it is formally requested that the business be allowed to continue operations while working on any presented and approved conditions of approval. It is understood that this is not a typical manner for approvals to be granted and it is requested that the Board of Adjustment provide appropriate measures to provide assurance that the business can continue to operate during the upcoming Burning Man season should all of the conditions of approval not be able to be met in the short time that remains before activities in association with Burning Man begins.

If this cannot occur, it is very likely that this business, that has been in operation for many years, will be forced to close and not reopen due to the financial strain (ie, loss of seasonal revenue) that would be incurred due to this corrective process.

Project Background

The property has been used for vehicle and trailer storage, trash dumpster rental, and the rental of smaller camping and outdoor equipment for many years. The site has offered much needed storage space for many regular attendees to Burning Man, for hunters, and others who regularly use the outdoor environments in NW Nevada. The site was owned and operated for many years by the current owner's brother, who unfortunately recently passed away. The current property owner and applicant, Keith Deforest, received a code violation letter from Washoe County noting that the operations on the property were not appropriately established, and he must either remedy the situation or clear all stored trailers, vehicles and equipment off the site. Mr. Deforest has been clearing as many of the trailers and vehicles which he has the legal right to and has been working on a building permit application to establish a "primary use" on the property to meet the part of the code violation issue. This SUP has been filed to gain the appropriate approvals to rent storage space to others and to assure that his trash dumpster rental operations are appropriately covered and approved per the appropriate county code. In short, Mr. Deforest has been proactively moving forward to bring the site into compliance with the current code standards.

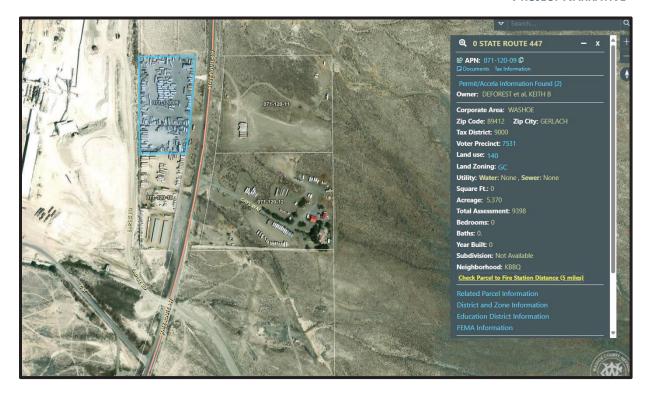
Through the review of the code and discussions with county staff prior to submittal of this application, it is understood that Mr. Deforest (with the establishment of a "primary use," the future office building on the site will be allowed, by right, to rent trailers, vehicles and equipment that the business owns and would rent to others. This special use permit application addresses the rental of space for vehicles, trailers and equipment that others own for storage on the subject property and to assure that his trash dumpster rental business is appropriately approved by Washoe County.

Property Location & Surroundings

The subject parcel is located in Empire, Nevada on the west side of SR 447, approximately 1,500 feet north of C Street. The subject parcel is 5.37+/- acres and is recognized by the Washoe County Assessor's Office to be APN 071-120-09.

Two Vicinity Maps are provided below showing the location of the property relative to Gerlach and a closer view showing the appropriate part of Empire.





Project Requests

Requested is a **special use permit** to allow for the following uses on the subject property – Storage of Operable Vehicles, Construction Sales and Service, and Equipment Repair & Sales. These uses best fit the different storage and rental uses on the property and require the approval of a board of adjustment special use permit. It is fully expected that the identified uses will allow for the owner/applicant to rent space for others to store their trailers, vehicles and equipment on the subject property. Additionally, it is expected that the owner operator would also be allowed to rent his trash dumpsters to others for use at construction and general cleanup and would allow for the cleanup and minor repairs to vehicles, trailer and equipment as is necessary, at times after equipment use - camping, hunting, outdoor adventures and especially after a trip the Playa.

Allowed Use "By-Right" - The site has been and will continue to be used for the use of Automotive Sales and Rentals with the rental of trailers, vehicles, and equipment that are owned by the owner/applicant. The owner/applicant of the subject property has trailers, vehicles and equipment that he rents to other at various time for activities in the area - Burning Man, camping, hunting and other similar outdoor adventures. This use is allowed by right per Article 302 of the Washoe County Code and is noted for full transparency. Per the previously noted code violation, the formalization and allowance of this use will only necessitate that a "primary use" (the office building that will be located on the property) be established.

BLACK ROCK STORAGE - SPECIAL USE PERMIT

PROJECT NARRATIVE

Requested in conjunction with the special use permit application is a **director's modification** to allow for the elimination of the typical landscape and buffering (tree planting) standards from Article 412. We have included this request in the application package for the purpose of transparency for the Board of Adjustment. It is understood that the director's modification request may need to be specifically reviewed and acted upon by the administrator and request that the administrator use this comprehensive application package for their consideration of the modification request to landscaping. Following is a justification for this request

Landscaping/Screening

The site does not have water service nor water rights in association with the property. The property is not located within the Gerlach GID area and cannot obtain water service. Given the general lack of water availability in the area, it is proposed that no landscaping be provided, as would be typical in a suburban environment. Due to the remoteness of the site, it is proposed that Connex boxes, art cars and artfully painted or decorate trailers or similar be used along the SR 447 frontage to provide screening, thus meeting the intent of Article 412 of the Washoe County Code. Specifically, we believe that the use of the proposed screening technique meets 110.412.00 Purpose:

- Enhancing the economic viability of the County and the quality of living for residents and visitors by creating an attractive appearance of development along streets and highways; The proposed screening method (in lieu of typical trees and shrubs highlights a significant activity in the area while providing a more regimented and organized front yard screening method that is water demand sensitive.
- d) Preserving significant ecological communities, and desirable existing trees and vegetation best suited for the local microclimate;
 - There are no trees on the subject property or anywhere around on native and non-manufactured land. The natural landscape is devoid of any trees and the only place that trees do exist within the area around Empire and Gerlach is where they have been artificially planted.
- Maximizing water conservation through established conservation principles and practices, and through proper landscape and irrigation planning, design and management;
 The proposed method of screening certainly maximizes water conservation by providing attractive screening without the use of any water.
- g) Encouraging innovative solutions to landscaping and considering latest resources, best practices and understanding of landscape.
 - The general intent in the application of landscaping of a storage and rental facility as is proposed would be to appropriately screen, it is believed that the proposed zero water consumptive method of screening does meet the "innovative solutions" concept that is encouraged by this section of code.

A 6-foot chain link fence exists around the property with barbed-wire for security. The thought had occurred to provide slats in the fencing, but it was noted by a couple of the attendees at the neighborhood meeting that fencing tends to get blown over with the inclusion of slats. As such, we looked for another means to screen, considering the lack of water resources in the area. This is where we derived the suggested use of the Connex boxes, art cars and artfully painted or decorate trailers or similar for screening along the highway frontage.

Parking

The primary use of the site will be for the storage of operable vehicles, which required only 1 parking space be provided per employee during peak employment shift. There would only be 1 employee at the site at any time. As such, only 1 parking space is required. The site plan shows 2 parking spaces, one standard space and one ADA accessible space meeting the van accessible parking space standards (8' parking space and 8' striped area).

Surface/Paving

The drive surface of the site has been prepared with decomposed granite and the only area that is proposed for paving with AC or concrete is within the parking spaces and the walkway areas adjacent to the parking and proposed building.

It is understood that Washoe County typically requires the surfaces to be paved with the intention of minimizing dust. However, the desert surrounding the site is prone to dust storms, blowing fine sediment which makes any effort to formally pave a portion of a site simply costly and futile. Provided below are a couple of photos that were taken by the property owner/applicant viewing north from inside the site. These photos help to illustrate the level of dust that is common in the area surrounding Empire. The picture on the right shows that the nearby hills can mostly obscured by dust that is not emanating from the subject property.





Proposed "Primary Use" Building

The proposed office building that will serve as the site's "primary use" will be submitted by the owner/applicant under a separate building permit, as necessary. The 12' X 12' office building is only 144 SF in size and an adjoining bathroom will be provided. The bathroom will be served with water for the toilet via the northern existing water tank on the site that holds non-potable water. A septic tank and leach field exist on the property suitable to serve the toilet use. Potable water will be available at the site but will be brought into the site specifically for drinking.

Lighting & Signage

No exterior lighting is proposed with the minor improvements that will be associated with the on-site uses. NV Energy's distance to service is sufficient to not provide a realistic option for power supply.

Signage will be provided to denote the Black Rock Rentals business and will likely be incoproated into or on the existing chain-link fencing.

Neighborhood Meeting

A neighborhood meeting was conducted on April 22, 2025, at the Gerlach Community Center. There were 6 residents/business owners from the notified area that attended the meeting. The comments concerning the application were supportive and it was noted by multiple attendees that it was important that the applicant be able to continue to operate while working through the necessary permits items that have been exposed through a code complaint. It was noted that the site has been used in this fashion for many years, whether officially approved or not and provides a needed service in the community given the uniqueness of visitation and recreation in the area. Copies of the comment cards that were provided at the neighborhood meeting are provided with this application package.

Existing Site Condition Photos

Following is an aerial map that shows existing site storage (drone photo taken in early April of 2025). The owner/applicant has been removing trailers and vehicles that he legally can and that are not his over the

past months, since receiving the code violation notice. The southern end of the property, where the trailers are densely packed is a section that the previous owner had leased to another individual who has now been ordered by the courts to remove all his stored trailers by June 1, 2025.



BLACK ROCK STORAGE - SPECIAL USE PERMIT

PROJECT NARRATIVE

Following are photos of the project site, showing the existing site conditions from ground level.



View of northeastern corner of the site from the northernmost access. The northern 3,000-gallon water tank can be seen inside the existing chainlink fencing.

View of existing drive aisle inside the northern portion of the site.





View of some of the existing vehicle storage within the site.



View of more existing storage on the site. The painted trailer is an example of the type of trailer that could be used along the frontage of the property for screening.

View of existing septic and leachfield area in the NW corner of the site.





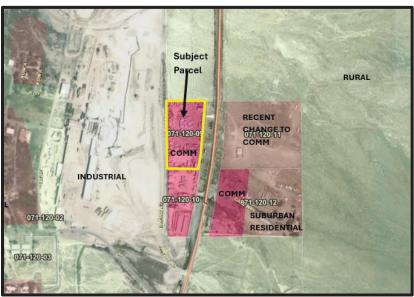
View of existing storage along highway 447 frontage. Move toward the north. Main entrance and one of the two 3,000 gallon water tanks can be seen in the image.

Master Plan and Zoning Conformance

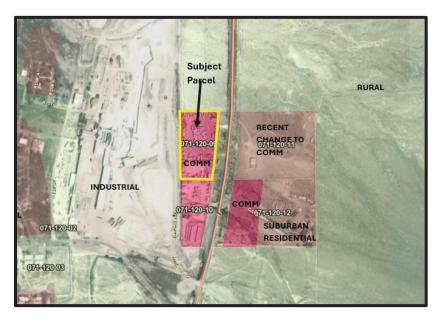
The subject property is master planned Commercial and zoned General Commercial. The uses that are proposed under this special use permit application are all allowed with the approval of a Board of Adjustment special use permit.

Images of the Existing Master Plan and Existing Zoning of the subject property and surrounding area are provided below

Exisitng Master Plan Exhibit



Existing Zoning Exhibit



Legal Findings Review

Section 110.810.30 Findings. Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment or a hearing examiner shall find that all of the following are true:

(a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

The proposed uses fit withing the Commercial and General Commercial Master Plan and zoning designations on the subject property.

(b) Improvements. 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;

As was noted within the project narrative, the project site is remote and outside of the Gerlach GID service area and cannot be served with community sewer. The low intensity uses that are proposed are an appropriate fit and do not present significant demand for utility connections and services. A septic system exists on the property, suitable to address the limited demand that will be presented by the proposed use(s) on the property.

(c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

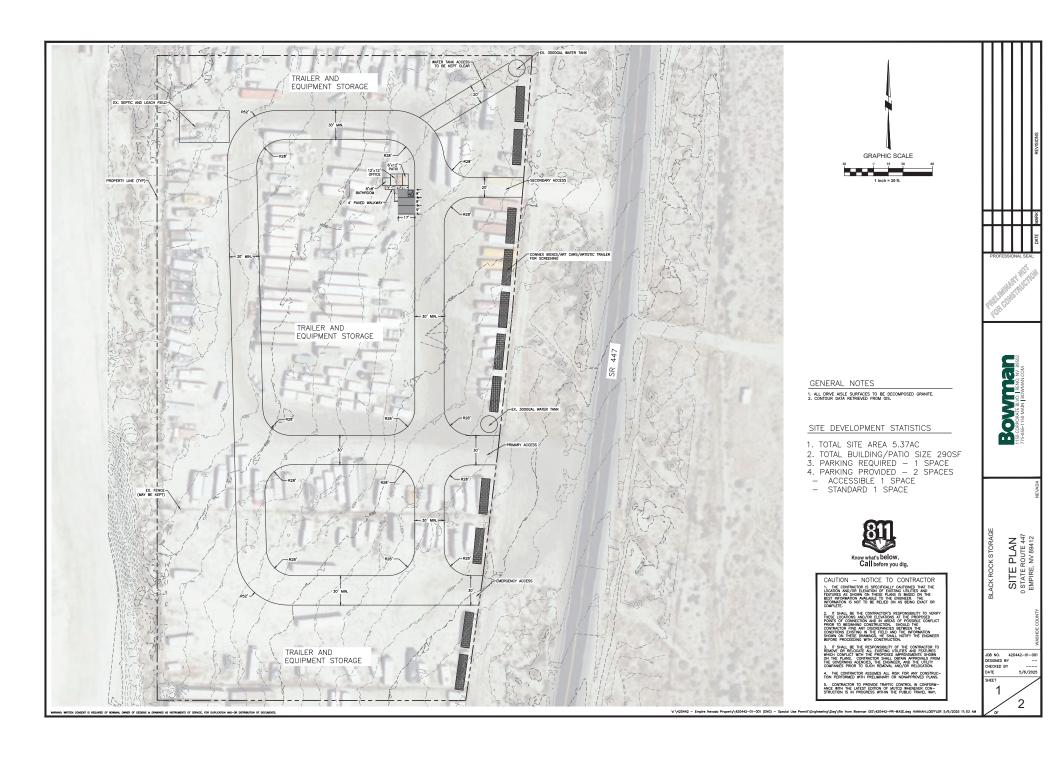
The subject property has been utilized in the proposed fashion for many years, albeit without formal approval. The site presents a gentle grade and has good access from SR 447, not impacting other properties or uses. Other parcels in the immediate area are also used in similar fashion and a recent approval for a Master Plan Amendment and Zone Change will provide additional General Commercial designated property for use in a similar manner as is proposed with this application. Given the surrounding similar uses, the proposed use(s) are suitable and appropriate for the site.

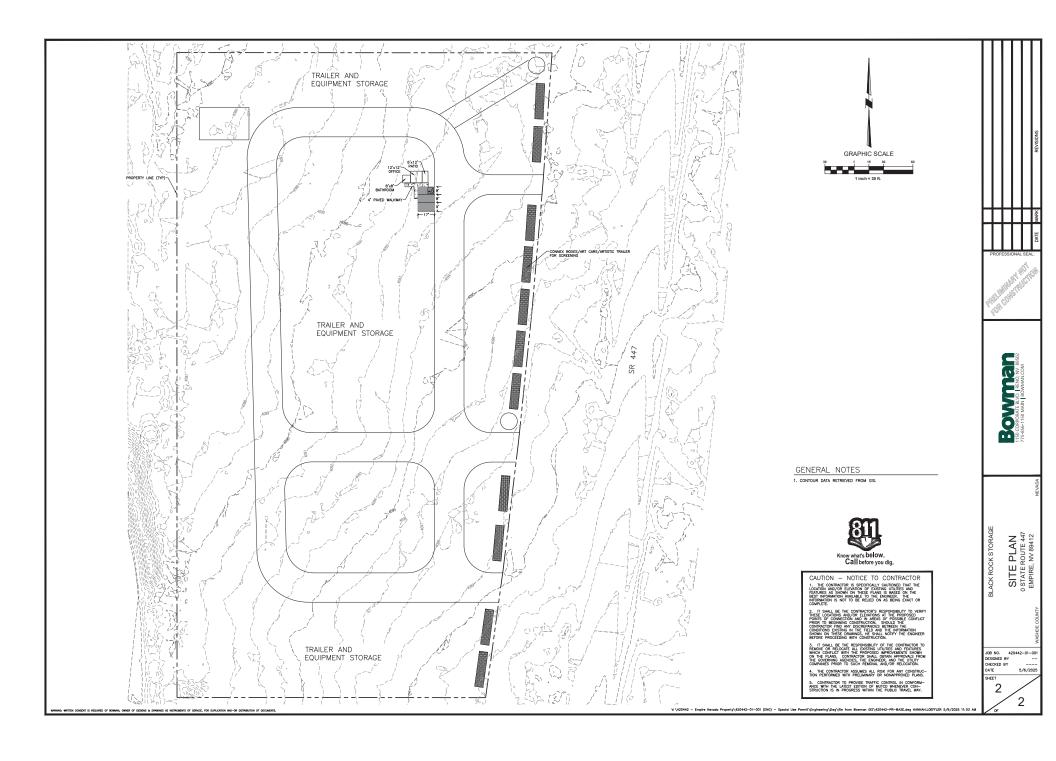
(d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and

The proposed uses will not present a situation that would be significantly detrimental to the public health, safety or welfare, be 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.

Not applicable – There are no military installations within the area of the project.





Bowman

May 5, 2025

Janelle Thomas Washoe County Community Development 1001 E. Ninth Street Reno, NV 89512

RE: BLACK ROCK RENTALS DRAINAGE LETTER

Dear Janelle:

We are providing this letter as a drainage statement for the proposed storage lot improvements on a 5.37 Acre lot known as Black Rock Rentals located in Empire, Nevada off SR447.

The proposed project consists of the addition of a 280-square-foot office building with a patio, and 570+/-square feet of associated parking lot improvements. This development will result in an increase of approximately 850 square feet of total impervious surface area.

The existing site is currently unimproved dirt and has been actively being used as a storage lot for many years. Site drainage generally flows towards the northwest corner of the property into an existing drainage channel.

The increase in the impervious area represents approximately 0.4% of the total site area. Due to the minimal impact of this change, there is no expected impact on runoff quality or quantity.

Based on our review of the existing drainage conditions and the minor nature of the proposed improvements, we conclude that such construction will have no adverse impact on existing drainage patterns or conditions.

Sincerely,

Kathleen Meyer Branch Manager



Project Name: Black Rock Rentals - SUP Neighborhood Meeting Comment Card

Name: Jasun Walters 1-775-690-3286

Company/Organization (if applicable):

Address: 395 Diablo Drive Gentuck NV 89412

Comment:

I support giving Keith Deformest whatever special use permits or variances he needs to keep his business profitable and functioning. The Storage facility is an important part of our community.

Project Name: Black Rock Rentals - SUP	Neighborhood Meeting Comment Card
Name: Usa Bertschi	
Company/Organization (if applicable):	
Address: 230 Del Ora Ave.	
Comment:	s
My concern is that Keith	can still
My concern is that Keith operate thru this applice	ation process.

Project Name: Black Rock Rentals - SUP Ne	ighborhood Meeting Comment Card
Name: Russell Bierle	
Company/Organization (if applicable): Gerlad GID	
Address: PO Box 315 Govlach NV 89	417
ã ·	
Comment:	
(sorlach (. ID cannot serve this proper	ty with
Crestach CID cannot serve this proper water or sewer.	
<u> </u>	

WADSWORTH CIVIL

CASE SUMMARY CASE NO. 25-WEV-00001

Keith B Deforest vs. Andrew Owens

Landlord

Location: Wadsworth Civil
Judicial Officer: Graham, Terry L
Filed on: 03/18/2025

CASE INFORMATION

Statistical Closures Case Type: Eviction

04/02/2025 Judgment Reached (Bench Trial)

Case Status: 03/18/2025 Active

DATE CASE ASSIGNMENT

Current Case Assignment

Deforest, Keith B

Case Number25-WEV-00001CourtWadsworth CivilDate Assigned03/18/2025Judicial OfficerGraham, Terry L

PARTY INFORMATION

Tenant	Owens, Andrew		
DATE		EVENTS & ORDERS OF THE COURT	INDEX
03/18/2025	Eviction Case Filed		

03/18/2025	Affidavit of Tenant Filed Party: Tenant Owens, Andrew Commercial Premises.
03/20/2025	Affidavit of Landlord Filed Party: Landlord Deforest, Keith B with 30-day No Cause and 5-Day Unlawful Detainer Notices & Declarations of Service; No Lease Agreement
03/20/2025	Notice of Hearing Filed
03/25/2025	Request for Continuance Filed
03/25/2025	Order Filed Order Denying Tenant's Request for Continuance
04/02/2025	Eviction Hearings (10:30 AM) (Judicial Officer: Wilson, Chris ;Location: Sparks Justice Court)
04/02/2025	Bench Trial
04/02/2025	Hearing Result: Landlord Keith B Deforest appeared in pro se. Tenant Andrew Owens appeared in pro se.
04/02/2025	Decision (Judicial Officer: Wilson, Chris)
	Comment (Tenant to vacate the premises and remove all items and material by June 1, 2025 by 5 p.m. Tenant must still pay rent of \$2,000 per month for April and May 2025. If tenant fails to

WADSWORTH CIVIL

CASE SUMMARY CASE NO. 25-WEV-00001

comply with either condition, landlord may request lockout. No additional items or material are to be moved onto the property from today forward.)

DATE	FINANCIAL INFORMATION		
	Landlord Deforest, Keith B Total Charges Total Payments and Credits	71.0 71.0	
	Balance Due as of 04/08/2025	0.0	
	Tenant Owens, Andrew		
	Total Charges	71.0	
	Total Payments and Credits	71.0	
	Balance Due as of 04/08/2025	0.0	