



# WASHOE COUNTY

Integrity Communication Service

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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](mailto:cbronczyk@washoecounty.us)  
**THROUGH:** Mojra Hauenstein, Arch., AICP, Division Director, Planning and Building Community Services Department, 328-3619, [mhauenstein@washoecounty.us](mailto: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.)

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### 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  
999 Foreman Lane  
Healdsburg, CA 95448

Representative: Realm Constructors  
ATTN: Dennis Troy  
405 Marsh Ave  
Reno, NV 89509

Community Services Department  
Planning and Building  
APPEAL TO BOARD OF COUNTY  
COMMISSIONERS (BCC)  
APPLICATION



Community Services Department  
Planning and Building  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512-2845

Telephone: 775.328.6100

# Washoe County Appeal of Decision to Board of County Commissioners

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.

## Appeal of Decision by (Check one)

**Note:** Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.

<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____

### Appeal Date Information

**Note:** This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.

**Note:** The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).

Date of this appeal: 9-16-2019

Date of action by County: 9/5/2019

Date Decision filed with Secretary: 9/6/2019

### Appellant Information

Name: <u>Dennis and Tina DeLaMontany</u>	Phone: <u>707-483-3728</u>
Address: <u>999 Foreman Ln</u>	Fax: _____
City: <u>Healdsburg</u> State: <u>CA</u> Zip: <u>95448</u>	Email: <u>dennisdlm@gmail.com</u>
	Cell: <u>707-484-8090</u>

Describe your basis as a person aggrieved by the decision:  
See attached

### Appealed Decision Information

Application Number: WADMIN19-0014

Project Name: DeLaMontanya Winery

State the specific action(s) and related finding(s) you are appealing:  
See attached

### Appealed Decision Information (continued)

Describe why the decision should or should not have been made:  
See attached

Cite the specific outcome you are requesting with this appeal:  
See attached

Did you speak at the public hearing when this item was considered?

Yes  
 No

Did you submit written comments prior to the action on the item being appealed?

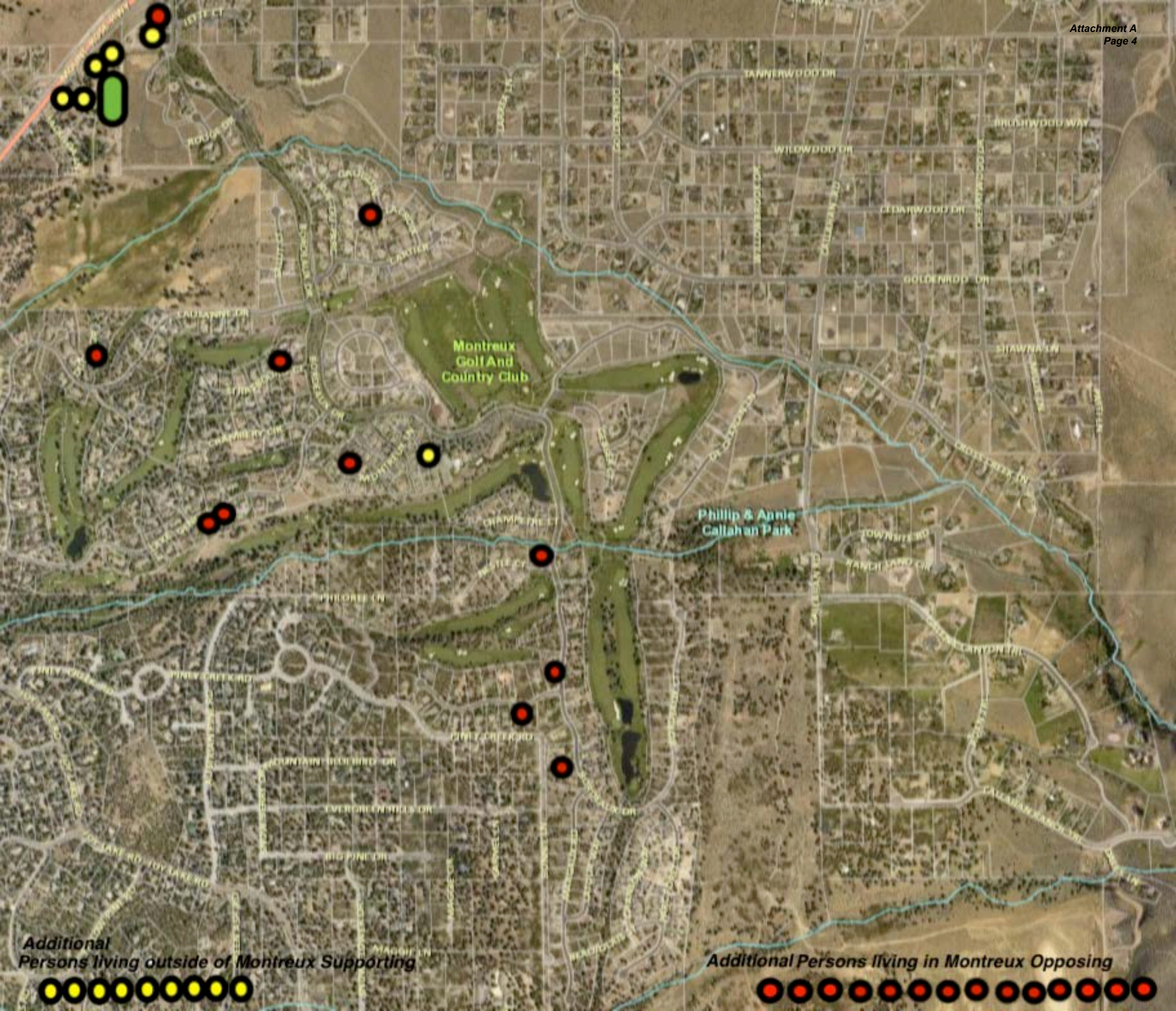
Yes  
 No

#### Appellant Signature

Printed Name: Dennis DeLaMontoya

Signature: 

Date: 9-16-2019



*Additional  
Persons living outside of Montreux Supporting*



*Additional Persons living in Montreux Opposing*





## Appeal Decision Information

**Describe your basis as a person aggrieved by the decision:** *This decision to deny this project application by two of three Board of Adjustment Commissioners was based on assumptions and not facts presented by Washoe County Staff or the Applicant.*

**State the specific action(s) and related finding(s) you are appealing:** *The denial of the project based on finding #3 Site Suitability.*

**Describe why the decision should or should not have been made:** *The DeLaMontanya Winery is a project 3 years in the making. The applicant has met with WC Staff numerous times and gone as far as to enter into escrow on 5 other properties. Those properties did not work as Washoe County and Special Districts (TMWA, WC Environmental Health, NDEP) could not support the project for one reason or another. This site was ultimately selected and purchased because ALL special districts and Washoe County Planning staff supported this site as it "checked all the boxes". This is further justified by Washoe County Planning Staffs recommendation of approval. The denial of this project is a disservice to the WC Planning Staff and the process established in the Washoe County Development Code. What took place was a popularity vote and not a vote based on the facts presented by staff and the applicant.*

Why the project should have been approved:

- *Applicant had full support of Washoe County Planning Staff and Special Districts and project was in compliance with the Washoe County Code;*
- *Applicant went above and beyond the prescriptive requirements of the code and conditioned the project to mitigate any potential conflict;*
- *Applicant listened to the concerns of the public and proposed conditions to mitigate their concerns;*
- *Applicant listened to the concerns of the Board of Adjustment and proposed conditions to mitigate their concerns;*
- *The BOA decision was based on a popularity contest and not based on whether or not the findings could be made for approval. Had we known the decision was based on "public support" letters we could have easily drummed up several hundred letters of support, however we relied on the commissioners to make an educated and informed decision which they failed to do so.*

*Prior to the decision to deny this project the commissioners made the following statements. Following their statements is a follow up "RESPONSE" from the applicant. It is important to note that BOA's concerns/comments had been addressed in the staff report and applicant presentation. During deliberations, the two opposing commissioners were making their own assumptions and giving preference to erroneous public comments and not reading the facts presented to them.*

**Commissioner Stanley:**

**“The applicant has done a very good of trying to address the community concerns”**

*RESPONSE: The applicant read through all comments provided by the public. The applicant addressed the community concerns by proposing self-imposed conditions limiting the hours and days of operation. The applicant further limited visitation to “by appointment only” on Monday-Thursday and even further limited the appointments during school bus drop off hours. Additionally, the applicant has proposed signage on the road rights of way and private drive. The applicant team has provided a map of the area and who supported the project and who opposed the project. The surrounding property owners directly adjacent to the property and who will be impacted the most all support the project. All but one of the people who opposed the project are located within the gates of Montreux. This shows the power of circulating an email and social media platforms to garner support or opposition for a project.*

**“We have heard no resolution to the bus stop and the assumption is that everyone is a sensible driver...and that’s a fun assumption, but that’s the one we have to use”**

*RESPONSE: Again, The applicant addressed the community concerns by proposing self-imposed conditions limiting the hours and days of operation. The applicant further limited visitation to “by appointment only” on Monday-Thursday and even further limited the appointments during school bus drop off hours. Additionally, the applicant has proposed signage on the road rights of way and private drive. It is important to note that there are no conditions as such that limit golfers or users of the bar in Montreux to similar limitations. The assumption is that they are all sensible drivers.*

**“We asked about a dozen ways what is an appointment, what is an event and how many people will be there at any given time and we never got an answer to that”**

*RESPONSE: It was very clearly stated by the applicant and WC staff during presentations at both hearings that the “by appointment only” was a condition that was self imposed to help mitigate potential conflict with the school bus drop off. Additionally, it must be noted that the “by appointment only” language further addresses when the winery is not staffed. There are many hours/days throughout the year when the winery is not open and staff simply is not there, these operations are not staffed 24/7.*

**“I’m going to propose that we condition the project around occupancy, to establish a maximum number of people being served”**

*RESPONSE: As explained by staff, the occupancy is determined by the WC Building Department at time of building permit review. Staff further stated that they couldn’t single out one use and make it more restrictive if the code allows for it. Further, this is a tasting room, not a bar. If people want to visit a bar they can go to the wine bar on the other side of the Mt. Rose Highway or to the bar at the Montreux Clubhouse.*

**“My intent with the occupancy condition was to try and bound this use as it is so open ended and ambiguous”**

*RESPONSE: The Building and Safety Division Director was kind enough to leave her office and join the meeting to provide additional clarity on this item of discussion. As stated by staff, the occupancy load is determined by at the time of building permit submittal. This is common practice, conditioning a use to a certain number of people is not common practice. This use will generate a maximum occupancy load of approximately 65 people based on the preliminary design.*

**“Why increase from 5-16 parking spaces?”**

*RESPONSE: This is a winery, tasting and production use. Per the code, a minimum of 5 parking spaces are required. The use will generate 4 employees. Assuming that those 4 employees drive to work, that leaves 1 parking space for the public. We believe that 16 parking spaces is very fair assuming the use.*

**Commissioner Thompson:**

**“I think you’ve done a good job and have made some changes to satisfy the community”**

*RESPONSE: The applicant read through all comments provided by the public. The applicant addressed the community concerns by proposing self-imposed conditions limiting the hours and days of operation. The applicant further limited visitation to “by appointment only” on Monday-Thursday and even further limited the appointments during school bus drop off hours. Additionally, the applicant has proposed signage on the road rights of way and private drive. The applicant team has provided a map of the area and who supported the project and who opposed the project. The surrounding property owners directly adjacent to the property and who will be impacted the most all support the project. All but one of the people who opposed the project are located within the gates of Montreux. This shows the power of circulating an email and social media platforms to garner support or opposition for a project.*

**“In the five years of being on the board, this is the one time that I’ve had the most input from the public”**

*RESPONSE: The attached heat index map citing support and opposition of this project is clear. This map was generated using the attached public comments in the staff report for the 9/5 hearing. Only one person in opposition of this project actually lives outside the gates of Montreux. It is almost unheard of to have unanimous support from adjacent property owners for a new project like this. This project has this. This project is not a popularity contest and the decision to deny or approve needs to be based on meeting WC Development Code Section 110 and not assumptions. The opposition was riled up by a mass email soliciting opposition and social media platforms spreading false and making personal attacks on the owners. It is the responsibility of the commission to put aside assumptions and theories and make decisions based on fact*

*and code requirements. This decision was not based on the facts presented by staff and the applicant.*

**“It’s a very strong statement that the community is not in favor of this use in this location”**

*RESPONSE: See above*

**“What is an appointment vs. what is a special event?”**

*RESPONSE: The “by appointment only” language and condition were proposed by the applicant. This language was used and proposed to limit the number of trips during school bus drop offs and also to ensure that staff was available when patrons wanted to visit the winery/tasting room/production facility. It is very common that smaller winery’s have these policies as they are not always staffed fulltime. Contrary to what Mr. Thompson “believes”, this is not a way to circumvent the code to allow for special events. WC staff was very clear that special events are NOT allowed on this site and the owners clearly understand that.*

**“I have concerns about the school bus stop and the additional 140 homes/1400 trips being generated by those new homes in Montreux”**

*RESPONSE: The applicant spoke with Washoe County School District Staff (Mike Smith and Mike Boster) and proposed mitigation measures to address concerns regarding the school bus stop at Bordeaux and Jefte Ct. (almost 300 yards from winery gates/entrance). The applicant cannot control surrounding uses nor vacant parcels that will be built out in the future creating additional impacts to the bus stop. The applicant worked with the Washoe County Traffic Engineer and we know that this use will create 30 additional trips per day. The vacant 140 lots in Montreux will create 1,302 additional trips per day, a far greater impact. As the NDOT traffic engineer at the meeting stated “the trips created by this use are negligible”. Again, mitigation measures were proposed to address any potential impacts with the school bus drop off area.*

**“The applicant was kind enough to continue this once before to add additional conditions, to ask the applicant to go back and make additional conditions would put an undue hardship on him”**

*RESPONSE: The applicant addressed all the concerns of the Board of Adjustment. At the previous meeting the two commissioners that were not present supported the project when pressed on the matter, they wanted more information regarding the wildlife fencing. Countless hours were spent to address their concerns. They did not show up to the meeting, had they been there the motion to approve the project likely would have passed. Mr. Thompson then followed up this statement with a motion to deny the project.*

**Commissioner Hill:**

**“I want to remind you of the owner of the Eddy who was here during the last hearing. He spoke about how people assumed the worst and it ended up being a great asset to the community. I feel this is the same situation”**

*RESPONSE: The applicant fully agrees with this comment and it reflects exactly what is happening to this project.*

**“The 30 average daily trips per day will not be impacting people as much as they believe”**

*RESPONSE: This trip calculation was prepared by a Washoe County Traffic Engineer and further confirmed by the NDOT Regional Transportation Supervisor at the hearing. As the NDOT representative stated, the traffic increase created by this use is “negligible”.*

**“The use is so far away from the bus stop, there will be signage and the hours/days are limited. Its not a big impact”**

*RESPONSE: The gate to enter the winery is approximately 300 yards away from the existing bus stop. One could easily argue that the golfers coming off the course and the patrons of the bar in the clubhouse pose a much bigger life-safety issue than a boutique winery/production/tasting facility. Again, this is NOT a bar.*

**“Leave the occupancy determination up to the experts, the Building Department”**

*RESPONSE: The applicant has little to no say in regards to the occupancy determination. This is determined by the International Building Code. The applicant met with WC Building Division and it was determined that based on the proposed floor plan, this use would create an occupant load of around 65 maximum persons.*

**Cite the specific outcome you are requesting with this appeal:**

We are requesting approval of our project as recommended by Washoe County Staff and based on the information and facts provided within the BOA staff report. The conditions more than adequately mitigate any potential impacts/concerns of the surrounding neighbors. It says something when all the surrounding property owners support the project, and all but one person who objects to the project live within the gates of Montreux. Please approve this appeal based on the facts contained within the staff report and not a handful of letters written by distant property owners who will see no impacts from the project.



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

### Planning and Building

## Board of Adjustment Action Order

### Administrative Permit Case Number WADMIN19-0014

Decision: Denial

Decision Date: September 5, 2019

Mailing/Filing Date: September 9, 2019

Property Owner: Dennis and Tina De La Montanya Trust  
999 Foreman Lane  
Healdsburg, CA, 95448

Assigned Planner: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division  
775.328.3612  
[cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

### Administrative Permit Case Number WADMIN19-0014

For possible action, hearing, and discussion to approve and establish a boutique winery (tasting and production facility) and crop production on two parcels.

- Applicant/Property Owner: Dennis and Tina DeLaMontanya Trust
- Location: 16435 and 16445 Bordeaux Drive  
Reno, NV 895122
- Assessor's Parcel Numbers: 047-162-21 (1.01 Acre); 047-162-19 (1 Acre)
- Parcel Size: 2.02 Acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make the findings required by Washoe County Code (WCC) Section 110.808.25, the Board was unable to make findings #3 (Site Suitability) below.

### Required Administrative Permit Findings (WCC Section 110.808.25)

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



INTEGRITY

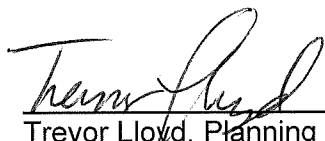
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Memo to:  
Subject:  
Date:  
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2. **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be provided, the 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.** The site is physically suitable for the type of development and for the intensity of the development;
4. **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
5. **Effect on a Military Installation.** If a military installation is required to be noticed pursuant to this article, the effect of the issuance of the permit will not

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.



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Trevor Lloyd, Planning Manager  
Secretary to the Board of Adjustment  
Planning and Building Division  
Washoe County Community Services Department

Applicant/Owner: Dennis and Tina De La Montanya Trust  
999 Foreman Lane  
Healdsburg, CA, 95448

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Mojra Hauenstein, Planning and Building;



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Clay Thomas, Chair  
Kristina Hill, Vice Chair  
Lee Lawrence  
Brad Stanley  
Kim Toulouse  
Trevor Lloyd, Secretary

Thursday, September 5, 2019  
1:30 p.m.

Washoe County Administration Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Board of Adjustment met in a **special** session on Thursday, September 5, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Thomas called the meeting to order at 1:31 p.m. The following members and staff were present:

Members present:	Clay Thomas, Chair Kristina Hill, Vice-Chair Brad Stanley Kim Toulouse (by phone)
Members absent:	Lee Lawrence
Staff present:	Trevor Lloyd, Planning Manager, Planning and Building Julee Olander, Planner, Planning and Building Division Chris Bronczyk, Planner, Planning and Building Division Michael Large, Deputy District Attorney, District Attorney's Office Donna Fagan, Recording Secretary, Planning and Building Division

### 2. \*Pledge of Allegiance

The pledge was recited.

### 3. \*Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

### 4. \*Appeal Procedure

Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

### 5. \*General Public Comment and Discussion Thereof

As there was no response to the call for public comment, Chair Thomas closed the public comment period.

### 6. Approval of Agenda



In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of September 5, 2019. The motion, seconded by Member Hill, passed four in favor and none opposed.

## 7. Possible action to approve August 1, 2019 Draft Minutes

Chair Thomas stated on page 7 of 9, midway down, it was suggested the applicant requested a continuance. Member Stanley moved to approve the minutes of August 1, 2019 with correction. The motion, seconded by Member Hill, passed four in favor and none opposed.

## 8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

**A. Administrative Permit Case Number WADMIN19-0017 (Tahoe Forum)** – For possible action, hearing, and discussion to approve an administrative permit for an outdoor community event business license for the Tahoe Forum featuring speaker Maye Musk. The free event will be held at the Sierra Nevada College campus at 999 Tahoe Blvd. on October 5, 2019, from 2:00 p.m. to 3:30 p.m. with approximately 650 to 700 people in attendance. Parking will be available at the Sierra Nevada College campus parking lot, Cornerstone Church parking lot, Incline Village General Improvement District Recreation Center parking lot, and along Country Club Drive and Incline Way.

- Applicant: Kristina Hill
- Property Owner: Sierra Nevada College
- Location: 999 Tahoe Blvd.
- APN: 127-040-10
- Parcel Size: 1.1 acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Berkbigler
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. Member Hill recused herself since she is the applicant.

Julee Olander, Washoe County Planner, reviewed her staff report dated August 16, 2019.

Chair Thomas asked if the Cornerstone Church and Incline Village GID (IVGID) will allow parking at their facilities. Ms. Olander stated the applicant can address the parking.

Member Stanley asked if the CAB provided comments. Ms. Olander said there wasn't a quorum and didn't believe they had comments regarding this item.

Diane Severance, Sierra Nevada College (SNC) Representative, said IVGID confirmed parking is allowed. She said Cornerstone has another event happening on Saturday and SNC cannot use their parking lot. She said they will primarily be using the IVGID Recreation Center parking lot. Chair Thomas said you lose 70 parking spaces. She said they believe they have sufficient parking with the College and Rec Center parking. Ty Casey said the majority will be students on campus. It won't be all car traffic.

Member Stanley asked if they have any backup plan if they are get more than 400 cars. Ms. Severance said they have hosted this event in the past. She said they had 1000 people and they did not have any parking issue that day. She said they expect a lower attendance and believe it's adequate parking.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0017 for the Tahoe Forum, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Chair Thomas seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 for a forum with a speaker 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.

\*\*1:45 p.m. - Member Hill re-entered the meeting and Member Toulouse exited the meeting by phone\*\*

Item 8B is continued from the August 1, 2019 meeting.

**B. Administrative Permit Case Number WADMIN19-0014 (De La Montanya Winery)** – For possible action, hearing, and discussion to approve an administrative permit for a winery use type in the Low Density Suburban regulatory zone on two parcels; the winery will have a tasting room and any approval may include conditions such as days and hours of operation, occupancy limitations, noise level limitations, lighting restrictions, parking requirements and other conditions related to the contemplated use and its effects.

- Applicant/Property Owner: Dennis and Tina De La Montanya Trust
- Location: 16435 and 16445 Bordeaux Drive
- APN: 047-162-21 (1.01 Acre); 047-162-19 (1 Acre)
- Parcel Size: 2.02 Acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3612
- E-mail: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chris Bronczyk, Washoe County Planner, reviewed his staff report dated August 8, 2019.

Chair Thomas asked if the phone calls staff received regarding this application were followed-up by emails. Mr. Bronczyk said he took notes on the seven phone calls he received in addition to the emails. Chair Thomas asked about the 25 students at the bus stop and if there were additional buses. Mr. Bronczyk said he spoke with Mike Boster, with the Washoe County School District, who indicated bus #1620 goes to Hunsberger Elementary school and believes it's the only bus that uses that stop.

Member Stanley asked if when Mr. Bronczyk spoke to Mr. Boster, was there any mention of a development going in this area with 1000s of students. Mr. Bronczyk said he asked about bus stop pick-up and drop-off information.

Dennis Troy, the applicant representative, provided a PowerPoint presentation.

Member Stanley asked for the definition of appointments. Mr. Troy said there will be times where no staff will be in the winery and customers will have to call to schedule an appointment if they want to visit the winery. He said it's common in Napa. If they are a wine member, they need to call. The employees may be out in the field. Member Stanley said someone could have an event and make an appointment for an event. Mr. Troy said during the hours of 11 a.m. - 4:30 p.m. They need to call if they want to schedule to wine taste. Member Stanley wants to know what is considered an event that would not be allowed. Mr. Troy said he would defer to Washoe County to determine what is considered a threshold for an event.

Chair Thomas asked how many people can attend during one appointment. Mr. Troy said they haven't determined that number yet. He said it could be a car with two people or a limousine with eight people. Chair Thomas said one car with two people is considered one appointment. There are 16 car spots. Chair Thomas said the term appointment is innocuous. He said a bus could show up with people for one appointment along with other appointments. Mr. Troy said appointments are tied to staffing levels. They won't schedule too many if there is only one staff member. It will be controlled capacity.

Chair Thomas asked the height of the fence that will be installed to keep out wildlife. Mr. Troy said 6-foot smooth wire fence with hotwire, is proposed. He said Nevada Division of Wildlife (NDOW) said lower fences do work.

Chair Thomas asked if the property was purchased with the intent to put a winery on the property. Mr. Troy said yes.

Member Stanley said he noticed a concern with occupancy. He asked what is the maximum occupancy. Mr. Troy said when they submit for building permits, the building department will determine that. 1,200 sq ft. will be production and 3,000 sq. ft. area will be for people to congregate. They will determine occupancy on the area where the people can congregate.

Mr. Bronczyk read 'winery with special events' for events at wineries in certain zoning. Member Stanley asked if the golf promotional event can happen on the winery property. Trevor Lloyd said special events are prohibited with this winery and regulatory zone. He said guests would be by appointment only. There won't be bleed over from Barracuda onto this site.

Chair Thomas asked if semantics will come into play. Trevor Lloyd said prearranged events such as a wedding with invitations; that would be prohibited. He said there is potential that a gathering of people that looks like a party shows up for a tasting. He said there will be restriction with availability of parking.

Chair Thomas asked if there was a traffic study. Mr. Bronczyk said 80 average daily trips (ADT) or greater, a formal traffic analysis would be required and it would take into account existing traffic. It was reviewed by Mitch Fink, Washoe County Traffic Engineer. There were no recommendations of denial by engineering. This business would generate 30 daily trips. Chair Thomas asked how that was determined. Mr. Bronczyk said the Engineer uses a traffic manual to determine the average.

Member Stanley said he still has an issue with the occupancy. He asked how many people are going to be there; how many wine tasters do they anticipate. Mr. Bronczyk said occupancy numbers comes from building and fire district.

Richard Oujevouk "OJ" with NDOT, Traffic Engineer for District 2, said he uses common trip generation ITE manual – a book with studies that estimate trips based on land use. He said 30 daily trips is below the

threshold for a traffic study. He said he promotes joint use driveways. Administratively, he said it's a non-issue to NDOT. He said he is conducting a corridor study down to the roundabout on Mt. Rose Hwy.

Chair Thomas asked if a traffic study is based on other wineries in the California area since this is the first one in Washoe County. OJ said the manual used is a generalization but universally based on studies since the 1950s. Chair Thomas asked if other traffic is taken into account. OJ said RTC generates a work plan for the area and NDOT takes into account the volume. He said 30 trips per day is not detrimental. Average annual daily traffic numbers are used with adjustments for seasons such as for skiing. He said the road is designed to carry more. Chair Thomas asked if future development was taken into consideration. OJ said they will look at total build out for access.

Member Stanley asked if being near the school bus stop is taken into considered in the study. OJ said we make assumptions everyone is a rational driver and observe the law. He said he understands concerns, but he said we do the best assumptions. To date, he said he hasn't heard any issues with this particular bus stop.

Member Hill said she uses the ITE trip generation packet. She said you look at site specific traffic generation. It's measured by traffic flow and different levels of speed. 30 trips per day is minimal.

Member Stanley asked if residing in the building is allowed. Mr. Bronczyk said the application doesn't include a residence. Member Stanley asked if it's allowed on this winery site. Mr. Bronczyk said he doesn't believe there is anything that prohibits anyone from to living on the site. Mr. Lloyd said it's Low Density Suburban (LDS); nothing prohibits the use of residence, but it's unlikely. Mr. Troy said there is no plan to occupy it as a residence. He said in the future, it could convert to a residence if the business does not succeed.

Chair Thomas asked how many employees are needed to harvest. Mr. Troy said four people. It's an acre that will need to be harvested.

Public comment:

Nancy Davis said she lives ½ mile east of proposed winery. She said there are unanswered questions. She asked how it's going to affect air quality. She said the biggest impact, to her, is traffic. She said she doesn't believe the traffic studies. She asked about the fences will being installed. She said the bears will cross the highways. There are mountain lions and bobcats. She asked why they putting a business in low density suburban area. We are changing the rules. No one takes into consideration the impacts on the wildlife. We oppose anything that attracts them.

Ina Katzman said she is not in favor of this proposed winery. She asked it is where the buses go. There is more than one bus. We have 400 homes in Montreux that are being bought by families. There are many children below school age. There is more than one bus from 2:30, 3:00, 4:00 p.m. dropping children off which wasn't mentioned. She asked if the NDOT engineer has gone to Bordeaux when the bus lets out the children. The two streets converge onto Bordeaux. She said we can see a problem with cars and truck and bus converging. There are women and men parked on both sides of the street. You cannot get through and traffic gets backed up on both sides. She said the two acres that is being built is just part of what they really want to do. It's ludicrous to think they can grow grapes on one acre. She believes the owners want to buy 12 acres from Stan Jaksick. She said the bears would be happy to jump over the fence.

Peter Durffy said we are concerned with specific traffic study and backdoor wine club events. He said he has difficulty understanding appointments. The traffic study doesn't address concerns by the neighbors. There has been significant change to the amount of kids in the area. There is significant building in Montreux. He spoke about the traffic and data supports the impact. STMWV CAB pointed out fatalities on Mt. Rose due to high speed traffic.

Sue Foltz said she is a neighbor in Montreux. She said Pine Middle School uses that area for a bus stop. She said she lived on 3 acres in California with 7-8 ft fence and the mule deer could still get over the fence. She recommended installing a fence over 8 feet. She said she has concerns for the school children and people leaving the site after consuming wine. She wants occupancy defined. She said she is concerned for wildlife. The grapes will attract deer and bear. She said if this goes forward, she wants to know if they can have their own entrance, not near the school children.

Jeanne Budkey said she resides in Montreux. She expressed concern with traffic on Mt. Rose Hwy. She is surprised with major accidents on Mt. Rose Hwy which many of them were related to alcohol. People will be leaving the winery on Mt. Rose Hwy. She said there is no other way about it. She spoke about the bus stop. Everyone must park on Bordeaux to pick up their child. It's going to be chaotic. It's a safety concern for families waiting for the bus to arrive. She said the neighbors are also not in favor. Read the posts on nextdoor.com. Everyone voices their opposition.

Mark Schimpf said he lives on Bordeaux near the bus stop. He said it really equals 60 trips a day. Montreux is not good neighbors. The dust has been an issue. The dirt road behind his house was given to the County, but the County says they didn't accept it and Stan Jaksick doesn't do anything about the dust. There is a wine bar across the street. He said he isn't opposed to the winery. He said he doesn't have children and doesn't have a choice to have a bus stop in front of his house. He said to his knowledge, there is only one bus. He said it's 3 minutes of frustration. He said there are 3 kids under 12 years old next door. He said he is concerned with dust. He said he has been there for 20 years and gets no kids on Halloween. He said he hasn't had wildlife. He picks up his apples. A bear was killed on Mt. Rose Hwy.

Elizabeth Coffee Curle said she is for this project. She lives across the highway. She said she is familiar with the amount of traffic. She said she doesn't agree there have been substantial increases. She said she was impressed with the matching with the area and community. She spoke about fencing. She said she personally has hives, and livestock. She said the issue she had was a mountain lion. She said she has 4-5 foot fencing and they had put in hotwire. Proper fencing will deter wildlife from entering the property. She uses Labradors to deter wildlife. Other ranches use dogs and it works. She said it's a positive to the community.

With no further public comment, Chair Thomas closed the public comment period.

Member Hill said they've done a great job. She said she visited the site and they will pave the dirt road. If you build single family dwellings there instead, it would be 20 average daily trips. This is 30 ADT. She likes the fencing and landscaping.

Member Stanley asked about bus stop proximity to the site. Member Hill said approximately 100 yards. Mr. Bronczyk put up Exhibit F map on the overhead. Mr. Bronczyk said he can estimate it on the mapping system.

Chair Thomas requested a 5-minute recess for Mr. Bronczyk to access the mapping system.

\*\*recess: 3:08 p.m. – 3:16 p.m.\*\*

The meeting was called back into session.

Mr. Bronczyk said he measured from the bus stop to cul-de-sac. It is 221 feet. Then measured the distance from bus stop to the winery property line. It is 686 feet.

Member Stanley said the applicant has done a good job in listening to the concerns and address them and yet a couple of issues including location of bus stop haven't been a resolution. He said we asked a dozen ways about appointments and how many people are there at any given time. We didn't receive an answer. He said he is going to suggest conditions around occupancy with a maximum amount of people served at any given time. It's extremely open ended and to the detriment to the neighbors.

Chair Thomas said Mr. Troy did a great job; he made changes to satisfy the community. He said this Board has heard this twice. He said thirty-one public members are opposed with an additional thirteen emails. The planner reported 7 calls. That is fifty-one individuals who oppose this project. Mr. Bronczyk said there were 3 individuals expressing support but asked not to be part of public comment. Chair Thomas said fourteen people in favor of it. He said of the fourteen, 6 of them were individuals who had visited the winery, live in Truckee or Hidden Valley, or club members. He said they don't live in the area. He said that's a very strong statement. The community is not in favor of this in this location. He said he has concerns with definition of appointments, special event, school bus, future of homes, and more daily trips. He said he has a hard time making findings in favor.

Member Hill said the owner of the Eddy said how people assumed the worst scenario and it ended up being an asset to the community. She said she doesn't believe 30 trips will impact the neighborhood as

much. Member Hill said there are people lined up to pick up their kids. This operation is 600 feet from the bus stop. It's operating certain hours and certain days. It's not as big of an impact as their fear of the unknown.

Member Stanley said at CAB meeting, a CAB member converted a store into a wine venue. There were tons of concerns about Mt. Rose Hwy. It's on a straight-a-way, not a curve. After it's been in place, there has been a request for music, the neighborhood opposed music. There was a huge cry about dark sky lighting. He said there is a Washoe County statute stipulating how far a bus stop has to be from a cannabis dispensary. He asked about liquor venues. Mr. Lloyd said Washoe County business license statute, not development code.

Mojra Hauenstein, Planning and Building Director, provided information regarding occupancy. She said after planning, we look at floor plan under building code, we look at the layout that is presented. There are occupancy loads if there is a counter and if there is a kitchen. There will be a maximum occupancy determined. It applies to all business. It cannot be calculated now, but at the time of permitting. Member Hill asked about parking. Ms. Hauenstein said that is determined by development.

Member Stanley asked if the Board can condition occupancy. Ms. Hauenstein said we usually don't condition something that is in code but that can be answered by Mr. Lloyd and legal counsel. Mr. Lloyd said it's not clear territory. We try not to condition what's in code. We don't want to single out a particular use or property owner. DDA Large agreed.

Member Stanley said the hope with the occupancy condition was to bound this operation since its open ended and ambiguous. It hasn't been address numerically. He asked the Boards appetite for conditioning. Member Hill said to leave it to the experts in the building department. Chair Thomas said the applicant has been gracious to add conditions already. We have a document before us with a staff report and take an action with what we know at this time.

Member Hill moved to approved WADMIN19-0014. There was no second to the motion to approve. The motion failed for a lack of a second to the motion.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment deny Administrative Permit Case Number WADMIN19-0014 for Dennis and Tina De La Montanya, having been unable to make finding#3, Site Suitability, in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion. The motion carried with two approving denial, Member Hill opposed denial.

**C. WBLD18-105119 (Schmidt Appeal)** – For possible action, hearing, and discussion to approve or deny the appeal from Gary Schmidt of the decision by the Air Quality Management Division relating to the removal of materials from the Reindeer Lodge site in building permit number wbl18-105119.

- Appellant/Owner: Gary Schmidt
- APN: 048-081-02
- Parcel Size: 2.464 acres
- Master Plan: Commercial
- Regulatory Zone: General Commercial (GC)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 912
- Commission District: 1 – Commissioner Berkbigler
- Staff: Trevor Lloyd, Planning Manager  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3617
- E-mail: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Thomas opened the public hearing.

Trevor Lloyd, Washoe County Planner Manager, reviewed his staff report dated August 28, 2019.

On August 20, Planning and Building received an appeal from Gary Schmidt. The permit was requested to investigate work of restoring of the building damaged from snow. Staff is recommending denial for two reasons – staff didn't receive justification or support for the appeal application and it didn't go into detail of what they were appealing other than the appeal of removal of materials. Mr. Lloyd said we don't have staff to determine if the decision made by Air Quality is correct and staff recommends denial.

Mike Wolf and Josh Restori, Air Quality Division, were available to answer questions.

Gary Schmidt, appellant, requested continuance of this matter based on several points. He said when this request is heard, he would like it before the full board. He said he believes he is at a disadvantage. The precedence is for the BOA and other Boards, the applicant or appellant can be granted a continuance based on there not a full panel. He said on August 21st, he submitted a public records request to Trevor Lloyd for various documents which is included in the staff report. He said on the 20<sup>th</sup>, he met with Sarah Tone who he had previous conversations to discuss this matter. He said it's still under discussion with his engineering company and Air Quality. He said they haven't resolved some of the issues. Some issues have been agreed upon. He said at that meeting, to preserve his rights for the appeal process, he didn't have time to place his appeal. He said he attempted to place his appeal which he and his legal counsel firmly believed it's the proper process. But the meeting on the 20<sup>th</sup> Sarah Tone and Trevor Lloyd said this could not be appealed before the Board of Adjustment. He said they had extensive discussions about portions of the letter from Mr. Restori that were of concern and some were not. That letter is in the package. He said he was told some of it was not a matter to go before the Board of Adjustment. He submitted the appeal application. He was told it wasn't the proper form. He said he submitted a public records request the next day which requested policy, procedures, forms and legal citations and opinions of why it could not be heard before this Board. It's a clear public records request. State law, NRS 239, requires that the body respond within 5 days with great detail, they failed to do so and now they are in violation of State law. He said he needs that response to the public records request in order to properly prepare for ultimate appeal, and what happen instead, we leave the meeting and was told to schedule a meeting with Sarah Tone and Trevor Lloyd and Dave Solaro who have visited the site. We were going to have another meeting on the 24<sup>th</sup> or 25<sup>th</sup>. He told them he would be out of town and try to schedule when he came back into town and made several calls about a meeting and got no responses to messages. He said we are still discussing the process whether it should go before this body or another body, for himself and counsel. He said he left town again, he received a call from Trevor Lloyd that a hearing was going to be held today. He said it was the first he had heard about it. He said he exchanged messages and spoke this morning. He said Trevor couldn't tell him what sort of notice he received or how the package, staff recommendation was mailed to him. He said he picked it up this morning and it's the first he's seen of it. He said he has one of the principle engineers from Nova with him today but he's not prepared either. He said he sent a letter in response to Josh's email to Josh, Sarah Tone, Dave Solaro dated on the 19<sup>th</sup> and didn't receive response. He said he sent it several times and it wasn't in the packet. He assumed Sarah would include it in the packet but the Board just received that letter today. He didn't believe the Board has had time to read or study it. The Board doesn't have all the evidence. He said he doesn't have all the evidence to present because the department has failed to respond to records requests. You haven't received the evidence and we are blindsided. He said he only received effective notice today that this hearing was going to proceed. We are going to shooting in the dark. He said we have scheduled, or we believe we have scheduled, a meeting with Mike Wolf, the Branch Chief of Air Quality for Tuesday, which may be tentative. Mr. Schmidt said he thinks these matters are short of highly technical presentation to you here by the engineers and lawyers. The best thing is to continue this matter on the basis of the notice and response to public records request and the process is less than to be desired. He said we think we have the same goal in mind, that the Reindeer Lodge damaged portions be removed in accordance with federal regulations. He asked what are the federal regulations that apply and what is the processes that apply? He said a brief staff report for such a highly technical matter says that "his appeal was not supported." He said he can make the same argument about the letter from Josh. There was no support or justification or rationale for their position. They cited no federal regulation, no case law, and no factual basis other than his report regarding the air quality mediation division determined asbestos was present. That is not disputed and the air quality didn't determine asbestos was present, he said he determined it from his

engineers. He said he paid for the report and they were present at the time the sampling was taken. There is no dispute asbestos is present. The question is, at what level is regulated. There is very little dispute some of it is regulated. There is a major dispute or not meeting of the minds, on other parts of it if it's regulated or not. Some of it goes to 1% criteria which goes to federal regulations which says materials of greater than 1% is regulated if greater than 1% is asbestos; but how do you define material. He said because of the collapse roof, there is a pile of rubble that was pulled away from the building to keep the rest of the building from collapsing and that is far less than 1% which is less than 1% of 1%. We don't believe it's regulated under federal law. The initial position that air quality has taken is that since there are individual pieces in there, the individual piece has more than 1%, therefore, the 40 yards of material has to go out as regulated. We don't believe that is what the law says. He said he doesn't think we have a lawyer present other than the Board's counsel and asked if he is an expert in federal regulation to air quality control with asbestos in construction work or demolition. We haven't heard from legal from air quality, just a blanket statement. He said they haven't supported their claims. He said he is requesting a continuation at this point and it's justified as there are only 3 board members and that is usually a routine continuance granted, if the applicant or appellant requests it.

Member Hill asked when Mr. Schmidt plans on cleaning it up. Gary Schmidt said soon as we get these issues settled. He said he received a verbal stop work. He questions even if that is legal. He is adhering to it because he is trying to be over cooperative. He said there are things up there, for example, there is pile with 30 pieces of metal, scrap metal, stoves, flue pipes, metal that has been basically removed from the main structure, 40-50 feet. It's all been tested. Josh was on site and everything he wanted tested was tested. That scrap metal has been deemed not to be subject. He said he would like to remove it and has been trying to remove it for a month. There are other portions of the building that are tested negative. He said he could do additional work on the building, but prohibited by Air Quality. He said no work will proceed until we come up with a master plan. Worst case scenario it could take 3 years. Maybe not decided by this Board, not decided by air quality but rather Nevada Supreme Court or Federal Court or 9<sup>th</sup> District Court. In the mean time, he said he would like to work on the things that are not in dispute. Take the scrap metal off the property, there are overhangs on the building that are valuable, at least historically, 2 inch by 12 inch reseeded cedar that is nearly 100 years old that is in great demand that came from the Reindeer Lodge. Report shows there is not asbestos in that material. The shingles were suspect; they have been tested. There are piles of shingles that tested negatively. Some work could proceed. We have been unable to arrange to meet face to face with Air Quality. He said his period of appeal was tolling. He said he doesn't want to be here today; he said it's premature. He doesn't have the facts or information. We don't what we agree to or don't agree to. He said he would respectfully request to be continued to the next meeting. He said if it's not settled by then, you will see a whole bunch of engineers and lawyers out here. He said he will sit in the back row, but he doesn't want to go there.

Chair Thomas confirmed Mr. Schmidt is not disputing the fact there is asbestos on site, is that correct. Mr. Schmidt said that is correct. He said it's his report that he paid for by this engineering firm that determined it. He said it's Nova. Chair Thomas asked, Nova actually came out and located at least two areas of which the first floor exterior contained 15% and the collapsed acoustic ceiling on the south side contained 15%. Gary said yes that information came from his report. Chair Thomas said it's not an issue that there is asbestos that needs to be cleaned up and you have a document on June 25<sup>th</sup> from Joshua that addressed these issues so it wasn't like you were surprised at the last minute that this took place. Gary said yes, there were various emails during that time period. He said he officially responded to that on the 19<sup>th</sup> which the Board has that document, for the first time. Mr. Schmidt said it was sent multiple time and we have not received response to that. Maybe they are willing to accept our position. They haven't said no. One of the issues is 40-yards of material that has traces of matter, individual matters, in there that tested greater than 1%. But it's material. Regulations say that any material that tests greater than 1% is regulated. If it's less than 1%, it's not. He said that material, 40 yards, is way less than 1%. It's probably only 1% of 1% or 100<sup>th</sup> of 1%. We are ready, willing and able to remove that but until we are ready to settle that issue, I believe to discuss on Tuesday, if that issue gets settle, and we're given permission to remove it, we will remove it. We were told not to do anything until we settle everything. It makes things difficult. He said we should proceed with things we agree on, and then work on the things we don't agree with.



Chair Thomas said Mr. Schmidt is asking for continuance predicated on two things: One, due to not having a full Board, is that correct, although we have a quorum. Mr. Schmidt said that is one. Two, predicated upon your 8/21 public records request which you have not received yet. Mr. Schmidt said that is correct. Chair Thomas said Mr. Schmidt was out of town for a while and some of the information was mailed to him and wasn't able to pick up. Mr. Schmidt said a five day notice. It was post marked the 30<sup>th</sup>. He said he has had numerous conversations with Sarah and Trevor. Mr. Schmidt said its short notice.

Member Stanley said he wasn't sure if Mr. Schmidt was here to argue his case or ask for a continuance, which it is. Mr. Schmidt said he is requesting a continuance because he isn't prepared to argue the case.

Mr. Schmidt asked a question of counsel. Chair Thomas said counsel works for us. Mr. Schmidt said it was a procedural question. Chair Thomas asked Mr. Schmidt to direct the question to him. Mr. Schmidt asked if this were denied without prejudice, would his time period to appeal be tolled, and if not settled in the next week or two or three or four, he can re-appeal and not be beyond the statutory limits of his time to appeal. The original letter is suspect but he doesn't want to get the lawyers involved if he doesn't have to. The letter was not a letter, it was an email. Chair Thomas said we haven't made a decision, but if it goes the path of denial, will put everything out on table regarding your rights.

Mike Wolf, Air Quality Division, Enforcement Branch Chief, addressed the first question of who has authority over what. Air Quality Management Division is delegated direct authority from US EPA. He said we operate under the Health Department but our regulatory authority is provided from the federal government and code of federal regulations. Mr. Schmidt asked about paths forward if he doesn't agree with the decisions. Mr. Wolf said there are several paths – he could appeal to EPA Region 9. Mr. Wolf said they have been in close contact with them and who are supportive of our approach in this case. He said our desire is to protect public health. We want to get it cleaned up properly. He said we are bound by federal law that is referenced in Josh's email to Mr. Schmidt and his consultant. (NESHAP) National Emission Standards for Hazardous Air Pollutants subpart M administers that program. Under that program, EPA is clear on how to handle situations like this and piles like this cannot be aggregated. There is a lot of support for it. There is lots of precedent for it. They can appeal the local regulations by applying for a variance through District Board of Health. That's online as well. Or in event that nothing happens, we can write a citation, and they can appeal in front of Air Pollution Hearing Board. All those methods are available. He said he is trying to protect public health and enforce the law as written. He said he didn't receive Mr. Schmidt's letter until Thursday evening before he was going home and only reason he knew about the letter was Morja asked what Mr. Wolf's response to the letter was, and Mr. Wolf said what letter. He said he had never received it. Josh had not received it. It's dated the 19<sup>th</sup>. Until that time, Mr. Wolf said he still had not received that letter in email or hard copy. He said he received it from Morja on that evening. Mr. Wolf said they have prepared a response. He said they have been trying to set up meetings with Mr. Schmidt since June, but for some reasons they keep getting put back or not responded to. He said they had one meeting with his consultant, principles from that consulting firms, an abatement company and demo company. The result was to prepare a removal and abatement plan. There is a lot of material that can be removed from that property. Nobody has said it cannot be removed. Our advice is, don't touch anything until that plan is finished so that everyone understands what is happening. We are trying to make it clear and easy. Josh's email was intended to be a little less formal; it didn't cite all the regulations being covered. We can do that moving forward. Everything we are doing is federal law and in code of federal regulations. There is a lot of precedent for asbestos removal in this Country.

Member Stanley said the applicant has requested more time. You have been working on this since June. In relation to public health as time passes, some as much as 1% up to 15%, what is the public health issue and how does time impact that. Mr. Wolf said the biggest public health impact would be chronic respiratory health issue if this gets in the air, mesothelioma, asbestosis. Asbestos is dangerous. He said in that pile, we are not as concerned about it right now. He said we are concerned with the movement and disposal of it or over time, what will happen with that pile. If we go through another winter like we just had the pile will be disbursed everywhere and that needs to be addressed before winter. Our goal is to get it cleaned up. Member Stanley asked about rain impact. Mr. Wolf said what is going to happen over time is the material will slowly move and gets into the soil that is a concern we have discussed. There are limits and calculation the EPA uses and it could actual trigger sercula. That could deem that whole cite contaminated. Member Stanley asking, in his point of view, if there is a continuance, is there is an increased health risk. Mr. Wolf

said he isn't an industrial hygienist. He said over the next week we are not likely to have a public health risk. The longer we wait the worse it is. If we can get the material cleaned up properly soon, it would be best for everyone.

Chair Thomas spoke about applying federal standards for removal, asking if it comes out of the hands of Board of Adjustments (BOA) to make a determination. If they are following federal guidelines does the BOA need to be involved in this or does this denial stand on its own and move forward from there. DDA Large said the posture of this appeal is difficult because Mr. Schmidt asked for appeal to the Board of Adjustment dealing with the building permit that is in question. Air Quality Management's decision is under federal regulations. This board is pursuant to the power under Chapter 278 and Washoe County code is empowered to make a determination. If they believe the Air Quality management is misinterpreting federal regulations, this Board has the power to say we believe you are misinterpreting the federal regulations and can approval the appeal. If the Board believes Air Quality Management is properly interpreting regulations, then they can deny the appeal. In regards to Mr. Schmidt's question regarding denial without prejudice, Mr. Wolf has illustrated many different remedies in regard to appeal process under federal regulations both to the EPA and Health District that is appropriate for that purview. This Boards purview is under Chapters 278 and 110 to look at the building aspect of this and permit in question. In this case, Air Quality believes they are outside federal regulations and they are in violation. Therefore, if this Board agrees with that interpretation, it's appropriate to deny appeal. If the Board believes Air Quality has overstepped the federal regulations, they can approve the appeal.

Chair Thomas asked if Mr. Wolf is tasked to follow federal regulation. Mr. Wolf said yes. Chair Thomas asked Mr. Wolf if he has training on federal regulation. Mr. Wolf said yes, four of his staff went to EPA Inspector NESHAP Asbestos training last week. And they attend refreshers annually. They have extensive asbestos training. Chair Thomas asked if the regulations for asbestos change very often. Mr. Wolf said the NESHAP that regulates asbestos is in the CFR. The CFR was last updated in 1990; it doesn't change quickly. Chair Thomas asked if this division dealt with asbestos in the past with proper disposal within federal guidelines. Mr. Wolf said yes.

Member Stanley said applicant asked for a continuance. He asked how willing would the AQMD be willing to a continuance. Mr. Wolf said we are moving forward and have that meeting on Tuesday to come up with a resolution. He said a continuance would be irrelevant. He said he doesn't know if the Board will hear it again, what will change. He said he has been in communication with EPA about this case. Member Stanley asked if they have had this process in front of the Board of Adjustment in the past. Mr. Wolf said no, nor has he heard it come in this direction.

Chair Thomas said even if the continuance is granted, the denial is still in force in effect for him to take any action because what we are saying is your division had denied him to do anything with the property. He is appealing that decision to us. If we do a continuance, it stands force in effect that everything stays status quo with that property until it comes backs to this Board. DDA Large said yes, status quo will be maintained. He said the decision made at a meeting on Tuesday would then be appealable to the Health District, the EPA, or this Board, if there is a continuation. That goes to Mr. Schmidt's question; denial without prejudice would allow him to maintain this. He said this Board is empowered to make a decision that is before it today. Chair Thomas asked if there needs to be a full Board present to make this decision. DDA Large said nothing in open meeting law requires a full board be present. It's preferable, but a quorum is sufficient.

Member Stanley asked Mr. Large, under what conditions of denial, non-denial, or continuance, would a resolution that they could come to on Tuesday, be valid. Will anything we do today impede them from getting together on Tuesday. DDA Large said there is nothing that would impede them from getting together on Tuesday. DDA Large said if you approve the appeal, you will be overturning the decision by Air Quality and the building permit would be no longer red tagged and they would be able to proceed. DDA Large said the Air Quality Management may appeal that decision. Member Stanley said federal law doesn't trump our decision. Chair Thomas said there is a denial on the record in which the applicant is requesting a continuance although there is no indication requesting for continuance in his documentation submitted. We have geotechnical from Nova that will be present at the meeting on Tuesday. Mr. Schmidt said yes. Chair Thomas said this doesn't prevent the Tuesday meeting from moving forward. He asked if the intent of Mr. Wolf is to have this resolved on Tuesday. Mr. Wolf said yes. Chair Thomas asked Mr. Schmidt if it was his

intent to resolve this on Tuesday. Mr. Schmidt said his intent is to move forward. What needs to be done in compliance with federal regulation as quickly as possible. He said he will be at the meeting on Tuesday along with his consultant and other engineers from his firm. He said he would like to point out is the issues come up about the citations, federal law, case law. They aren't prepared to argue their case today, either. He doesn't want the Board to hear the case today. He said he didn't know until 6 pm last night that he would be here. He said we are entitled to their citations and the law and arguments for positions they have taken and hopefully will come on Tuesday. The Board isn't getting it here today. Chair Thomas said they are not here to argue their case before Board. Mr. Schmidt said one other point; if it's denied, he said he has 25 days to get it in District Court and worst case scenario, then he has to proceed in abundance of caution in that direction and that is change of focus he doesn't want to do. He wants to focus on getting the job done and strongly requests a continuance – the best avenue to move forward.

Chair Thomas asked how much time Mr. Schmidt is requesting for a continuance. Mr. Schmidt said a week or two to get things clarified assuming we have some sort of public commitment that there is going to be a meeting on Tuesday. He said that may lead to a second meeting. He said if we can't it in 2-3 weeks it'll be an unhappy situation for everybody.

Member Stanley addressed Mr. Lloyd and said we heard from property owner asking for a continuance and Mr. Wolf saying federal law trumps whatever we do here and from a public health standpoint, things should move forward quickly before heavy winter. Member Stanley asked what is the Planning Department's position on a continuance on this. Mr. Lloyd said when he spoke with Mr. Schmidt this morning he was pressing for a continuance, he said he wasn't going to recommend it one way or another. At this point, it's the Board's decision. He said he doesn't know if this Board had the technical expertise when it comes down to it to make a determination whether Air Quality is interpreting federal statute or law correctly. He said he doesn't know if continuance is going to do much good. He will leave the decision up to the Board.

Chair Thomas said if we request a continuance, it gets delayed until the next Board meeting in a month, not two weeks or ten days. That would mean a stop order when nothing gets done. DDA Large said that is correct. Even if they agreed to something on Tuesday to clean it up, but had a denial from us, does that put everything on hold until such time that it comes back to the Board and we make a ruling. DDA Large said if meeting of the minds on Tuesday on a process to move forward, the planning department has the ability to green light an operation moving forward. Chair Thomas asked then it will not come back to the Board. It would be agendized but it may be moot. Mr. Lloyd said then the appellant could withdraw the appeal. Chair Thomas said or the appellant could not show up on Tuesday and everything stays on hold until another meeting in the future. That would push it to a later date to get this cleaned up. Mr. Lloyd said that is a possibility.

There were no requests for public comment; Chair Thomas closed the public comment.

Member Hill said she is not in favor of continuance and is in support of Air Quality Department's decision. Member Stanley said his issue that they overlap with federal law and county regulations and that is grey. It sounds like our denial as opposed to a continuance actually imposes the impetus for Tuesday meeting to work. And we are in support of AQMD by doing that. Chair Thomas said Air Quality is the resident experts on this. They have training and background. He said he has no reason to doubt they aren't following the federal standards. This doesn't prevent their meeting on Tuesday. The appeal process is still out there. Mr. Schmidt can still appeal it and address this further up the chain.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny this appeal and uphold the decision of the Air Quality Management Division. Member Stanley seconded the motion which carried unanimously.

Mr. Lloyd read the appeal procedure.

## 9. Chair and Board Items

### \*A. Future Agenda Items

None

**\*B.** Requests for Information from Staff

None

**10. Director's and Legal Counsel's Items**

**\*A.** Report on Previous Board of Adjustment Items

None

**\*B.** Legal Information and Updates

None

**11. \*General Public Comment and Discussion Thereof**

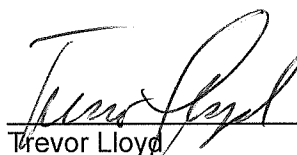
With no requests for public comment, Chair Thomas closed the public comment period.

**12. Adjournment**

Meeting adjourned at 4:33 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on October 3, 2019



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Trevor Lloyd  
Secretary to the Board of Adjustment





# Board of Adjustment Staff Report

Meeting Date: September 5, 2019

Agenda Item: 8B

ADMINISTRATIVE CASE NUMBER: WADMIN19-0014 (De La Montanya Winery)

BRIEF SUMMARY OF REQUEST: To permit a winery use type in the Low Density Suburban regulatory zone on two parcels.

STAFF PLANNER: Chris Bronczyk  
775.328.3612  
cbronczyk@washoecounty.us

## CASE DESCRIPTION

For possible action, hearing, and discussion to approve an administrative permit for a winery use type in the Low Density Suburban regulatory zone on two parcels; the winery will have a tasting room and any approval may include conditions such as days and hours of operation, occupancy limitations, noise level limitations, lighting restrictions, parking requirements and other conditions related to the contemplated use and its effects.

Applicant/Property Owner: Dennis and Tina De La Montanya Trust  
Location: 16435 and 16445 Bordeaux Drive  
APN: 047-162-21 (1.01 Acre); 047-162-19 (1 Acre)  
Parcel Size: 2.02 Acres  
Master Plan: Suburban Residential  
Regulatory Zone: Low Density Suburban  
Area Plan: Forest  
Citizen Advisory Board: South Truckee Meadows/Washoe Valley  
Development Code: Authorized in Article 808, Administrative Permits  
Commission District: 2 – Commissioner Lucey



Vicinity Map

## STAFF RECOMMENDATION

APPROVE

**APPROVE WITH CONDITIONS**

DENY

## POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN18-0014 for Dennis and Tina De La Montanya, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

*(Motion with Findings on Page 10)*

**Staff Report Contents**

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Site Plan ..... 4

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Landscape Plan (Original)..... 7

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**Exhibits Contents**

Conditions of Approval.....Exhibit A

Engineering and Capitol Projects Memo .....Exhibit B

NDEP Memo..... Exhibit C

TMFPD Memo..... Exhibit D

Division of Water Memo .....Exhibit E

Public Comment - Opposition.....Exhibit F

Public Comment - Support ..... Exhibit G

Public Comment - Fences..... Exhibit H

Public Comment – Roadway Access..... Exhibit I

Applicant CAB Memo ..... Exhibit J

Project Application .....Exhibit K

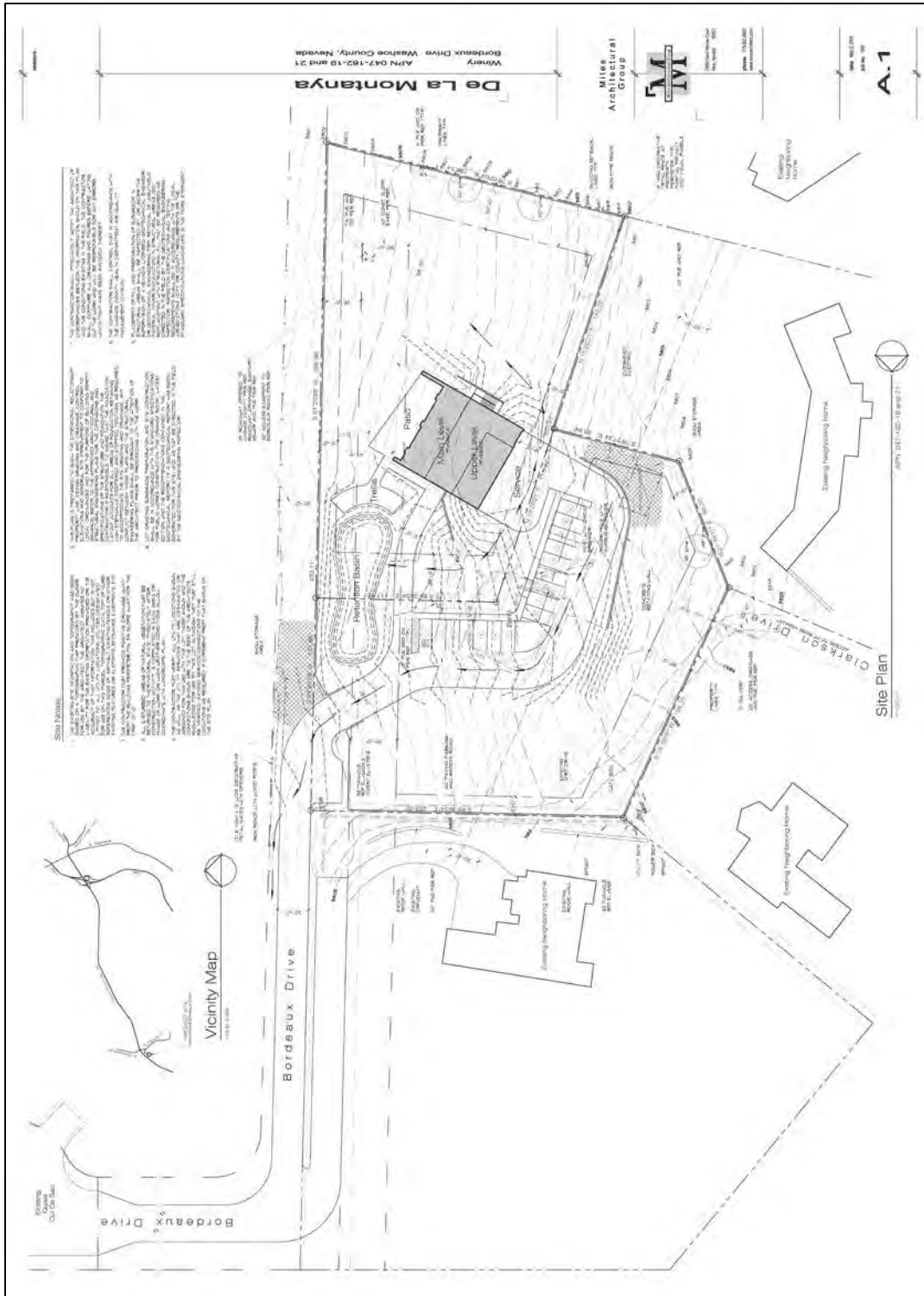
**Administrative Permit Definition**

The purpose of an administrative permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Board of Adjustment must find that all of the required findings, if applicable, are true.

The conditions of approval for Administrative Permit Case Number WADMIN19-0014 are attached to this staff report and will be included with the action order, if approved.

The subject property is designated Low Density Suburban (LDS). WCC Section 110.304.25 (gg), Commercial Use Types, requires an administrative permit for the winery use type. The winery use type is permitted within the LDS regulatory zone, as is the crop production use type. Winery with special events, which is a different use type within WCC Section 110.302, is not permitted within the LDS regulatory zone.





**Site Plan**

## **Project Evaluation**

The application is requesting to construct a boutique winery (winery use type) with a tasting room and crop production on assessor's parcel numbers 047-162-21 (1.01 Acre) and 047-162-19 (1 Acre); the parcels are currently vacant. The crop production use type is allowed by right and therefore not subject to this administrative permit. The applicant is proposing a 4,100 square foot structure to be constructed over a 12-14 month period. The first floor will consist of a 2,400 square foot tasting and barrel room, a mechanical room, a small prep area, and restroom facilities. The second floor is the production component and will consist of a 1,170 square foot processing room and a 1,230 square foot area consisting of an equipment room, shed area, and storage rooms. The winery is proposing that one (1) acre of grapes be grown with drip irrigation provided to the vines. The application states that the intent is to sell pre-packaged and sealed cheese/meat/cracker assortments which will be prepared by a third party independent vendor, offsite. No food preparation will take place on site.

The applicant is proposing additional improvements to the site. There are 16 proposed parking spaces, including an ADA space. WCC Section 410, Parking and Loading, requires a minimum of 5 parking spaces for any public tasting room. The project also includes a paved 20'-wide driveway from the turnaround at Bordeaux Drive to the property within the existing access easement. A retention pond is being proposed to address on-site drainage. The site will be served by Truckee Meadows Water Authority (TMWA) for water and Washoe County will provide sanitary sewer service. Signage is proposed with the site, but the signage is not included, as part of this administrative permit application. The signage will be reviewed at the time of building permit approval.

The proposed winery will employ four (4) full time personnel and is anticipated to have approximately 80 patrons over the four (4) days of weekly operation. The winery will have deliveries one (1) day per week. The trip generation per day is expected to be around 30 average daily trips (ADT). This number of trips does not trigger a traffic impact report.

The applicant is intending to develop the site so that the crop production (grape vines) will be planted adjacent to the residential uses to the west, north, and south of the subject site. All outdoor seating and gathering areas are proposed to be placed on the east side of the building, facing away from the adjacent residential uses and instead facing towards a vacant 12.5 acre parcel which is owned by the Montreux Development Group LLC. The applicant states that the closest parking spot would be 120 feet from the adjoining property (APN: 047-162-17) and the winery building would be approximately 200-feet away from this property.

The application includes a copy of the current Covenants, Conditions & Restrictions (CC&R's). The existing CC&R's were established on July 17, 1964 and currently restrict uses for "business or commercial purposes" on the two parcels and several adjacent parcels. The applicant has been working with an attorney and adjacent property owners to amend the CC&R's to address this. The rescission of the CC&R's was recorded on 5/28/2019 and rescinded the CC&R's recorded as Document 1465 in their entirety. This rescission impacts APN: 047-162-17; APN: 047-162-19; APN: 047-162-21; APN: 047-162-18; APN: 047-162-22; and APN: 047-162-23. The rescission document is attached within the application packet (Exhibit G). Written approval from the registered Construction Committee, Architectural Control Committee or Common Property Committee will be required prior to issuance of a building permit for the winery.

The application was presented to the August 1, 2019 Board of Adjustment meeting and a number of new conditions were presented to the Board. The conditions of approval (Exhibit A) have been amended to reflect those changes, including the removal of Parks condition and the addition of Engineering's condition. Additional information regarding the changes related to conditions can be found within the Director's Modification of Standards found within this staff report.

### **Director's Modification of Standards**

The applicant submitted a Director's Modification of Standards application on August 8, 2019 to modify the landscaping requirements within Washoe County Code Section 110.412.40 (c) and (d).

*WCC 110.412.40 (c) Landscaped Buffers Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a landscaped buffer is required as follows:*

- (1) The buffer shall be the width of the required front, side or rear yard for the entire length of the adjoining common property line; and*

**Staff Comment:** The applicant is proposing rows of grape vines that will abut all adjacent properties and act as a buffer to the existing and vacant adjacent residential uses. The height of these vines range from three (3) to five (5) feet tall. If this requirement was required it would be a loss of half an acre of crop production on this site. The primary winery use is central to the property. Staff is supportive of allowing the vines to replace the required landscape buffers, however, staff would like to see ornamental landscaping around the parking areas, entry to the property and around the winery structure itself.

- (2) The buffer shall include at least one (1) tree every twenty (20) linear feet of property frontage, or fraction thereof, planted in off-set rows or groupings to achieve maximum screening.*

**Staff Comment:** The applicant is requesting a modification of this requirement, instead of lining the trees around the perimeter; they are instead proposing trees to the interior of the site, surrounding the winery building, the entrance, and along the western property line. The applicant reasoning is to maximize sun exposure to the vineyards as shade is not pertinent to vineyard growth. Staff supports this request and believes that the densification of trees near the primary structure is still keeping in line with this requirement.

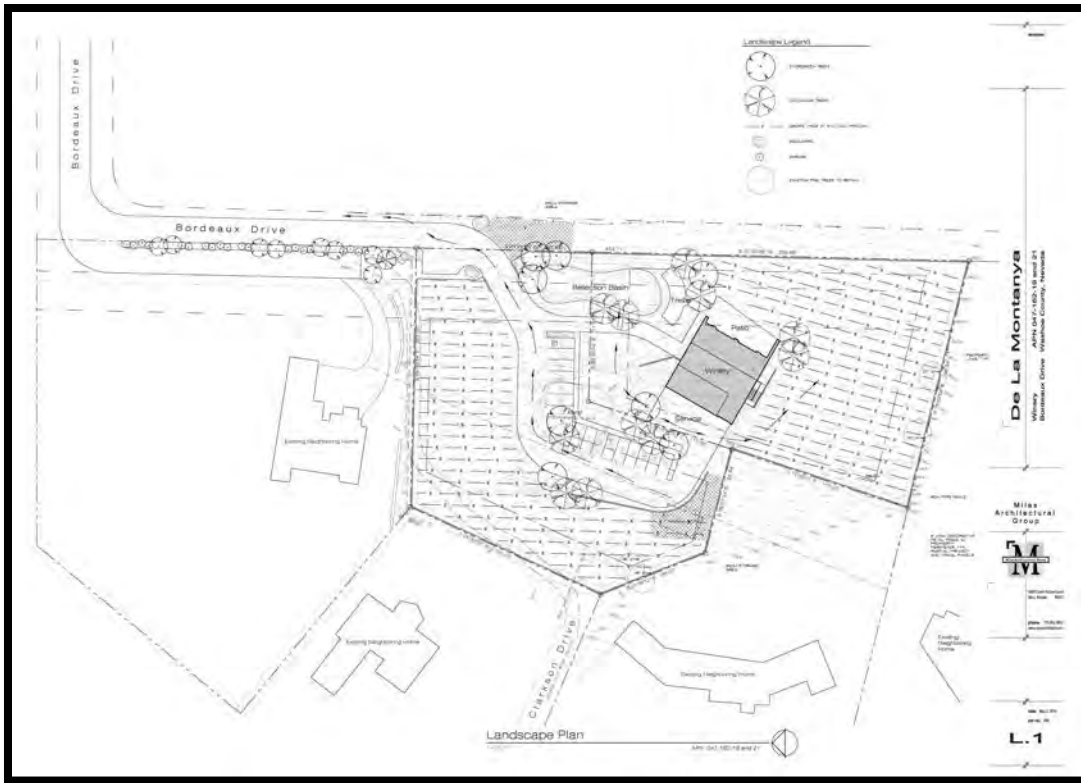
*WCC 110.412.40 (d) Screening Adjoining Residential Uses. When a civic or commercial use adjoins a residential use, a solid decorative wall or fence shall be erected along the entire length of the common property line. This wall or fence shall be at least six (6) feet but not more than seven (7) feet in height.*

**Staff Comment:** The applicant is requesting a modification of this requirement to allow for transparent predator resistant fencing, as well as three strand smooth wire fencing which is often used in agricultural settings. Staff supports this addition and agrees that this type of fencing is consistent with agricultural use types. This change also supports the neighbors input requesting open fencing (Exhibit H).

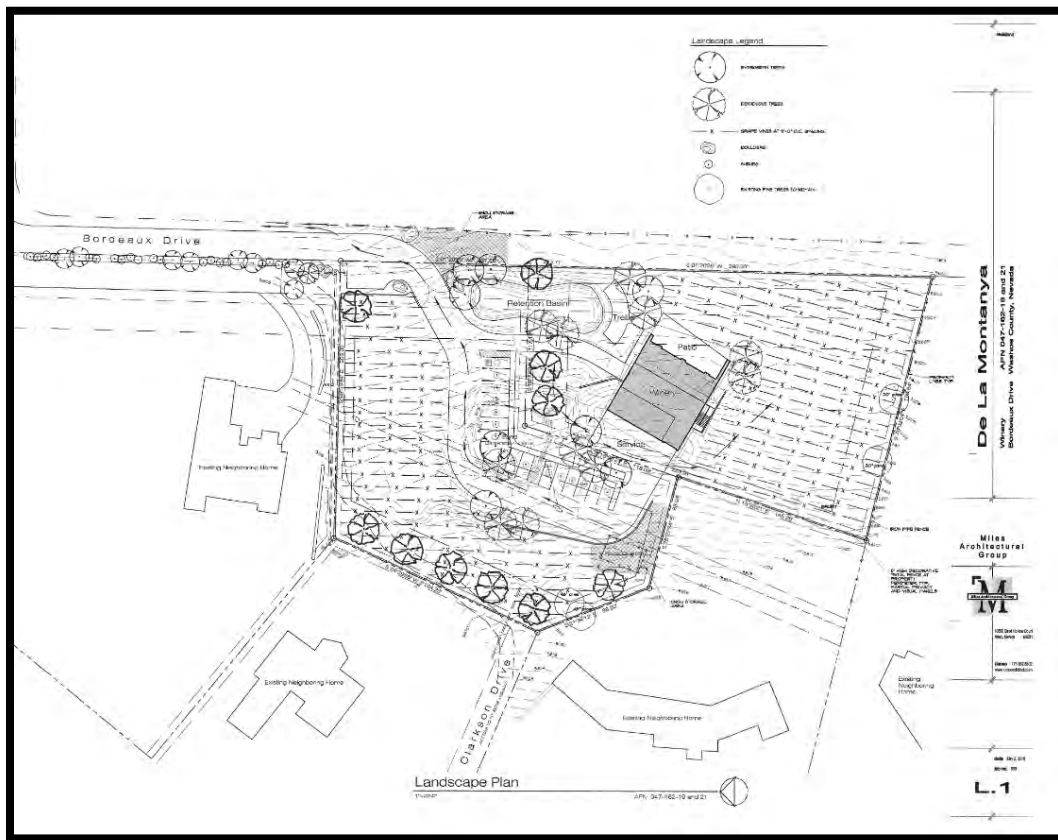
Staff has reviewed the modification request for WCC 110.412.40 (d), and supports the following modifications:

1. No landscaping buffer will be required, the vineyards are living cover, and will sufficiently meet this requirement. Staff instead will require ornamental landscaping around the parking areas, entry to the property, and around the structure itself.
2. No trees will be required every twenty (20) linear feet of property frontage. Staff instead will require the densification of trees near the primary structure, parking areas, and entry to the property.
3. The addition of smooth wire and transparent fencing is supported. Staff received a number of emails from the public requesting open fencing and believes that certain transparent fencing options would not be out of place for a winery use type.

These proposed modifications will be outlined within the conditions of approval (Exhibit A) for the Board of Adjustment to act on.



**Landscape Plan (Original)**



**Landscape Plan (Amended)**

Staff is recommending approval of this application, however, if approval of the administrative permit has been granted by the Board of Adjustment, the applicant will be required to obtain a wine makers license from the State of Nevada, which will also require approval from the Washoe County Board of County Commissioners. The applicable code citation is as follows:

*“Pursuant to NRS 369.180, 369.190, and 369.200 and Washoe County Code (WCC) Sections 30.3331 and 30.3335, the Washoe County Commission shall approve or disapprove applications to engage in business as a wine maker in Washoe County.”*

Washoe County Code Section 110.304 (gg) states that any allowed winery use type requires the issuance of the appropriate Washoe County business and liquor licenses pursuant to Chapters 25 and 30. 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 Planning and Building Division and State of Nevada Department of Business and Industry - Real Estate 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.

### **Forest Area Plan**

**F.2.3** Applicants required to present their items to the citizen advisory board (CAB) must submit a statement to staff regarding how the final proposal responds to the community input received from the CAB.

Staff Comment: *This application was presented at the July 11, 2019 South Truckee Meadows/Washoe Valley Citizen Advisory Board Meeting (STM/WVCAB). The CAB Memo can be found at Exhibit I.*

**F.2.8** All landscape designs will emphasize the use of native and low water requirement vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area.

Staff Comment: *The application states that the landscaping will be done with native trees, shrubs and plantings. The applicant will be required to meet Washoe County landscaping requirements.*

**F.2.10** The impact of development on adjacent land uses will be mitigated. The appropriate form of mitigation may include, but will not be limited to, open space buffering or parcel matching and should be determined through a process of community consultation and cooperation. Applicants shall be prepared to demonstrate how the project conforms to this policy.

Staff Comment: *The applicant has stated that they are planting the winery vineyards adjacent to residential properties, and to position the outdoor seating facing on the opposite side. Landscape buffers will be required due to the commercial nature of the winery use type.*

### **South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)**

The STM/WV CAB reviewed the application for the De La Montanya Winery temporary event on July 11, 2019. There were numerous individuals present at the meeting who opposed the proposed winery; the concerns raised were the following:

- Added traffic
- Drinking and driving
- Safety for the children and other pedestrians

- Other businesses may follow to this location changing the character of the neighborhood
- Impacts to property values

Staff has also received a number of correspondences related to the proposed winery. Exhibit F provides public comments related to opposition of the proposed winery. Exhibit G provides public comment in support of the proposed winery. Exhibit H provides public comment related to the required fencing for commercial use types adjacent to residential.

### **Reviewing Agencies**

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
  - Engineering and Capital Projects Division
  - Parks and Open Spaces
  - Planning and Building Division
  - Utilities/Water Rights
- Washoe County Health District
  - Air Quality
  - Emergency Medical Services
  - Environmental Health Services Division
- Nevada Environmental Protection
- Nevada Department of Wildlife
- Nevada Division of Water Resources
- Washoe County District Attorney
- Regional Transportation Commission
- Truckee Meadows Fire Protection
- Washoe-Storey Conservation District

5 out of the 14 above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The condition of approval document is attached to this staff report and will be included with the Action Order, if approved.

- Washoe County Planning and Building Division addressed landscaping, grading, and parking.  
**Contact: Chris Bronczyk, 775.328.3612, cbronczyk@washoecounty.us**
- Truckee Meadows Fire Protection District addressed the International Fire Code (IFC) and International Wildland Urban Interface Code (IWUIC) requirements.  
**Contact: Don Coon, 775.326.6077, dcoon@tmfcpd.us**
- Washoe County Engineering and Capital Projects addressed the construction plans, stormwater permits, paving requirements, grading bond requirements, drainage requirements, and sidewalks.  
**Contact: Leo Vesely, 775.328.2048, lvesely@washoecounty.us**
- Nevada Department of Environmental Protection addressed Tentative Subdivision Map requirements to the State of Nevada, as well as water pollution control permits and/or pre-treatment permits.  
**Contact: Patrick Mohn, 775.687.9419, pmohn@ndep.nv.gov**

- Nevada Division of Water Resources addressed the will-serve requirements and mylar map requirements.

**Contact: Timber Weiss, 775.684.2887, tweiss@water.nv.gov**

### **Staff Comment on Required Findings**

WCC 110.808.25 requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

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.

*Staff Comment:* There are no policies or action programs that prohibit the approval of a winery use type in 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.

*Staff Comment:* The applicant has addressed the applicable requirements for providing sanitation, and parking.

3. Site Suitability. That the site is physically suitable for a winery and crop production use type and for the intensity of such a development.

*Staff Comment:* The development suitability map shows the site as unconstrained. The site is suitable for the proposed use types.

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.

*Staff Comment:* The subject property is located in a residential area with nearby parcels of similar size. A buffer area including a fence and trees will be placed along the property lines to buffer the residences to the north, west, and south. 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.

*Staff Comment:* There is no military installation in the area that is required to be noticed for this Administrative Permit; therefore this finding does not need to be made.

### **Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case Number WADMIN19-0014 is being recommended for approval with conditions.

### **Motion**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN18-0014 for Dennis and Tina De La Montanya,

having made all five findings in accordance with Washoe County Development Code 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.

### **Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

Applicant                      Dennis and Tina De La Montanya Trust  
   999 Foreman Lane  
   Healdsburg, CA 95448

Representatives:            Realm Constructors  
   Attn: Dennis Troy  
   405 Marsh Ave  
   Reno, NV 89509





# Conditions of Approval

Administrative Permit Case Number WADMIN19-0014

The project approved under Administrative Permit Case Number WADMIN19-0014 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on September 5, 2019. 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 or to abide by all other generally applicable codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the approval of this administrative 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 administrative 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 administrative permit may result in the initiation of revocation procedures.

Operational conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the operational conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative 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.

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 the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

**Contact Name – Chris Bronczyk, Planner, 775.328.3612, cbronczyk@washoecounty.us**

- a. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. Planning and Building shall determine compliance with this condition.
- c. The applicant shall submit complete construction plans and building permits shall be issued within two (2) years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Building.
- d. 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.

- e. Prior to any ground disturbing activity, the applicant shall submit a landscaping design plan to the Planning and Building Division for review and approval. Said plan shall address parking, parking lot circulation and striping, signage, exterior lighting, trash enclosures, landscaping and plant material, type and size of plants, maturation size at full growth, landscaping location, and landscaping irrigation system.
- f. All landscaping, irrigation and screening shall be completely installed and shall satisfy the requirements prior to issuance of a certificate of occupancy.
- g. The wall or fence that is required to be constructed between the commercial uses and the adjacent residential uses shall be constructed of long-lasting materials, and shall be at least six (6) feet in height. The wall or fence shall be constructed out of stone, masonry, vinyl, or composite. Transparent predator resistant fencing, three strand smooth wire, and planted hedgerows shall also be permitted. Wood and chain link are not permitted.
- h. Trees shall be focused around the primary structure, parking areas, and entry location.
- i. Vineyards shall count as required landscape buffers.
- j. Agricultural machinery and tools shall be screened from adjacent properties when not in use.
- k. Any outdoor lighting on the property must adhere to dark sky lighting standards.

- I. Prior to Certificate of Occupancy, the owner shall install signage at the exit of the driveway indicating the presence of a school bus drop off zone and children present.
- m. Prior to Certificate of Occupancy, the owner shall work with Washoe County Engineering and Public Works to appropriately sign the section of Bordeaux Drive and the entrance of the project with appropriate signage. If Washoe County Engineering deems this condition unnecessary this condition shall not be enforced.
- n. The owner(s) of APNs 047-162-19 and 047-162-21, along with its successors and assignees, shall be responsible for the maintenance, in perpetuity, of roadway as described in Washoe County Recorder's Document Number 1926933, with the following exception of the easement area being south of the access driveway to APN 047-162-21. Should an additional ingress/egress driveway or other vehicular access, for purposes of serving either portion of APNs 047-162-19 and 047-162-21 be established within the easement described in Doc # 1926933, the maintenance and improved pavement sections shall be extended to the southern edge of that vehicular access. The agreement shall be executed between the owners of APNs 047-162-19 and APNs 047-162-21 (currently "Dennis and Tina De La Montanya Trust") and the Montreux Development Group LLC. A separate maintenance agreement shall be drafted between the "Dennis and Tina De La Montanya Trust" and surrounding property owners who use the road for access.
- o. The following **Operational Conditions** shall be required for the life of the business:
  - i. This administrative 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 null and void.
  - iii. All landscaping and irrigation systems shall be maintained at all times to conform with the Landscaping Section of the Washoe County Development Code for the life of the business, including the replacement of dead plants, trees, shrubs and all ground cover.
  - iv. 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.
  - v. This administrative permit shall remain in effect as long as the business is in operation and maintains a valid business license.
  - vi. Hours of operation shall be restricted to the hours of 9:00 A.M. to 8:00 P.M.; if times need to be adjusted, Planning Director approval will be required. No events will be permitted due to the Low Density Suburban (LDS) regulatory zone.
  - vii. The owner shall limit hours of operation to "by appointment only" on Monday - Thursday and shall limit appointments between 2:30 P.M. - 4:30 P.M.

### **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 – Leo Vesely, 775.328.2313, [ivesely@washoecounty.us](mailto:ivesely@washoecounty.us)**

- a. The application shows a retention basin and grape vines located within a 25 foot wide roadway and utility easement dedicated to Washoe County. With the submittal of final permit plans, no facilities shall be allowed within said easement. If the applicant wishes to explore the possibility of abandoning the easement, it is recommended they first meet with County Engineering staff to explore the feasibility of the abandonment.
- b. The proposed access road from Bordeaux Drive has an open offer of dedication to Washoe County, however, the offer has not been accepted since no permanent roadway has been constructed at this time. A privately owned and maintained access roadway conforming to Washoe County Code 110 to serve the development will be permitted upon the recordation of private access easements along the proposed roadway. Further, the private access easement shall not terminate or remove the existing Offers of Dedication provided on Parcel Map no. 3092 and Document No. 1926933. The applicant shall prepare engineering design drawings (plan and profiles, details) for the proposed roadway construction with hydrology report and submit to Washoe County for a Grading/Building Permit.

### **Truckee Meadows Fire Protection District (TMFPD)**

3. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. Unless otherwise stated, these conditions shall be met prior to the issuance of any building or grading permit or on an ongoing basis as determined by TMFPD.

**Contact Name – Don Coon, 775.326.6077, [Dcoon@tmfpd.us](mailto:Dcoon@tmfpd.us)**

- a. Provide a Vegetation Installation, Management and Defensible Space Plan as required for the project in accordance with the requirements of the *IWUIC*.
- b. Provide adequate space for a turnaround for Fire Apparatus as defined in IFC Appendix #D.

### **Nevada Division of Environmental Protection**

4. The following condition is a requirement of the Nevada Division of Environmental Protection, which shall be responsible for determining compliance with this condition.

**Contact Name – Patrick Mohn, 775.687.9419, [pmohn@ndep.nv.gov](mailto:pmohn@ndep.nv.gov)**

- a. A pre-treatment permit is required if wine-making process wastewater will discharge to the public utility sewage collection and treatment system.
- b. A water pollution control permit will be required if the wine-making process wastewater is discharged to lined ponds, liquid storage structures or tanks, infiltration basins, infiltration trenches, or generally for any disposal of wine-making process wastewater.

### **Nevada Division of Water Resources**

5. The following condition is a requirement of the Nevada Division of Water Resources, which shall be responsible for determining compliance with this condition.

**Contact Name – Timber Weiss, 775.684.2887, [tweiss@water.nv.gov](mailto:tweiss@water.nv.gov)**

- a. Any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office.
- b. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged or abandoned as required by Chapter 534.
- c. A Will Serve from Truckee Meadows Water Authority (TMWA) and mylar map of the

proposed project must be presented to the State Engineer for approval and signed through his office prior to development.

\*\*\* End of Conditions \*\*\*



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

### Engineering and Capital Projects

Attachment D  
Page 17  
1001 EAST 9<sup>TH</sup> STREET  
RENO, NEVADA 89512  
PHONE (775) 328-3600  
FAX (775) 328.3699

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#### INTEROFFICE MEMORANDUM

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DATE: July 1, 2019  
Revised August 1, 2019

TO: Chris Bronczyk, Planner, Planning and Building Division

FROM: Leo Vesely, Engineering and Capital Projects Division

SUBJECT: **WADMIN19-0014**  
**APN 047-162-21 & 047-162-19**  
**De La Montanya Winery**

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#### GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Engineering and Capital Projects Division recommends approval with the following condition

1. The application shows a retention basin and grape vines located within a 25 foot wide roadway and utility easement dedicated to Washoe County. With the submittal of final permit plans, no facilities shall be allowed within said easement.
2. The proposed access road from Bordeaux Drive has an open offer of dedication to Washoe County, however, the offer has not been accepted since no permanent roadway has been constructed at this time. A privately owned and maintained access roadway conforming to Washoe County Code 110 to serve the development will be permitted upon the recordation of private access easements along the proposed roadway. Further, the private access easement shall not terminate or remove the existing Offers of Dedication provided on Parcel Map no. 3092 and Document No. 1926933. The applicant shall prepare engineering design drawings (plan and profiles, details) for the proposed roadway construction with hydrology report and submit to Washoe County for a Grading/Building Permit.

LV/iv



INTEGRITY



EFFECTIVE  
COMMUNICATION



QUALITY  
PUBLIC SERVICE

**From:** [Patrick Mohn](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed De La Montanya Winery Project WADMIN1900014  
**Date:** Wednesday, June 26, 2019 8:51:08 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chris,

Per request, the NDEP is providing comments on the Washoe County Planning and Building review for the De La Montanya Winery project WADMIN19-0014.

The NDEP notes that the proposed project intends to connect to community sewer and water, so the NDEP has no issues with the proposed methods of sewage disposal and water supply at this point. Nonetheless, a Tentative Subdivision Map (with fees) will ultimately need to be submitted to the state for review and approval.

In addition, the proposed winery will need a water pollution control permit if there is potential to discharge wine-making process wastewater to lined ponds, liquid storage structures or tanks, infiltration basins, infiltration trenches, or for road dust abatement, or generally for any disposal of wine-making process wastewater. If the wine-making process wastewater will discharge to the public utility sewage collection and treatment system, a pre-treatment permit will be required.

These are all the comments I have at this point.

Pat



Patrick A. Mohn, [M.Sc.](#), P.E.  
UIC Compliance Coordinator  
Bureau of Water Pollution Control (BWPC)  
Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701  
p: 775.687.9419 fax: 775.687.4684  
[pmohn@ndep.nv.gov](mailto:pmohn@ndep.nv.gov)





WADMIN19-0014

**Truckee Meadows Fire Protection District (TMFPD)**

1. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. Unless otherwise stated, these conditions shall be met prior to the issuance of any building or grading permit or on an ongoing basis as determined by TMFPD.

**Contact Name – Don Coon, 775.326.6077, [Dcoon@tmfpd.us](mailto:Dcoon@tmfpd.us)**

- a. Fire protection of the new structures shall be as required by the current adopted International Fire Code, (*IFC*) International Wildland Urban Interface Code (*IWUIC*) 2012 *Ed*, with amendments and the requirements of the NFPA standard(s). (<https://codes.iccsafe.org/content/IWUIC2012> <https://codes.iccsafe.org/content/IFC2012>)
- b. The Fire Hazard designation for your project is available on the provided Washoe Regional Mapping System link. (<https://gis.washoecounty.us/wrms/firehazard>) After you have found your property using the address search feature, the color of the background area will indicate your wildland fire risk.
- c. When you have determined your Fire Risk Rating use the link provided, to determine the *IWUIC* construction and defensible space requirements. ([https://www.washoecounty.us/building/Files/Files/2012%20WUI%20CODE%20GUIDE\\_rev%2011-25-13.pdf](https://www.washoecounty.us/building/Files/Files/2012%20WUI%20CODE%20GUIDE_rev%2011-25-13.pdf))
- d. Provide a Vegetation Installation, Management and Defensible Space Plan as required for the project in accordance with the requirements of the *IWUIC*.
- e. Provide adequate space for a turnaround for Fire Apparatus as defined in IFC Appendix #D.

**From:** [Fagan, Donna](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: June Agency Review Memo  
**Date:** Tuesday, June 25, 2019 3:57:11 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image013.png](#)

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Chris,

Comments for WADMIN19-0014. 😊



**Donna Fagan**  
Planning and Building Division | Community Services Department  
[dfagan@washoecounty.us](mailto:dfagan@washoecounty.us) | Office: 775.328.3616  
1001 E. 9<sup>th</sup> Street, Reno, NV 89521

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**From:** Timber Weiss [mailto:[tweiss@water.nv.gov](mailto:tweiss@water.nv.gov)]  
**Sent:** Tuesday, June 25, 2019 3:51 PM  
**To:** Fagan, Donna  
**Subject:** RE: June Agency Review Memo

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Donna,

The project tentatively looks good as far as water quantity is concerned, but that opinion is dependent on the following statement:

There are no active water rights appurtenant to the described lands in this proposed project. The lands of the proposed project lie within the Truckee Meadows Water Authority service area. Any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office.

All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.

Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).

Municipal water service is subject to Truckee Meadows Water Authority rules and regulations and approval by the Office of the State Engineer regarding water quantity and availability.

A Will Serve from Truckee Meadows Water Authority and mylar map of the proposed project must be presented to the State Engineer for approval and signed through his office prior to development.

Please let me know if this comment is sufficient, or if you would like to see this statement in a letter.

Thank you and please let me know if you have any questions.

**Timber Weiss**

Water Resource Specialist II  
Department of Conservation and Natural Resources  
Nevada Division of Water Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701  
Email address  
(O) 775-684-2887 | (F) 775-684-2811

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**From:** Fagan, Donna <DFagan@washoecounty.us>

**Sent:** Wednesday, June 19, 2019 2:31 PM

**To:** Timber Weiss <tweiss@water.nv.gov>

**Subject:** FW: June Agency Review Memo

Timber,

I received Steve's out of office notice.

Maybe you can review the items as listed below and provide any necessary comments as he will not be back until comments are due.

Thank you,  
Donna

**Donna Fagan**  
Planning and Building Division | Community Services Department



[dfagan@washoecounty.us](mailto:dfagan@washoecounty.us) | Office: 775.328.3616

1001 E. 9<sup>th</sup> Street, Reno, NV 89521



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**From:** Fagan, Donna  
**Sent:** Wednesday, June 19, 2019 1:44 PM  
**To:** [sshell@water.nv.gov](mailto:sshell@water.nv.gov)  
**Subject:** June Agency Review Memo

Hi Steve,

Please find the attached Agency Review Memo with a case received this month by CSD, Planning and Building.

You've been asked to review item #1. Click on the highlighted item descriptions for a link to the application.

Please send any comments or conditions to the planner for that item.

Thank you,  
Donna



**Donna Fagan**

**Planning and Building Division | Community Services Department**

[dfagan@washoecounty.us](mailto:dfagan@washoecounty.us) | Office: 775.328.3616

1001 E. 9<sup>th</sup> Street, Reno, NV 89521



**From:** [Planning Counter](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: DeLaMontanya Winery 16435/16445 Bordeaux Dr  
**Date:** Thursday, August 15, 2019 1:44:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**[Insert Planner Name]**

Planning Front Counter | Planning and Building Division | Washoe County Community Services Department

[planning@washoecounty.us](mailto:planning@washoecounty.us) | Office: 775.328.3600 | Fax: 775.328.6133

PO Box 11130, Reno, NV 89520-0027

1001 East Ninth Street, Reno, NV 89512



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**From:** Kevin Schaller [mailto:disasterkevin@gmail.com]  
**Sent:** Wednesday, August 14, 2019 4:58 PM  
**To:** Washoe County Planning and Development  
**Subject:** DeLaMontanya Winery 16435/16445 Bordeaux Dr

**[NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Greetings,

I have become aware of the development application for the proposed winery & tasting room located adjacent to the Montreux community. This project is generating considerable concern in our community for the following reasons:

**Traffic Projections:** The developer suggests this project is "the first of its kind in Washoe County and offers the citizens of Washoe County an establishment and services that are not currently available". Yet, the Traffic Impact Report suggests less than 20 customers per day on a four day operational schedule, using a factor from the Napa Valley. Assuming this facility is a "one of a kind", one would expect a significantly larger visitor count. At the very least, an independent traffic analysis and validation of customer counts is in order before approving this project. Further, the access to Montreux community experiences significant traffic surges due to special events at the Club. Adding additional commercial traffic to a largely residential neighborhood is inappropriate. Should the project be ultimately approved, there must be operational timeframes included as a binding condition for commercial operations.

**Architectural Design:** The proposed building is wholly inconsistent with the existing

architecture of the community and surrounding structures. The project is placed among existing residences of a completely different architectural style.

**Crop Production & Water Use:** It is questionable as to the commercial viability of developing a small residential property for agricultural purposes and the use of a residential service for agriculture and winery operations raises questions as to the accuracy of water-use projections by the applicant. However, our community bear population will likely welcome the arrival of a vineyard. The proposed fencing will not provide a barrier to bears. This may easily be confirmed by NDOW.

**CC&R Waivers:** To suggest that "All interested parties have approved the changes" makes a broad generalization that only those properties immediate adjacent to the proposed project are impacted by the use change. Much to the contrary, multiple property owners in this community will be impacted by the change that are not party to the legal maneuvering underway.

I urge you to reject this application as the project is wholly inconsistent with the nature of this community and the proposed commercial activities will create further disruptions to gateway to our community. Should you have any questions, please feel free to contact me. Thank you for your consideration.

Respectfully,

Kevin Schaller  
4849 Nestle Court  
Reno, NV 89511  
(775)450-1820

**From:** [Merna De Coveny](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Winery  
**Date:** Friday, July 12, 2019 9:21:40 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am totally opposed to the winery on Bordeaux!!!!  
Merna DeCoveny

**From:** [Barbara Burrowes](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed Winery and Tasting Room  
**Date:** Friday, July 12, 2019 9:02:47 AM

---

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

As a resident and member of Montreux Golf and County Club I was recently informed about the proposed opening of a winery and tasting room on Bordeaux Drive.

I vehemently oppose this project for several reasons, listed below:

- 1) I have personally experienced several potential accidents from contractors exiting the construction gate. I believe that the risk of accidents on Bordeaux will increase substantially from drivers who are potentially inebriated from the winery/tasting room.
- 2) Concern of traffic congestion on Bordeaux: Commercial and additional traffic at Bordeaux and Mt. Rose Highway is already challenging and winery traffic will make it much worse.
- 3) In addition to the above concerns, there is the added danger to children who exit school buses daily in the same area on Bordeaux.
- 4) Having a winery/tasting room in the proposed location will dramatically change the appearance of the entrance to our community on Bordeaux from purely residential to commercial which could have a negative impact on our real estate values.
- 5) Outside of Bordeaux, Mt. Rose is already a dangerous highway accounting for many accidents and deaths so increasing the traffic to a winery is extremely disturbing.

I trust the Board will take this matter very seriously and oppose this winery/tasting room application.

Barbara E. Burrowes  
6065 Lake Geneva Drive  
Reno, NV 895111

Sent from my iPad



**From:** [ardecov@gmail.com](mailto:ardecov@gmail.com)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** I am totally opposed to the winery. What a dangerous spot for a commercial business to be.  
**Date:** Friday, July 12, 2019 9:25:32 AM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Arlene decoveny

Sent from my iPad

**From:** [Dorothy McDonald](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed De La Montanya winery and tasting room  
**Date:** Friday, July 12, 2019 5:20:44 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Sirs:

It is my deep regret that a family illness prevents me from being able to attend the meeting Monday evening at which the De La Montanya Winery and Tasting Room is to be discussed.

While it might be appealing to those not living in Montreux, it will significantly impact and detract from the safety of ingress/egress of Montreux. It will also, more than likely, cause the installation of a traffic light on Mount Rose Highway; cause a hazard for school children being dropped off and picked up on Bordeaux Drive; cause increased congestion on Bordeaux Drive; be a potential concern regarding inebriated wine tasters, and significantly impact the real estate values of our community.

I am actually appalled that this is even a consideration! Have you thoroughly thought this through or are you being influenced financially for this seems absolutely absurd! The privacy and safety of residents in our community will be negatively impacted.

I implore you to deny this application. Much better use can be made of this property.

Thank you for considering my comments. I sincerely hope you take them to heart.

Sincerely,

Dorothy A McDonald  
20417 Bordeaux Drive  
Reno, NV 89511

Sent from my iPhone

**From:** [Elizabeth Kelley](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Winery  
**Date:** Saturday, July 13, 2019 1:34:25 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I can't even imagine that this location is under consideration! No.

--

Liz Kelley  
775-849-1513

**From:** [m.k.pacheco](mailto:m.k.pacheco)  
**To:** [Bronczyk, Christopher](mailto:Bronczyk.Christopher)  
**Subject:** Wine tasting off Bordeaux Dr/Mt. ROse Hwy  
**Date:** Saturday, July 13, 2019 2:49:12 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mr Bronczyk,

It has come to my attention that there is a proposal before the Washoe County Planning Commission for a wine tasting business off Mt Rose Hwy/Brodeaux Dr. I am a resident in Montreux and feel this would be a mistake for various reasons. It is already difficult to get in and out of our community. Turning onto Bordeaux is difficult and has a short turn lane driving east to west on Mt Rose Hwy. Traffic travels very fast down the Hwy and turning can be precarious. Adding a business would increase traffic which would make it even more dangerous. With construction and maintenance vehicles, residents and others already using this road an addition of a business would bring additional congestion. Also, the bus stop for the children in our community is located on that portion of Bordeaux. Parents have to park along that area to pick up their children. It is very congested and the addition of other drivers who do not know the area would make it very dangerous for children as they exit the buses and walk to their parents cars or walking home as some students do.

Please vote against approving this business as it is not appropriate at that location for all the various reasons I have mentioned.

Sincerely,  
Karen Pacheco  
6075 Lake Geneva Dr  
Reno, NV. 89511

Cell: 925-352-9876

Sent from my Samsung Galaxy smartphone.

**From:** [Reba Wolf](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed De La Montanya Winery, vineyard, and Tasting Room on Bordeaux Road  
**Date:** Saturday, July 13, 2019 4:17:18 PM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Chris,

It was a pleasure meeting you and speaking with you at the Citizens' Advisory Committee meeting on Thursday evening at the South Valleys Library. My concerns about having a winery, vineyard, and tasting room so close to the entrance to my community were not calmed. I will address them individually.

The intersection of Mt. Rose Highway and Bordeaux Road is already a dangerous and challenging one which has accidents and frequent near-misses due to the speed with which motorists drive and the danger of Bordeaux Drive being at a blind curve with drivers turning into ongoing or opposing traffic. This situation will continue to get worse as the remaining lots in Montreux are built upon and the community grows. Workers and visitors to the vineyard and tasting room will definitely add to this existing problem.

That the sole entrance to the proposed commercial venture is on Bordeaux Drive, and not Mt Rose Hwy. will increase the danger to children who exit school busses on Bordeaux Drive daily. At bus drop-offs each afternoon, Bordeaux Drive has parents parked on both sides of the street and young children, parents with baby carriages, strollers, and pets walk back and forth across the crowded street. It is already a bit chaotic and adding commercial traffic and potentially inebriated wine tasters will make it even worse. Mr. De La Montanya stated that the winery will only be open Thursday through Monday, from 11 AM to 6 PM, as if that would alleviate any issue with children's safety because the additional danger would only be on Thursdays, Fridays, and Mondays. Having our neighborhood children exposed to additional risk for only three days is not acceptable. Children are the prized resource of our future and should be protected; a commercial venture which adds potential danger to their safety should not be given priority over what is in the children's best interest.

My husband and I moved to Reno and purchased in Montreux because of its bucolic nature and natural beauty. Having a winery and tasting room will dramatically change the access to our community on Bordeaux Drive and change it from purely residential to commercial. This could have a negative impact on our real estate values. Right now, only people who live in this neighborhood, are members of the Montreux Golf and Country Club, or work here have any reason to enter Bordeaux Drive but adding a commercial venture of this sort could attract many people who would make this a busier, louder, and more congested area. I'm sure that there are other 2 acre (or larger) lots available on Mt. Rose Hwy. that wouldn't have the same negative impact or change the personality of this neighborhood which has been here for more than twenty years.

Thank you for attending the meeting and answering our many questions afterwards. Both your time and patience were greatly appreciated.

Best regards,  
Rebecca Wolf  
Montreux Resident

**From:** [Susan Barber](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De La Montanya Winery and Tasting Room  
**Date:** Saturday, July 13, 2019 4:47:43 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have the following concerns about this business:

Traffic congestion on Bordeaux  
Commercial and additional traffic at Bordeaux and Mt Rose Hwy,  
which is already a challenging intersection without the winery traffic  
Possible danger to children who exit school busses on Bordeaux  
daily- from excess traffic and/or inebriated wine tasters  
Having a winery/tasting room will dramatically change the entrance  
to our community on Bordeaux from purely residential to  
commercial.  
This application being approved is, in my opinion, an invitation that  
will attract other businesses to our immediate neighborhood.

Thank you for your attention,  
Susan Barber  
5805 Clarens Ct  
Reno, NV 89511

775-849-2758

Sent from my iPad

**From:** [inakat73891@aol.com](mailto:inakat73891@aol.com)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** wine bar, vineyard and tasting room  
**Date:** Saturday, July 13, 2019 4:47:46 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I feel that having a wine bar, vineyard and tasting room off of Bordeaux and Mt Rose Highway will cause traffic congestion on Bordeaux bringing in additional traffic and more commercial traffic.

I'm concerned about a possible danger to children who exit school buses there, with excess traffic and possible inebriated wine tasters.

Having a winery/tasting room will change the entrance to our community from residential to commercial and could have a negative impact on our real estate values.

If approved, it is my opinion, that this is an invitation to attract other businesses to our immediate neighborhood.

Ina Katzman  
Montreux resident



**From:** [Ron Parratt](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Winery and Tasting  
**Date:** Sunday, July 14, 2019 9:13:24 AM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Sir,

I just learned of a proposal to construct a Winery and Tasting Room off Bordeaux at or near the entrance to Montreux. Am I correct in this regard and where can I get more information? If true, I don't think this a good idea. This is already a congested area with all Montreux residents flowing in and out of the community on Bordeaux plus all of the construction and service traffic. School children are dropped off and picked up along this portion of Bordeaux as well.

Sincerely,

Ronald Parratt  
Montreux Resident

Sent from my iPhone

**From:** [maria.constantino](#)  
**To:** [Bronczyk, Christopher](#)  
**Cc:** [Wim Roelandts](#)  
**Subject:** Concerned Residences  
**Date:** Sunday, July 14, 2019 11:25:19 PM

---

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Chris,

We live on Bordeaux and recently learned of the plan to build De La Montanya Winery/Tasting Room. Our concerns are:

1. Added Traffic to our street entrance
2. Drinking and Driving
3. Children safety
4. Other businesses might follow
5. Devalue of our properties

We ask that this plan be reconsidered and suggest a different location that is not so close to Montreux.

Kindly,  
Maria & Wim Roelandts  
20203 Bordeaux Drive  
Reno, NV 89511  
775/622-3834

**From:** [Wendy Wyrick](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed De La Montanya Winery and Tasting Room on Bordeaux--Opposed View  
**Date:** Monday, July 15, 2019 9:28:07 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I am writing to express my concern about the placement of this business in a residential area. This area is already heavily trafficked with residents and their visitors. Adding commercial traffic will only add to a bad situation on this two lane residential street. We pick our kids up from the bus stop there during the school year. Although we live inside the gates of Montreux, our children have friends on Bordeaux outside the gates. They ride their bikes to and from—again we are already concerned with the traffic we experience now much less adding more AND the fact patrons would leave after drinking wine.

I am not opposed to new businesses in Reno, I actually love the activity. However, this winery would be perfectly fitted for immediately off of Mt Rose highway. There is plenty of drive by advertising for all those going to and from the Lake if they were located on Mt Rose.

Lastly, any signage (which of course any business will need) would severely change the ambiance when turning on to Bordeaux. Montreux doesn't have signage and that is part of the charm. This would devalue our home value as it would appear to be a mixed zone area.

Thank you for listening to my concerns,

Wendy Wyrick

**From:** [Margaret Crowther](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Proposed winery in Montreux  
**Date:** Monday, July 15, 2019 11:42:24 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Mr. Bronczyk,

We are opposed to the winery/vineyard/tasting room business proposed for Montreux. This is a residential community, that was never intended for commercial development. Approval of this project would encourage more and more businesses to come to Montreux which would be entirely inappropriate.

We moved to Montreux to be in a safe, non commercial, gated community, not one that would now be open to the public creating more expense to monitor an influx of people from outside our community and a traffic nightmare for everyone who lives here.

Please reject this unwanted and non essential business for our Montreux community!

Sincerely,

Peg & Bob Crowther  
16840 Delacroix

Stephen and Susan Gaddis  
1675 Rouge Court/16475 Bordeaux Drive  
Reno, NV 89511  
510-909-6010

July 14, 2019

Mr. Chris Bronczyk  
[cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)  
Washoe County Planning Commission  
1001 E. Ninth Street  
Reno NV. 89512

RE: Request for Use Permit by De La Montanya Winery and Tasting Room with recommendation to reject this application due to public endangerment and an inappropriate land use within a residential neighborhood

Dear Mr. Bronczyk,

We have just been informed of an application by De La Montanya Winery and Tasting Room for a use permit to establish their business on property located off Bordeaux Drive in Washoe County. Bordeaux Drive is presently the only full-time access road for several neighborhoods to Mount Rose Highway.

It is important to note that the **only bus stop for school children** in the referenced neighborhoods is located on Bordeaux Drive between Mount Rose Highway and the access point to the proposed site for the Winery and Tasting Room. If this permit is approved, Children in these neighborhoods, will be walking to and from school buses with additional commercial traffic and wine tasting drivers that will intermittently cross their paths 5 days week! **Certainly, drinking, driving and childhood safety come to mind as a major concern regarding this application!!**

Additionally, residents will be commuting in a new environment where a business is potentially operating 7 days week and their customers will be driving in our neighborhood after consuming an undefined amount of wine. **Unquestionably, this negatively changes the character of our local community.**

Stephen and Susan Gaddis  
1675 Rouge Court/16475 Bordeaux Drive  
Reno, NV 89511  
510-909-6010

I believe that there are approximately 450 developed residential properties that currently use Bordeaux Drive to access Mount Rose Highway. Also, there are about 100 more residential properties to be developed within the existing neighborhood, resulting in significant interaction with the applicant and their customers on a daily basis.

There are several commercial businesses West of Bordeaux Drive that are located directly off Mount Rose Highway. These businesses do not disrupt or endanger the residents that must rely on Bordeaux Drive as their sole access to Mount Rose Highway.

Finally, if this permit is approved, the surrounding residential properties near the proposed site may experience devaluation as a result of allowing this business in a residential neighborhood where residents must live and drive with their **potentially** inebriated customers 7 days a week. **Clearly, with devalued property values come reduced tax revenues!**

**We respectfully request that the Planning Commission of Washoe County reject this land use permit , as defined, by applicant De La Montanya Winery and Tasting Room, due to public endangerment and as an inappropriate business use within an established residential neighborhood.**

Thank you,

Stephen Gaddis and Susan Gaddis  
16735 Rouge Court / 16475 Bordeaux Drive  
Reno, NV 89511

510-909-6010  
sbgaddis47@gmail.com

**From:** [Laurie Clifford](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De La Montana Winery  
**Date:** Monday, July 15, 2019 12:04:10 PM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

My husband and I very much oppose the building of any commercial venue in the front yard of our special neighborhood. Traffic entering this location from Mount Rose is already getting more and more dangerous as we come and go. All of our neighbors chose Montreux to drive into an element of calm enroute to our homes and this we pay heavily for with our high property taxes. This also has assured us our children leaving the school buses at this location remain safe. This alone makes no sense to have wine tasting at this critical location. The entrance of this winery will also impede our construction gate and incur a traffic problem there. There's a place already around the bend on Mt Rose that has had multi owners thru the years and most not successful so why would another one so close be advantageous? In closing we so hope that the board will see this is absolutely a wrong place to combine wine with our private environment....LC and DC

Sent from my iPad

**From:** [Sejal Doshi](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De La Montanya Winery and Tasting Room.  
**Date:** Monday, July 15, 2019 2:20:40 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Chris,

I would like to let you know my husband and I are Montreux residents and we oppose the development of the De La Montanya Winery and Tasting Room.

Thank you,  
Sejal Doshi



**From:** [Beverly Champagne](#)  
**To:** [Bronczyk, Christopher](#); [Beverly Champagne](#); [Larry Champagne](#)  
**Subject:** Winery off of Bordeaux  
**Date:** Monday, July 15, 2019 3:59:03 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To whom it may concern:

We just want to go on record with serious concerns about the possibility of changing the zoning from single family dwelling to commercial on the two Bordeaux lots at the entrance of Montreux.

This is a very short street and would , in our opinion, make a very congested traffic situation, which is not a good thing. Also, turning onto Bordeaux is already busy.... add commercial stuff in the middle of a neighborhood could create havoc.

This is where children wait for and get dropped off from the WCSD Buses, so we think this could be a danger to the children.

Thank you for your consideration,

Bev and Larry Champagne

--

Beverly J Champagne

From: [clarkson@dmv.com](mailto:clarkson@dmv.com)  
To: [Peter\\_Durfee@dmv.com](mailto:Peter_Durfee@dmv.com)  
Subject: **Final** Please review this draft that apparently must be submitted this afternoon (to be entered into the record) and please advise if you'd like your name attached to the e-mail. Thank! PHD  
Date: Tuesday, July 16, 2019 7:43:48 AM  
Attachments: [Screenshot of Clarkston Drive - Proposed Intersection with Township Suburban Parcel Lot.pdf](#)  
[Screenshot of Clarkston Drive to Mount Rose.pdf](#)  
[Screenshot with Clarkson Drive as entry drive.pdf](#)

**[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Good Afternoon!

Thank you very much for your time last Thursday evening at the South Valley Library. Thank you very much for confirming to the Owner that the parcel's zoning will not now (nor ever in the future) permit any "Special Events" at the winery and that the Owner's proposed limited days and hours of operation would be part of approval (if such approval was actually granted).

Per our last conversation I wanted to follow up with the major concerns as expressed by my neighbors and myself. As noted repeatedly in the meeting, many of us are at a complete loss (i.e., with the possible exception of the Owner capitalizing on Nevada's obvious tax benefits) as to why this commercial project would be proposed in this residential (LDS) site with single [shared] driveway access (e.g., the location is in stark contrast to the Owner's website's vineyard priorities, the fact that the Owner explained that he wasn't sure if he could even grow grapes on this property and that the Owner admitted that trying to grow wine grapes on these parcels would be a "pioneering adventure" that may not work), but alas to each his own.

In addition to putting a commercial operation onto a residential site, I believe we both heard that the greatest underlying concern from everyone at the meeting was for the SAFETY of our school children (as the proposed project entrance/exit is adjacent to the neighborhood's school bus stop and Montreux contractor queuing), the SAFETY of all folks using Bordeaux Drive (with essentially the creation of a five way intersection in the middle of Bordeaux Drive), driving increased traffic to an intersection on Mount Rose Highway with a down hill curve to the west and the SAFETY of folks traveling on Mount Rose Highway (on a stretch of this highway that was specifically noted in the July 11th meeting by one resident in the meeting as already being fraught with deadly accidents in the last year).

These concerns are obviously amplified by the proposed use of the property to specifically sample/drink alcoholic beverages. Although the Owner explained that no one would be getting drunk on his several ounce wine samples; the Owner was (at best) evasive when asked about the consumption of bottles of wine purchased and enjoyed on the project's envisioned outdoor patio areas (i.e., the Owner ignored this question when initially asked on July 11th and then upon re-asking explained that he wasn't "familiar with Nevada liquor laws" to know if this on site consumption of purchased wine was permissible [or not]; needless to say we are very concerned about someone whose project's primary purpose is serving alcohol that is apparently flippant on this topic and that is self-admittedly unfamiliar with what would be the site's applicable liquor serving regulations.

In terms of SAFETY there seems to be a disconnect in the fact that Owner explained he picked the site because of the "Great" Mount Rose Highway access". The project proposes the driveway for these parcels become a commercial and public access/egress for the project. As you explained on the evening of the 11th that traffic concerns were not part of your assessment but that we could forward such concerns and others in the Development Department would examine this aspect of the project; the following items briefly highlight some of our SAFETY/traffic concerns for the project as proposed:

In addition to the driveway's placement near the neighborhood's school bus stop, the project's one proposed access point off Bordeaux Drive will in essence create a five way traffic intersection without the controls of a constructed traffic circle. Traffic studies (see related Attachments) have proven that such multiple stops sign entrances onto a main roadway introduce significant potential for vehicular and pedestrian conflicts and hence accidents. Study probabilities (refer to study from Las Vegas as referenced) analyses suggest that navigating this intersection area (especially after wine "tasting") will probably lead to increased SAFETY issues.

Even without any alcohol factoring; this access point is challenging as this creates three active roadway entrances onto Bordeaux Drive along about 100 feet of the Bordeaux Drive roadway, the middle Montreux service entrance/exit (i.e., middle lane of attached photo) is used by large vehicles that will block the view of the two driveways (with Montreux's Welcome Center's drive to the left and the project's [proposed] driveway to the right of this driveway) on either side of that entrance, and the landscaping at the residential property nearest the project's proposed access point visually challenges both entry and exit from the project's proposed access point (please see related photos).

As obviously there has been an investment by the Owner and independent of the myriad of many concerns expressed in the meeting on July 11th that were not SAFETY related (and especially in the spirit of not simply throwing up roadblocks to the project without offering compromising path(s) forward for a win-win for everyone involved); we suggest that if the project is to be approved; the project should only be approved as expressly conditioned upon the development and sole use of Clarkson Drive as the project's vehicular access point to/from Mount Rose Highway.

When this was suggested in the meeting on July 11th; the Owner indicated these lots didn't have access (rights to access?) Clarkson Drive that directly connects to the project's parcel. Logically the same immediate neighbors that we were told on July 11th that specifically changed their neighborhood's CC&R's to uniquely accommodate this new project would (logically) similarly embrace extending an access easement to the project parcels as a condition for the project that we were told they have greeted with open arms.

Additional attachments show the various locations surrounding the project with the various items listed, attachments also show the location of photos taken at the suggested Clarkson Drive entrance/exit and the suggested direct roadway connection to the project site from the adjacent Clarkson Drive. We know which location we would logically exit from after enjoying sampling (or enjoying a bottle of) wine.

Although we are not Traffic Engineers, the proposed site use and the envisioned proposed single driveway entrance/exit will (over time and statistically) lead to accidents with potentially significant consequences. If our proposal to use only Clarkson Drive is problematic (again please read.....we are not traffic engineers); the next logical thing to us is to make the proposed project driveway a one-way entrance to the Winery (i.e., permitting only entry into the project site from Bordeaux Drive) and have all vehicles exit the Winery via Clarkson Drive onto Mount Rose Highway (with that exit as legally signed/posted as a right turn only exit). This conditional approval and approach would remove the project's most significantly problematic cross traffic left hand turns required by the projects currently proposed driveway uses (thus eliminating these exiting left hand turns both onto Bordeaux Drive and onto Mount Rose Highway).

Thanks for all of your consideration in these important matters!  
Peter Durfee

p.s. - Although we are trained Sommoliers, based upon the De La Montanya web sites "site driven" grape growing philosophy (<http://www.dlmwine.com/dlmvineyards.html>).... we are wondering exactly how the teh wahr of this site compares to their other obviously highly selective vineyard's espoused perfect soils and micro-climates ?  
p.s.s. - As written in haste to meet this afternoon's deadline, if any of this is unclear please call me with any related questions, comments or concerns

(mobile number is 714-920-5555).

**Increased Vehicular and Pedestrian Conflicts:**

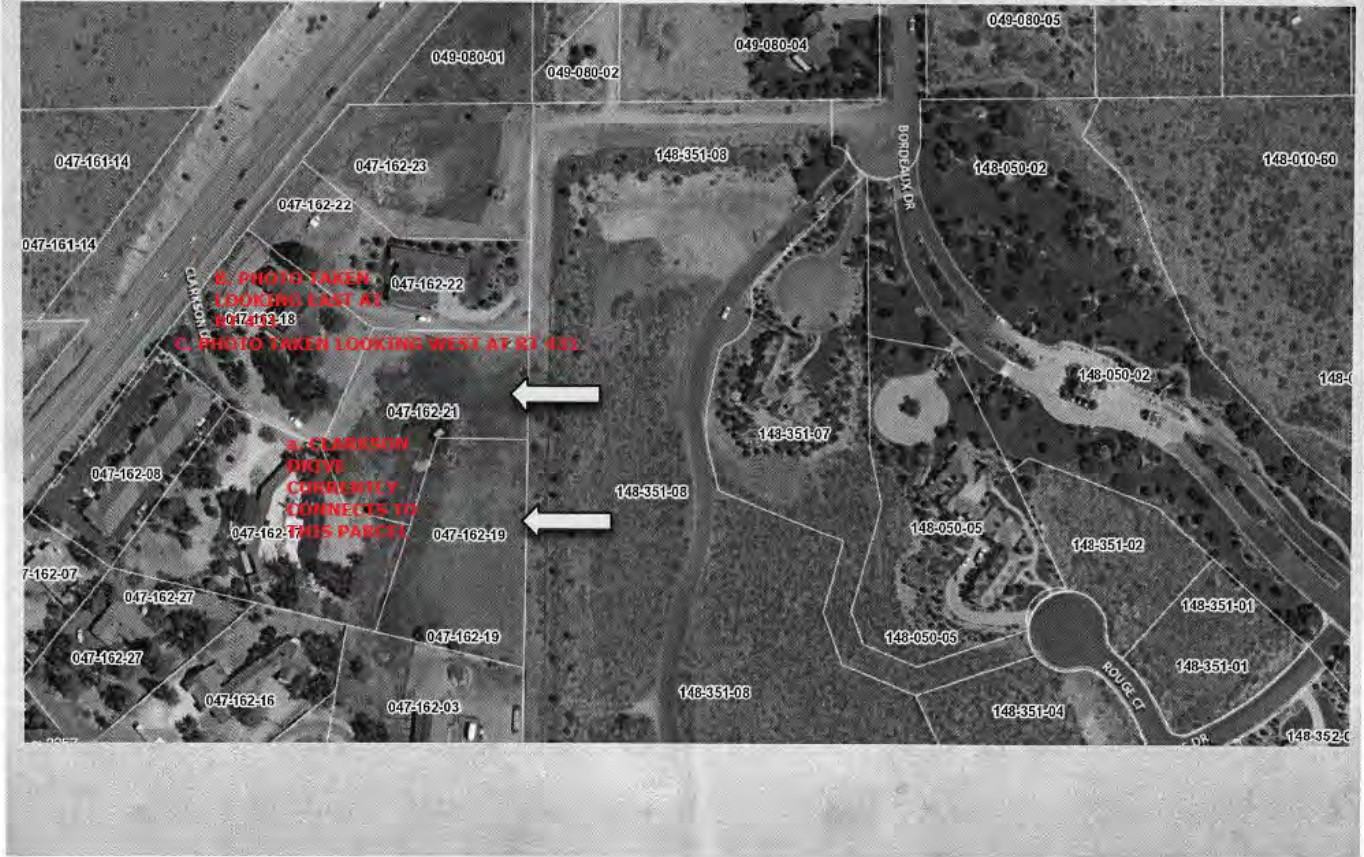


<https://nextstl.com/2013/10/mythbusters-tackles-four-way-stop-v-roundabout-traffic-throughput/>

**Related Roundabout Traffic Study From Las Vegas:**

# Location

## 16435 and 16445 Bordeaux Drive







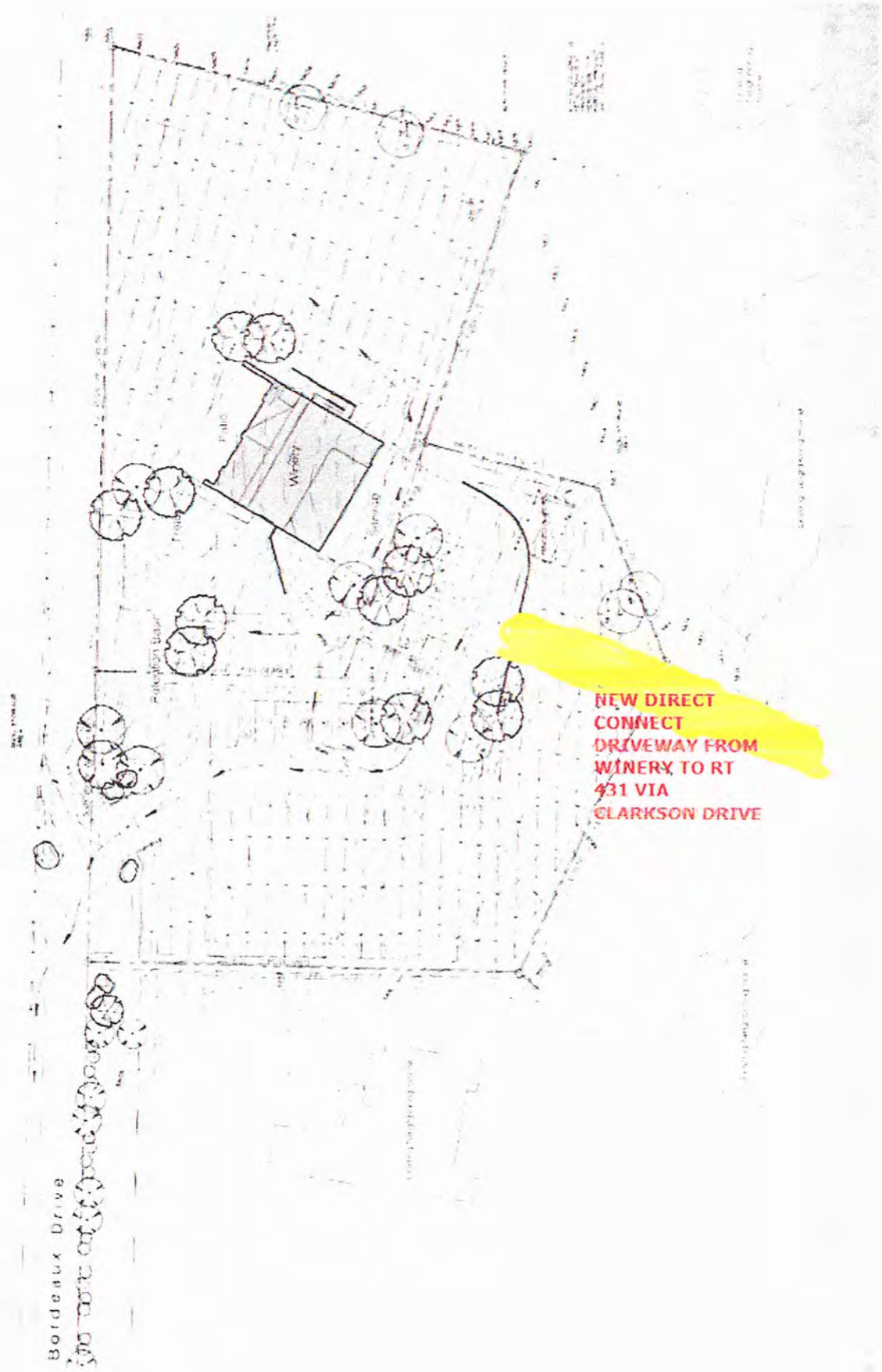








# Site Development









**From:** [Lois Butler](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** DeLaMontanya Winery & Tasting Room  
**Date:** Tuesday, July 16, 2019 1:25:23 PM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

We moved to Montreux in 2005. The main reason we love it here is that it is completely residential. We do not want commercial establishments or commercial traffic ruining our lovely community.

Thank you  
Bill & Lois Butler

Sent from my iPhone

**From:** [Shane Dyer](#)  
**To:** [Bronczyk, Christopher](#)  
**Cc:** [Lauren Dyer](#)  
**Subject:** De La Montanya Winery  
**Date:** Monday, July 29, 2019 11:39:08 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chris

Thanks for taking the time to talk with me today.

I live on 16305 Bordeaux Dr. a residential street. I have 4 kids, ages 10, 8, 5, 2. There are other kids on in the area as well. It is a popular walking corridor and has no sidewalks.

- We don't feel our **residential street** should be used for **commercial access** to a winery.
- Access from HWY 431 on Clarkson Drive by the commercial office building (great basin institute) makes more sense and is more direct to the property.
- As a minimum, we would request some children at play signs and some traffic calming devices or speed bumps be installed.

Please let me know that this email was received.

Thanks!

**Shane K. Dyer P.E., W.R.S.**  
Principal



Dyer Engineering Consultants, Inc.  
9160 Double Diamond Parkway  
Reno, NV 89521  
(775) 852-1440 Phone  
(775) 420-4552 Direct  
(775) 852-1441 Fax

*Confidentiality Notice: This email is for the sole use of the recipient(s). Any unauthorized review, use, disclosure, or distribution is prohibited.*

**From:** [Planning Counter](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: WINERY ON BORDEAUX  
**Date:** Monday, August 12, 2019 3:25:14 PM

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**From:** William Cox [mailto:bill@williamjcoxcpa.com]  
**Sent:** Monday, August 12, 2019 2:51 PM  
**To:** Washoe County Planning and Development  
**Subject:** WINERY ON BORDEAUX

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

TO WHOM IT MAY CONCERN;

A WINERY APPROVAL IN A RESIDENTIAL AREA AND A SCHOOL BUS STOP MAKES NO SENSE.

I WOULD HOPE THAT THE BOARD SEES THAT THIS IS THE WRONG PLACE FOR A TASTING ROOM AND THE SURROUNDING WINERY.

EVEN IF THIS PARCEL IS ZONED COMMERCIAL WITH THE CONTINUED DEVELOPMENT OF MONTREUX, AND ALL THE NEW HOMES THAT ARE BEING BUILT A COUNTY WOULD WANT TO PROTECT THE PROPERTY VALUES AND INSURE THE SAFTY OF CHILDREN GETTING OFF THE SCHOOL BUSES.

AS A HOME OWNER OF MONTREUX I AM AGAINST ANY APPROVAL FOR A WINERY ON THE PROPOSED LAND.

Bill Cox

**From:** [Planning Counter](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: proposed winery  
**Date:** Monday, August 12, 2019 3:25:01 PM

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**From:** Brian Haug [mailto:bhaug@haugquality.com]  
**Sent:** Monday, August 12, 2019 3:13 PM  
**To:** Washoe County Planning and Development  
**Subject:** proposed winery

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Planning Department,

As a Montreux resident, I am highly concerned about the impact of a proposed winery at the only entrance to our community. I completely agree with Reba Wolf's statement-

"This proposed winery will cause increased traffic on a narrow street which is already chaotic because it's a school bus stop. There was a traffic inquiry that did not take into account any additional traffic from owners of new homes, to be constructed on the many vacant lots that are still for sale in Montreux. Nor was the already present danger of merging onto Mt. Rose Highway effectively addressed."

"De La Montanya has significantly underestimated the traffic from trucks associated with delivery and production and the number of visitors to the winery and tasting room. He has negated the possibility of any danger from inebriated drivers leaving the tasting room."

Please add me to the list of opposition to this proposed use. Thanks You,  
Brian Haug  
4540 Alpes Way, Reno  
408-605-9361



**From:** [Planning Counter](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: Wine tasting & winery off Bordeaux Drive  
**Date:** Thursday, August 15, 2019 1:43:41 PM  
**Attachments:** [e1b46f69b9ecc81203a00282d9788f75.png](#)

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**From:** Mary Jo Blue [mailto:blueinc@verizon.net]  
**Sent:** Thursday, August 15, 2019 10:18 AM  
**To:** Washoe County Planning and Development  
**Subject:** Wine tasting & winery off Bordeaux Drive

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

To Whom It May Concern:



We are totally behind the effort to **stop the proposed winery**. The choices for entrance and egress are unacceptable and will be hazardous to Montreux residents and the many children who use the school bus which arrives and departs near the proposed entrance. There will also be increased risk for accidents on Highway 431 due to increased traffic arriving and departing the winery, with drivers who have possibly consumed alcohol.

Also, we are concerned over the water usage for the winery portion of this business. There are many residents in the neighborhood of Montreux who have voiced their opposition to this proposed project in the email site for the Montreux neighborhood under Nextdoor Digest, should you care to read them.

Please do NOT approve these plans with the access off Bordeaux Drive, Reno.

Sincerely,  
Richard W. Walker and  
Mary Jo Blue  
5720 Dijon Circle  
Reno, NV 89511

Thank  
Reply

**H JAMES and JANET K WULFSBERG**

6485 MONTREUX LANE  
RENO, NEVADA 89511

August 12, 2019

Board of Adjustment  
Washoe County  
County Commission Chambers,  
1001 E. 9th Street, Building A,  
1st Floor, Reno, NV 89512

Re: Permit Application of De la Montoya Winery/ Bordeaux Drive, Reno, NV.  
Hearing Date: September 5, 2019

Dear Board of Adjustment:

We reside at 6485 Montreux Lane, Reno, Nevada, 89511. We enter and leave our property from Bordeaux Drive on Mount Rose Highway. We oppose strongly the application of De La Montoya Winery to operate a winery and tasting room adjacent to the residences in and outside of the Montreux Golf and Country Club. We believe that the continuing traffic congestion caused by the operation of the winery and tasting room business would unduly increase the traffic congestion of what is a residential and golf community.

The Montreux Golf and Country Club area is currently zoned for additional residences, none of which involve the operation of a commercial enterprise and are accounted for in the plan for Montreux. The Montreux Golf and Country Club also conducts an annual golf tournament, now sponsored by the Professional Golf Association. This tournament has been ongoing for the last two decades. During this tournament, the traffic in and out of Bordeaux increases, but has been mitigated with the use of bus and similar transportation in and out of the event.

We respectfully request that we be provided with all environmental studies conducted by the Applicant including those aimed at mitigating the additional traffic anticipated at the proposed winery and tasting room. We note that the proposal includes provision for only 16 parking spaces that by itself seems inadequate and could easily lead to parking on Bordeaux Drive and adjacent streets when these few spaces are used.

We respectfully urge the Board of Adjustment to deny this application. There are numerous other locations, already zoned and suitable for such enterprises, on the lower areas of the Mount Rose Highway that could be used for the proposed winery and tasting room.

Respectfully submitted,

  
H. James and Janet K. Wulfsberg

**From:** [James Pickett](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Vineyard Tasting Room off of Bordeaux and Mt Rose Hwy.  
**Date:** Monday, July 15, 2019 2:23:21 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chris,

My name is James Pickett and I am one of the owners of a lot (Assessor parcel number 047-162-23) which is next to the two lots proposed for a vineyard and wine tasting room. I also live in the Montreux Community. While I believe there are some concerns on increased traffic onto Bordeaux, I believe that the concept of the proposed vineyard and tasting room will fit in nicely with the area and be a good addition to the neighborhood. The other item to consider is the school bus pickup on Bordeaux and how a use like this could impact it but do believe the positives outweigh that one item of concern.

I am in support of the proposed use and believe the owner will do it tastefully and be sensitive to any traffic impacts.

Best,  
James

James Pickett  
775-398-2266 - Direct  
480-213-1803 - Mobile  
[jpickett@laderaventures.com](mailto:jpickett@laderaventures.com)



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**From:** [Margie Wonhof](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** Support for the De La Montanya Vineyard  
**Date:** Tuesday, July 16, 2019 3:35:57 PM

---

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Hi Chris

I'm not sure I can make the August 1 meeting, but wanted to let you know myself and many other Montreux residents are in favor of the De La Montanya's application for a Vineyard. My husband and I have lived here all our lives, in Montreux for 12 years as we are members for 20 years.

We believe this is a positive project for the community at large. Based on the De La Montanya's vineyard in Healdsburg, it will probably be a beautiful vineyard and barn.

We understand some residents object to the traffic, but we believe there will be a minimal number of vehicles daily. As Montreux gets built out, there will be less construction vehicles coming into our property in the next few years. As for concerns over drunk drivers, we believe the tastings are not sufficient to be a concern. We often go to tastings....this is a venue to taste wine not a bar. In addition, most people now use Uber when they are partying so the risk seems minimal.

We believe this project will only enhance our property value in Montreux and also the other adjacent properties.

Thank you for your time and consideration.

Margie and Rob Wonhof  
6340 Wetzel Court  
Reno, NV 89511



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**From:** [Betty Scott](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De La Montanya Winery in Reno  
**Date:** Tuesday, July 16, 2019 4:33:10 PM

---

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good afternoon,

I've been a wine club member at De La Montanya for 15 years and heard they are looking at a spot in South Reno. I'd love to have them represented here and think they'd be a great fit for the area.

Happy to provide any additional insight as needed.

Best,  
Betty



**Betty Scott** CID, AKBD  
Aspen Leaf Interiors  
Lake Tahoe - SF Bay Area  
10075 W. River Street, Truckee, CA 96161  
[775-287-1168](tel:775-287-1168) mobile  
[775-470-5494](tel:775-470-5494) STUDIO  
[530-550-9574](tel:530-550-9574) HOME store  
[206-600-4676](tel:206-600-4676) fax  
[www.AspenLeafInteriors.com](http://www.AspenLeafInteriors.com)

From: [Kathleen Wilson](#)  
To: [Bronczyk, Christopher](#)  
Subject: DeLaMontanya Boutique Vineyard  
Date: Tuesday, July 16, 2019 4:33:44 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Chris,

Please accept this email on behalf of my husband, Keith and I who are DLM Wine Club members and long-time fans of the DeLaMontanya's and their vineyards and wines. Tina and Dennis are exceptional vineyard owners, creating both a great wine and exceptional family vineyard experience. They work to maintain a small cadre of fans and wine club members, while growing grapes for some of the other companies, so they can remain "boutique" which is the allure of their successful business venture. They have been in business over 25 years with a successful business plan, which includes continuing in their "boutique" operation as well as supplier of CA. grapes for that region.

We have been "rooting" for their presence in Northern Nevada, even since Dennis announced that it has been a designed plan of both UNR and Washoe County Planning to "grow" the vineyard/wine business. They are excited at the prospect of doing just that and set about becoming Washoe County/Reno residents since 2017. They have knowledge of the industry and are leaders in this Northern Nevada pursuit to enhance what was dreamed by the University of Nevada, Reno some 12 years ago. They are respectful senior adults who understand the need for being part of the community and warrant welcoming by all of us. Their properties in the Healdsburg, CA areas are beautiful places to visit and their enhancements of the surrounding property values with their well-designed environments can't be argued.

They are a welcomed business and family and Reno and it's residents honored to have such great neighbors. As a little background, they sold their Galena Forest properties, and purchased in Montreux so they could begin in the development of a boutique vineyard so it would be close to their retirement property in Montreux, one many consider to be Reno's finest and exclusive developments. I would expect the intelligent clientele of of Montreux to see that a quality vineyard, like DLM Winery would enhance the already quality community of Montreux. My experience, as so many who visit the Napa/Sonoma vineyards know that wine tasting is not bar-hopping, and the DLM family understands this though their years of experience. It is not a first-time venture for the DeLaMontanya's. My husband and I can personally vouch for this project and Dennis & Tina as upstanding residents and are excited to have their presence in Northern Nevada.

I can be reached for further comment, if needed at 775-848-2552.

Kathy & Keith Sietsema  
6155 E. Hidden Valley Drive  
Reno, NV 89502

--

**From:** [Ron Borst](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De La Montana winery / tasting room  
**Date:** Thursday, July 18, 2019 12:06:00 PM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I have been a customer of De La Montana for the last 10 years. NEVER have we had a sub par wine . We have been over 100 wineries none match up to DLM! Dennis runs a first class winery in Dry Creek area of California and would be a great asset to Washoe County .

Thank you  
Ron Borst

Sent from my iPhone



**From:** [Jen Eastwood](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** In support of De La Montanya Winery in Reno  
**Date:** Wednesday, July 17, 2019 11:37:21 AM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello,

I'm sending a letter of support for De La Montanya Winery. I was previously a wine club member and had nothing but great experiences with the winery and al their staff. Washoe County would greatly benefit from having a De La Montanya Winery tasting room on Mount Rose Highway.

Thank you,  
Jen Eastwood  
(Reno native and resident)

**From:** [I.harding](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** DLMWine  
**Date:** Thursday, July 18, 2019 2:04:43 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I have been a member of this winery since one year after it's opening in Healdsburg, Ca.

I would like to see and have advocated to have this wine in Nevada.

I believe that if De La Montanya winery were allowed to open here in Nevada and folks tried their wines, there would be no resistance from the residents of Montreaux.

It would also generate tax monies for the state and also add to the job corps.

So in a nutshell, we are totally in favor of De La Montanya winery coming to the area.

**From:** [Vickie Borst](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** De la Montanya  
**Date:** Thursday, July 18, 2019 7:16:03 PM

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

To whom it may concern,

I am not sure what the resistance is for a wine tasting facility of the top class as De la Montonya winery. My husband and I have been members for many years and have NEVER been disappointed in their quality of wine, or service. I would be very excited to attend their tasting room here in Reno. They are definitely a class act. Thank you.

Ron and Vickie Borst

775 846-7225 (if you call and no answer, please leave a message)

Sent from my iPhone

**From:** [Planning Counter](#)  
**To:** [Bronczyk, Christopher](#)  
**Subject:** FW: De La Montanya Winery near Montreux project  
**Date:** Tuesday, August 13, 2019 5:06:19 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**[Insert Planner Name]**

**Planning Front Counter | Planning and Building Division | Washoe County Community Services Department**

[planning@washoecounty.us](mailto:planning@washoecounty.us) | Office: 775.328.3600 | Fax: 775.328.6133

PO Box 11130, Reno, NV 89520-0027

1001 East Ninth Street, Reno, NV 89512



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**From:** Elizabeth Coffey Curle [mailto:[ecoffeycurle@gmail.com](mailto:ecoffeycurle@gmail.com)]  
**Sent:** Tuesday, August 13, 2019 4:58 PM  
**To:** Washoe County Planning and Development  
**Subject:** De La Montanya Winery near Montreux project

**[NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing in support for the development of the small vineyard and wine tasting room at the De La Montanya Winery near the Montreux housing development. I think it is a perfect business fit for that area of Galena.

I have a small 14 plant private vineyard near Saddlehorn and the climate is perfect for the growing of grape vines. Properly fenced, the bears and deer do not have access to the grapes and do not attempt to access the vines for food.

I've read where residents of Montreux are concerned about truck traffic and people under the influence leaving the facility. Deliveries can be scheduled for early morning. (Mt Rose Ski Tahoe requires all food deliveries to take place before 8 AM so the trucks do not interfere with the arrival of skiing guests.) The state of NV has a very well defined Alcohol Awareness Program that all persons serving alcohol must complete. The liability placed on the serving facility and bartenders themselves keep a check on persons being over served and behind the wheel of an automobile.

I hope you see the winery as a positive addition to the Galena community and allow the winery to proceed and the wine tasting room to open as planned.

I do not know anyone associated with the De La Montanya project. I am merely speaking as a Galena resident.

Thank you,

Elizabeth Coffey Curle  
5844 Rock Farm Road  
Reno, NV 89511  
[ecoffeycurle@gmail.com](mailto:ecoffeycurle@gmail.com)

**From:** [Alyson Jasper](#)  
**To:** [Bronczyk, Christopher](#)  
**Cc:** [jarod@dmlwine.com](mailto:jarod@dmlwine.com); [dennis@dmlwine.com](mailto:dennis@dmlwine.com)  
**Subject:** WADMIN19-0014 De La Montanya Winery  
**Date:** Saturday, July 27, 2019 4:49:20 PM

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

July 28, 2019

RE: [WADMIN19-0014 De La Montanya Winery](#)

Dear Chris Bronczyk:

I am writing to you regarding the application for De La Montanya Winery which is pending a hearing with the Board of Adjustment in August.

I have known Dennis, Tina and their team for many years and can attest to their integrity, business acumen, and commitment to the local community.

When described as a “boutique” winery near Montreux, I believe that is exactly what Dennis & Tina will deliver with no negative impact to the surrounding areas - a small winery which caters to mature wine enthusiasts who truly just enjoy wine, and connoisseurs with discerning tastes.

The current De La Montanya winery in the heart of Sonoma County, CA is a hidden gem, and I believe the local Washoe residents will benefit from such a hidden gem in Reno, NV.

I advocate for this business venture and would welcome any questions you may have which would expedite the approval to proceed at the next hearing.

Sincerely yours,

*Alyson Jasper*

Alyson Jasper

July 14, 2019

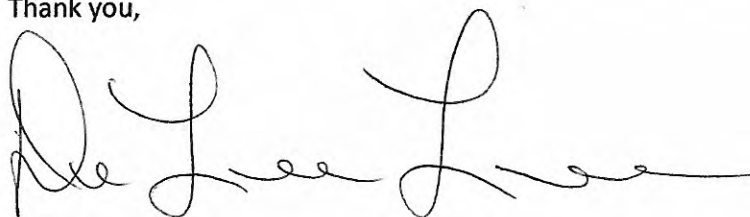
Washoe County Planning/ Community Development

Re: Application for use APN's 047-162-19 & 047-162-21

To whom it may concern;

Daniel & I are neighbors and share a joint border with above parcels. We would appreciate the fencing to be of an "open nature" so that we may enjoy the look of the grape vineyard & landscaping. We are excited for this project to be completed. We support the De La Montanya's and feel that the a micro winery will add to our quality of life, the view from our home, & enjoyment of our property.

Thank you,

A handwritten signature in black ink, appearing to read "DeLee Lee". The signature is fluid and cursive, with a large initial "D" and "L".

DeLee Lee

Email: dandecomm@gmail.com

Daniel & DeLee Lee

16700 Mt Rose Hwy

Reno, Nv 89511

Mailing; 18142 Wedge Pkwy

Reno, Nv 89511

July 12, 2019

Washoe County Planning/Community Development  
Re: Application for Use APN's 047-162-19 & 047-162-21

To whom it may concern;

As a neighbor to both these parcels we encourage any fencing to be of an "open nature" so the surrounding land can be enjoyed. The use of a solid fencing material would detract from our ability to enjoy the land as a neighbor and may even attract nuisance activities like graffiti vandalism, vagrancy and would reduce any opportunity to observe such activities by providing a cover or concealment of behavior.

As a neighboring property, we do not have any issue or opposition to the use of open fencing. Please consider allowing open fencing for the above reasons. We also support the DeLaMontanya's use.

Respectfully submitted,



Jerry Keir  
Great Basin Institute  
16750 Mount Rose Hwy.  
Reno, NV 89511  
APN 047-162-08



From the Desk of

Tim Ritter, Trustee

Ritter Properties Trust

16730 Mt. Rose Highway

Reno, NV 89511

To Whom it May Concern,

I reside at the home located above the De La Montanya property, looking down into the proposed vineyard and tasting room. Their development of the property perhaps affects my property more than any other. The De La Montanya family has kept myself and the other neighbors apprised of their concept for a vineyard and the intended tasting room.

I am positive on the proposed agricultural use of growing grapes and would prefer an open fence for visual reasons rather than a solid fence around the property.

Should you have any questions feel free to contact me by mail at the above address or by email, [tim@baystone.com](mailto:tim@baystone.com) or my cell phone 510-760-0292.

Many thanks,



Tim Ritter

Individually as resident, and as

Trustee, Ritter Properties Trust, Owner

July 14, 2019

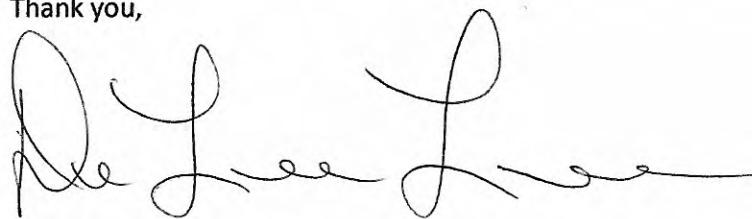
Washoe County Planning/ Community Development

Re: Application for use APN's 047-162-19 & 047-162-21

To whom it may concern;

Daniel & I are neighbors and share a joint border with above parcels. We would appreciate the fencing to be of an "open nature" so that we may enjoy the look of the grape vineyard & landscaping. We are excited for this project to be completed. We support the De La Montanya's and feel that the a micro winery will add to our quality of life, the view from our home, & enjoyment of our property.

Thank you,

A handwritten signature in black ink, appearing to read "DeLee Lee". The signature is fluid and cursive, with a large initial "D" and "L".

DeLee Lee

Email: dandecomm@gmail.com

Daniel & DeLee Lee

16700 Mt Rose Hwy

Reno, Nv 89511

Mailing; 18142 Wedge Pkwy

Reno, Nv 89511

From: [Mark Schimpf](#)  
To: [Bronczyk, Christopher](#)  
Subject: De La Montanya Winery  
Date: Thursday, August 08, 2019 4:48:32 PM  
Attachments: [IMG\\_5312.png](#)

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[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Chris....

I just left you a voicemail but thought I should follow up with an email as well.

My wife and I live on the corner of Bordeaux and the proposed entrance road to the winery.

The road behind our home is currently dirt and the dust we experience on a daily basis with the current "limited traffic" is becoming more and more troublesome.

While I note in the application, that, if approved, the applicant will pave the dirt road behind our home which will ultimately result in the elimination of the dust which is terrific.

However, I would also request that some sort of speed deterrent be a part of the paving process.....Speed Bumps.....Speed Humps.....Speed Pillows.....etc.

We have lived at this property since 2000. Since then the traffic has continually increased. There is now considerably more service traffic using this road as well including NV Energy and TMWA vehicles.

There are also multiple times a week when sub-contractors for Montreaux mistake this road for the Construction entrance. When they realize they made a wrong turn they race down the dirt road causing more and more dust. A speed deterrent of some sort would help reduce this occurrence greatly.

The De La Montanya's have obviously done their homework and put a lot of time and effort into this proposed project. While not opposed to the project in general I do have significant concerns regarding this additional traffic not only on Bordeaux in front of our home but also up and down the current dirt road behind our home. The study shows "up to" an additional 30 trips a day. Plus the added truck deliveries.....

Please consider installing Speed Bumps on this section of road if the application is approved.

Thank you very much,

Mark & Beverly Schimpf  
16355 Bordeaux Drive  
Reno 89511  
980-223-9295





From: [Dennis Troy](#)  
To: [Bronczyk, Christopher](#)  
Cc: [Giesinger, Chad](#); [Kurt Stitser](#); [Dennis](#)  
Subject: DeLaMontanya Winery CAB reponse  
Date: Monday, July 15, 2019 8:44:22 AM  
Attachments: [PastedGraphic-14.tiff](#)

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[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Chris,

Below you will find a list of the questions/comments presented by the public at the South Valleys CAB meeting on July 11th, 2019 regarding the DeLaMontanya Winery. The responses to address the comments/questions follow. Per your request, these items were to be addressed in writing by no later than 5:00pm on July 15th.

If you have any further questions of clarification between now and the Board of Adjustment meeting on August 1st please do not hesitate to contact me.

Thank you,

Dennis Troy

1. Access, will it be paved? **The access will be constructed in full compliance of the Washoe County Public Works and Engineering Standards.**
2. School bus issues, traffic issues, and drunk drivers. People who over indulge, and those who get drunk off of one sip - how will this be dealt with. **The applicant worked with Washoe County Traffic Engineers to create a traffic study for this type of use. Based on the busiest of days, this project will create no more than 30 trips per day. The project and site improvements as required by the Washoe County Public Works and Engineering Standards will adequately address any and all traffic impacts associated with this project. Additionally, school time activities will not conflict with the wineries operational hours 65% of the time based on hours of operation of WCSD schools and buses. All wine educators working within the tasting room will be required to meet all state liquor control board laws. Further, all educators will be required to adhere to local, state and federal serving standards.**
3. High traffic area for the access, Montreux construction vehicles use this round about, and tons of kids in this area - how will this be handled. **The applicant worked with Washoe County Traffic Engineers to create a traffic study for this type of use. Based on the busiest of days, this project will create no more than 30**

trips per day. The project and site improvements as required by the Washoe County Public Works and Engineering Standards will adequately address any and all traffic impacts associated with this project.

4. Access to Mount Rose, it's dangerous. The applicant worked with Washoe County Traffic Engineers to create a traffic study for this type of use. Based on the busiest of days, this project will create no more than 30 trips per day. The project and site improvements as required by the Washoe County Public Works and Engineering Standards will adequately address any and all traffic impacts associated with this project. If the Washoe County Traffic Engineers deem that this project will trigger additional improvements then this will be addressed at that time.

5. Signage, what is being proposed? The project will have two signs as shown within the applicants submittal package. One address number and DLM sign will be at the driveway entrance identifying the winery (approximately 6"x18") and one larger monument sign will be on the site.

6. Will there be outdoor equipment? No, there will be no outdoor equipment.

7. Noise, night time lighting? The hours of operation and well thought out location of the building on the site will mitigate any noise associated with the project. The project strategically placed the building and vineyards/crops on a location to provide a buffer from adjacent residential uses. All nighttime lighting will be compliant with Washoe County Building/Planning Division lighting standards and be dark sky compliant. Further the hours of operation will limit the amount of lighting.

8. Why this location out of all of Washoe County? The applicant has spent that past 18 months searching for a site that is compatible with this use. The Washoe County Development Code was amended 2 years ago to allow for this type of use on sites with this exact zoning. The standards within the code are very particular about the standards that must be met to allow for this use, this site meets them. This site has the appropriate zoning, public water and sewer and is in a desirable location for crop production. The applicant performed due diligence on over 6 different sites before selecting this site. The applicant went as far as entering into escrow on 5 of those sites before ultimately selecting this site. Further the applicant met with Washoe County Planning staff for pre-development meetings on three separate occasions.

9. Do you have a backup site? This site meets all the Washoe County Planning Division requirements for this use and the applicants business pro forma to operate a successful boutique winery. At this time we are not actively looking at other sites to operate.

10. Montreaux for the project title? Do you have naming rights? This project does not have Montreaux in the title of it. Other than the general location of the facility, there is no tie/nexus to Montreaux

11. Have you talked to the HOA? The owner Dennis DeLaMontanya has reached out to all adjacent neighbors that have a vested interest in this project. The main focus has been on these neighbors as they are in direct proximity of the site. Additionally, he has reached out to the Montreaux HOA and provided his contact information should anyone have concerns.

12. Will special events be held here? Weddings etc. If the owners are approached by patrons about holding a special event at the site the applicant will work with Washoe County Business License Division to apply for a Special Events Permit in accordance with Chapter 25

13. Truck deliveries? How often, what type of trucks, etc. The use will generate approximately 5-10 large truck deliveries per year. (Large trucks being only 10 tire box trucks). We anticipate no truck and trailer deliveries. The use will also generate approximately 10-12 deliveries on an annual basis of smaller 8-12ft box trucks.

14. Is there a kitchen proposed? No

15. Will this be a bar? No, this will be tasting room educating guests on the art of enology. Additionally this will have a small production facility for DeLaMontany Wineries.

16. How much wine will be served at this location? The tasting room will offer 4-8 rotating wines for patrons. These are served in 1 oz pours. The business model encourages patrons to visit the site, learn about the wines, taste the wines and purchase wine for offsite consumption. This is not a wine bar. The guests of this project will typically stay between 30 minutes to 1 hour.



17. Hours of operation, why do you not want to be restricted? Amending conditions of approval in the future can be very arduous task and business patterns take time to establish themselves. Self-imposing limiting factors on a new business can make or break the operation.

18. Smell in the fall, how long will it linger, and is there anything planned to deal with it? There will be little to no smell associated with the production of the wine outside of the facility. The smell associated with the crush season is negligible for this size of winery.



Dennis Troy  
Pre-Construction Manager  
509-954-4284

Community Services Department  
Planning and Building  
**ADMINISTRATIVE PERMIT APPLICATION**  
**(Care for the Infirm see page 8)**



Community Services Department  
Planning and Building  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512-2845

Telephone: 775.328.6100

## Administrative Permit

Washoe County Code (WCC) Chapter 110, Article 808, Administrative Permit, provides methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the hearing examiner, may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or specify the terms under which commencement and operation of the use must comply. See WCC 110.808, for further information.

## Development Application Submittal Requirements

1. **Fees:** See Master Fee Schedule. **Bring payment with your application to Community Services Department (CSD). Make check payable to Washoe County. (Note: All fees are waived for Administrative Permits for “temporary occupancy for the care of the infirm” [see Washoe County Code Section 110.310.35(g)]; however, the Administrative Permit Application process is still required.)**
2. **Development Application:** A completed Washoe County Development Application form.
3. **Owner Affidavit:** The Owner Affidavit must be signed and notarized by all owners of the property subject to the application request.
4. **Proof of Property Tax Payment:** The applicant must provide a written statement from the Washoe County Treasurer’s Office indicating all property taxes for the current quarter of the fiscal year on the land have been paid.
5. **Application Materials:** The completed Administrative Permit Application materials. (Some Administrative Permits, due to the minor impact of the application, will not require some of the requirements. You are encouraged to meet with a planner to determine the applicability of individual requirements.)
6. **Site Plan Specifications:**
  - a. Lot size with dimensions drawn using standard engineering scales (e.g. scale 1” = 100’, 1” = 200’, or 1” = 500’) showing all streets and ingress/egress to the property.
  - b. Show the location and configuration of all existing and proposed buildings (with distances from the property lines and from each other), all existing buildings that will remain (with distances from the property lines and from each other), all existing buildings that will be removed, and site improvements on a base map with existing and proposed topography expressed in intervals of no more than five (5) feet.
  - c. Show the location and configuration of wells, septic systems and leach fields, overhead utilities, water and sewer lines, and all existing and proposed easements.
  - d. Show locations of parking, landscaping, signage and lighting.
  - e. The cross sections of all existing and proposed rights-of-way, streets, alleys or private access ways within the proposed development, proposed name and approximate grade of each, and approximate radius of all curves and diameter of each cul-de-sac.
  - f. Property boundary lines, distances and bearings.
  - g. Contours at five (5) foot intervals or two (2) foot intervals where, in the opinion of the County Engineer, topography is a major factor in the development.
  - h. Indication of prominent landmarks, rock outcroppings, and natural foliage which will be deciding considerations in the design of the development.
  - i. If any portion of the land within the boundary of the development is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency’s Flood Boundary and Floodway Maps, that fact and the land so affected shall be clearly shown on the

map by a prominent note on each sheet, as well as width and direction of flow of each water course within the boundaries of the development.

- j. Vicinity map showing the proposed development in relation to Interstate 80, Highway 395, I-580, or a major arterial. The vicinity map shall also include a north arrow.
- k. Date, scale, and number of each sheet in relation to the total number of sheets, and the name of the person preparing the plans.
- l. Location of snow storage areas sufficient to handle snow removed from public and private street, if above 5,500 feet.
- m. All known areas of potential hazard (and the basis for delineation) shall be clearly designated on the map. Additionally, active fault lines (post-Holocene) shall be delineated on the map.
- n. Location of areas with slopes greater than fifteen percent (15%) and thirty percent (30%).
- o. Boundary of any wetland areas and/or floodplains within the project site.
- p. Note by the project engineer or design professional indicating compliance with all applicable provisions of the Washoe County Development Code.
- q. Significant Hydrological Resources. Indicate the critical and sensitive buffer zones according to Article 418 of the Washoe County Development Code.

7. **Additional Site Plan Specifications for Grading:**

- a. Location and limits of all work to be done.
- b. Existing contours and proposed contours.
- c. Location of any structures on adjacent parcels that are within fifteen (15) feet of the work site's parcel boundary.
- d. Existing draining (natural and man-made) and proposed drainage patterns.
- e. Sufficient elevation data to show the drainage will work as proposed.
- f. Quantities of excavation, fill, and disturbed surface area shall be calculated and shown on the site plan. **Areas under buildings and pavement need not be included in these calculations.**
- g. Quantities of material proposed to be removed from the site must be shown. The proposed disposal area and the disposition of fill must be noted on the plan.
- h. Limiting dimensions of cut and fill.
- i. Proposed BMPs (Best Management Practices) for controlling water and wind erosion if a disturbed area is left undeveloped for more than thirty (30) days.
- j. Cut and fill slopes setback from the property boundary.
- k. Structure setbacks from a slope.

8. **Traffic Impact Report:** Traffic impact reports are required whenever the proposed development project will generate 80 or more weekday peak hour trips as determined using the latest edition Institute of Transportation Engineers (ITE) trip generation rates or other such sources as may be accepted by the Engineering and Capital Projects. Projects with less than 200 peak hour trips may not need to perform an impact analysis for future years. Traffic consultants are encouraged to contact Engineering and Capital Projects staff prior to preparing a traffic impact report.

9. **Floor Plan Specifications:**

- a. If the project involves the use or construction of a building, include floor plans of the building(s).
- b. If the project involves the construction of an addition to a building or expansion of previously constructed structures, include floor plans of the existing and proposed construction.

10. **Landscaping:** Landscaping plans may be required. If required, a landscape plan must include: a soils evaluation; color and type of building material, such as fencing material; type of plant material; location of plant material and proposed maintenance schedule; size of plant material at planting and size of plant material at full maturation; type and amount of mulch material; and an irrigation plan.

- a. **Planting Plan Specifications.** The planting plan must include all necessary information to satisfy Washoe County Code Section 110.412.60 Planting Standards.
  - Location, spacing, size, and genus and/or species of proposed plantings, and identification of existing plants.
  - Existing vegetation, natural features, and site improvements on adjoining properties within ten (10) feet of the property line.
  - Plant list which includes the following: quantity of proposed plants; existing plants to remain; number of proposed trees; number of existing trees to be preserved; amount of paved area; and the amount of turf.
- b. **Irrigation Plan Specifications.** The irrigation plan must include all necessary information to satisfy Washoe County Code Section 110.412.65 Irrigation Standards.
  - Location, size, and specifications of water source(s), water mains, meter(s), valves, and the controller.
  - Temporary or permanent water irrigation systems.
  - Specifications of irrigation equipment identified by manufacturer's name and equipment identification number.
  - An approved backflow prevention device is required on all landscape irrigation systems.
11. **Signage Plan:** Show the location and configuration of all proposed signage including sign dimensions, sign materials, and methods and intensity of lighting.
12. **Lighting Plan:** Show the location and configuration of all proposed exterior lighting including a detail of the parking lot light fixtures, pole heights, security lighting, and wall mounted illumination fixtures. Parking lot areas shall be depicted showing lumen isolines demonstrating compliance with the provisions of the Washoe County Development Code.
13. **Building Elevations:** All buildings and structures including fences, walls, poles and monument signs proposed for construction within the project shall be clearly depicted in vertical architectural drawings provided in accurate architectural scale. All architectural elevations from all building faces shall be presented.
14. **Packets:** Three (3) packets and flash drive or DVD- any digital documents need to have a resolution of 300 dpi. One (1) packet must be labeled "Original" and contain a signed and notarized Owner Affidavit. Each packet shall include one (1) 8.5" x 11" reduction of any applicable site plan, development plan, and/or application map. These materials must be readable. Labeling on these reproductions should be no smaller than 8 point on the 8½ x 11" display. Large format sheets should be included in a slide pocket(s). Any specialized reports identified above shall be included as attachments or appendices and be annotated as such.

- 
- Notes:
- (i) Application and map submittals must comply with all specific criteria as established in the Washoe County Development Code and/or the Nevada Revised Statutes.
  - (ii) Appropriate map engineering and building architectural scales are subject to the approval of Planning and Building and/or Engineering and Capital Projects.
  - (iii) All oversized maps and plans must be folded to a 9" x 12" size.
  - (iv) Based on the specific nature of the development request, Washoe County reserves the right to specify additional submittal packets, additional information and/or specialized studies to clarify the potential impacts and potential conditions of development to minimize or mitigate impacts resulting from the project. No application shall be processed until the information necessary to review and evaluate the proposed project is deemed complete by the Director of Planning and Building.
  - (v) **Labels:** If there is a mobile home park within five hundred (500) feet of the proposed project, the applicant is required to submit three (3) sets of mailing labels for every tenant residing in the mobile home park.

## 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.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: DeLaMontanya Winery			
Project Description: DeLaMontanya Winery & Vinyards is requesting Administrative Permit Application approval to establish a boutique winery (tasting and production facility) and crop production on two parcels.			
Project Address: 16435 and 16445 Bordeaux Drive, Reno NV 89511			
Project Area (acres or square feet): 2.02ac			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): Approximately 300-ft east of Mt. Rose HWY and 700-ft due west of the Montreux HOA			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
047-162-21	1.018067	047-162-19	1.000298
Indicate any previous Washoe County approvals associated with this application: Case No.(s) N/A			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Dennis & Tina DeLaMontanya Trust		Name: Realm Constructors	
Address: 999 Foreman Ln, Healdsburg CA		Address: 405 Marsh Ave	
Zip: 95448		Zip: 89509	
Phone: 707-483-3728	Fax:	Phone: 509-954-4284	Fax:
Email: dennisdml@gmail.com		Email: dtroy@realmconstructors.com	
Cell:	Other:	Cell:	Other:
Contact Person: Dennis DeLaMontanya		Contact Person: Dennis Troy	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

### Property Owner Affidavit

Applicant Name: DENNIS DELAMONTANA

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA

COUNTY OF WASHOE

I, DENNIS DELAMONTANA  
(please print name)

being duly sworn, depose and say that I am the owner\* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): APN 047-162-21 ; 047-162-19

Printed Name DENNIS DELAMONTANA

Signed [Signature]

Address 999 FOREMAN LN  
HEALDSBURG CA. 95448

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Notary Stamp)

See attached.  
Notary Public in and for said county and state

My commission expires: \_\_\_\_\_

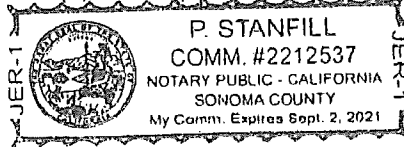
\*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sonoma

Subscribed and sworn to (or affirmed) before me on this 17th  
day of May, 2019, by Dennis De La Montaña  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature P. Stanfill



## Administrative Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the type of project or use being requested?

See Attached

2. What section of the Washoe County code requires the Administrative permit required?

See Attached

3. What currently developed portions of the property or existing structures are going to be used with this permit?

See Attached

4. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

See Attached

5. Is there a phasing schedule for the construction and completion of the project?

See Attached

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

See Attached

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

See Attached

8. What will you do to minimize the anticipated negative impacts or effect your project will have on adjacent properties?

See Attached

9. Please describe any operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

See Attached

10. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

See Attached

11. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

See Attached

12. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

See Attached

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

Yes  No

14. Utilities:

a. Sewer Service	Washoe County
b. Water Service	Truckee Meadows Water Authority

For most uses, the 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:

c. Permit #		acre-feet per year	
d. Certificate #		acre-feet per year	
e. Surface Claim #		acre-feet per year	
f. 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):

## Administrative Permit Application- Supplemental Information

1. DeLaMontanya Winery & Vinyards is requesting Administrative Permit Application approval to establish a boutique winery (tasting and production facility) and crop production on two parcels.
2. Development Code Section 110.304.25(gg) Commercial Use Types requires the Administrative Permit. Table 110.302.05.3 denotes "P" which requires an Administrative Permit as noted in the subtext.
3. The property is currently vacant and no uses or structures are on the two parcels. Historically the property has been used for cattle grazing. No developed portions of the site will be used with this permit.
4. The new project will propose the following improvements over a 12-14 month construction window.
5. New structures- The new Winery building will consist of two floors separating the uses. The 2<sup>nd</sup> floor production component will consist of a 1,170sf processing room. The 2<sup>nd</sup> floor equipment room, shed area and storage rooms will be approximately 1,230sf. The 1<sup>st</sup> floor Tasting and Barrel room will be approximately 2,400sf. There is also a small prep area, mechanical room and restroom facilitates located on the first floor. The structure in its entirety is 4,100sf of conditioned space with 700sf under the 2<sup>nd</sup> floor shed area. Additional improvements include the following:
  - a. Roadway improvements- The project will provide a paved 20' drive from the turnaround at Bordeaux Drive to the property within the existing public access easement.. When the road takes a 90 degree turn it will divide into two separate drives, one serving the private residence on APN 047-162-22 and one serving the winery parcels.
  - b. Utilities- All sewer, water, gas and electricity are either stubbed out onsite or available for tie in directly adjacent on a property line.
  - c. Sanitation-The site will be served by existing a Washoe County sanitary system that is in place on the site.
  - d. Water supply- TMWA will be providing the domestic water for the project. Per TMWA, the crop production is not of a large enough scale to require a separate agricultural line and all water will be provided through one domestic water hook up.
  - e. Drainage- The project will be providing a storage/retention pond to address on-site drainage
  - f. Parking- Sixteen parking spaces including ADA stalls are proposed with the site development.
  - g. Signage- Two signs are proposed with the project, one at the entrance of the private drive and one on the property line. An example of the signage posted at one of the owners other winery's has been attached.

- h. Crop production- The winery will be growing approximately 1 acre of grapes on the property. Drip irrigation will be provided to the vines.
  - i. Food- The owners intend to sell pre-packaged and sealed cheese/meat/crackers assortments. These will be prepared by a third party independent vendor, offsite, and delivered on an as needed basis. No food preparation will take place on site.
5. No phasing is proposed with the improvements
  6. The low sloping site gently slopes to the South and is flat in many areas. The site will be developed in such a manner that the crop production (grape vines) will be planted adjacent to the residential uses to the West, North and South of the site. The site to the east is a vacant 12.5 acre parcel owned by the Montreux Development Group LLC. The closest parking spot would be approximately 120ft from APN 047-162-17 while the winery building would be approximately 200ft. All outdoor gathering/seating areas would be on the east side of the building facing away from the adjacent residential uses.
  7. The establishment of this boutique winery is the first of its kind in Washoe County. This type of use offers the citizens of Washoe County an establishment and services that are currently not available in Washoe County. The property is currently in disrepair and has been neglected for decades. The development of this site will enhance it aesthetically, address runoff issues and provide the community/neighbors a gathering place and provide a sense of community.
  8. The property directly adjacent to the residential uses will be planted with grapevines providing a buffer and transition zone to the winery/tasting room. This buffer provides an increased setback to minimize potential impacts with the neighboring residences. Further, the hours of operation are proposed to be from the months of April-December, Friday to Monday from 11am-6pm. Outside of these regular days of operation, it will be by appointment only. These limited hours/days of operation will further limit the potential for adverse impacts.
  9. The months/hours of operation are proposed to be from April-December, Friday to Monday from 11am-6pm. Outside of these regular days of operation, it will be by appointment only. We believe that these general days and hours of operation will address any potential "community impacts". It is not requested that these operational timeframes be set as conditions of approval as they may need to be adjusted once operations begin and use patters establish themselves.
  10. The winery and tasting room is proposing to provide 16 onsite parking spaces including ADA stalls.
  11. The site will be developed with grape vines throughout. In the common areas surrounding the winery/tasting room it will be landscaped with native trees,

shrubs and plantings. A trellis is being proposed to provide shade in the outdoor seating areas. All ornamental plantings will be native species as to blend in with the surrounding environment.

12. A small sign 1'x1' sign with the winery logo and address will be provided at the entrance drive (Bordeaux Circle driveway). A larger monument sign will be placed at the property line. The sign will be constructed with wood, metal and rock similar to the one attached. One full cut off/night sky compliant light will be incorporated into the sign.
13. Yes- Currently the CC&R's established on July 17, 1964 restrict uses for "business or commercial purposes" on the two parcels and several adjacent parcels. The owners have been working with a land use attorney and the adjacent property owners to amend these CC&R's to address this item. The owners have received written approval and signatures from all property owners having a vested interest in the CC&R's. All interested parties have given their written approval to amend the CC&R's to allow for a business with a commercial purpose. These rescission of the CC&R's was recorded on 5/28/2019 and is attached herein.

JUL 17 1964

I.R.S.  
#28.40

10733-3

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BOOK 5 PAGE 262

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THIS INDENTURE, made the 28<sup>th</sup> day of June, 1964,

between JACK M. CALLAHAN and ILDA I. CALLAHAN, his wife, both of the County of Washoe, State of Nevada, parties of the first part, and ROBERT H. CLARKSON and JUNE P. CLARKSON, his wife, both of the aforesaid County and State, parties of the second part, as joint tenants,

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said parties of the second part, with right of survivorship, and to the survivor of them, or either of them, as joint tenants and not as tenants in common, their assigns, and to the heirs and assigns of the survivor thereof, all that certain lot, piece or parcel of land situated lying and being in the County of Washoe, State of Nevada, and particularly described as follows, to wit:

Beginning at the North one quarter (1/4) corner of Section 3, T. 17 N.; R. 19 E., M.D.B.&M.; thence bearing S89° 08' W. and along the north line of said Section 3, for a distance of 1315.58 feet to the true point of beginning of tract hereafter described; thence S0° 27' 30" W. 731.68 feet to a point; thence N76° 55' W. 567.42 feet to a point; thence N38° 36' E. 264.42 feet to a point; thence N51° 24' W. 125.00 feet to a point, said last point situated on the Easterly right of way boundary of State Route 27 or Mt. Rose Highway; thence N38° 36' E. and along said right of way boundary for a distance of 403.00 feet to a point situated on the North line of said Section 3; thence N89° 08' E. 239.85 feet to the true point of beginning. Further described as a tract of land situated within the Northwest one quarter of the Northwest one quarter Sec. 3, T 17 N., R 19 E., M.D.B.&M. Containing an area of 6.57+-acres.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise apper-

1.

SHIRLEY W. ROBINSON  
ATTORNEY AT LAW  
SUITE 202  
125 SOUTH WASHOE ST.  
RENO, NEVADA

JUL 17 1964

1 taining, and the reversion and reversions, remainder and remain-  
2 ders, rents, issues and profits thereof, exclusive, however, of  
3 any and all waters or water rights, none of which are transferred  
4 hereunder or intended to be transferred hereunder, and all of  
5 which are reserved unto parties of the first part.

6 TO HAVE AND TO HOLD, all and singular the said premises,  
7 together with the appurtenances, unto the said parties of the second  
8 part, with right of survivorship, and to the survivor of them,  
9 as joint tenants and not as tenants in common, their assigns, and  
10 to the heirs and assigns of the survivor thereof, forever.

11 PROVIDED ALWAYS, and this conveyance is made subject to  
12 the following covenants and restrictions which shall be perpetually  
13 binding upon the parties of the second part and their successors  
14 in interest and which shall perpetually run with the title to the  
15 real property hereby conveyed, to wit:

16 FIRST: No part or portion of said real property shall  
17 at any time be used for business or commercial purposes.

18 SECOND: No building shall be erected or constructed upon  
19 any part or portion of said property for residential purposes con-  
20 taining less than 1,200 square feet of interior living area, ex-  
21 clusive of open porches and attached garages.

22 THIRD: No temporary structure of any kind or character  
23 shall at any time be used for residential or dwelling purposes.

24 FOURTH: Said real property shall at no time be subdivi-  
25 ded or resubdivided into any lots or parcels having an area of  
26 less than one (1) acre.

27 IN WITNESS WHEREOF, the said parties of the first part  
28 have hereunto set their hands the day and year first above written.

29 *Jack M. Callahan*  
30 JACK M. CALLAHAN

*Ilda I. Callahan*  
ILDA I. CALLAHAN

5 PAGE 263

NOTE

STONEY M. ROBINSON  
ATTORNEY AT LAW  
SUITE 200  
UNION FEDERAL BLDG.  
122 SOUTH MAIN ST.  
SPRING, NEVADA

JUL 17 1964

BOOK 5 PAGE 264

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STATE OF NEVADA, )  
COUNTY OF WASHOE. ) SS

On this 28<sup>th</sup> day of June, 1964, before me, the under-  
signed, a Notary Public in and for the aforesaid County and State  
personally appeared JACK M. CALLAHAN and ILDA I. CALLAHAN, his  
wife, known to me to be the persons described in and who executed  
the annexed instrument, who acknowledged to me that they, and each  
of them, executed the same freely and voluntarily, and for the  
uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal at my office in the County of Washoe,  
State of Nevada, the day and year in this certificate first above  
written.

*Margaret A. Adams*  
Notary Public in and for the  
County of Washoe, State of Nevada  
My Commission Expires: 7-11-65

1-165

OFFICIAL RECORDS  
WASHOE COUNTY, NEV.  
RECORDED BY  
FIRST COMMERCIAL TITLE, INC.  
JUL 17 9 32 AM '64

DONALD OUESTA  
COUNTY RECORDER  
FEE 2.05 DEPT. 26

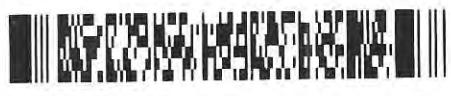
3.

SIDNEY W. ROBINSON  
ATTORNEY AT LAW  
SUITE 200  
UNION FEDERAL BLDG.  
115 SOUTH BIRCH ST.  
RENO, NEVADA



**DOC # 4914091**

05/28/2019 09:06:51 AM  
Requested By  
VANDUYNE LAW GROUP  
Washoe County Recorder  
Kalie M. Work - Recorder  
Fee: \$41.00 RPTT: \$0.00  
Page 1 of 10



APN: 047-162-17; APN: 047-162-19;  
APN 047-162-21; APN: 047-162-18;  
APN 047-162-22; APN: 047-162-23;  
  
WHEN RECORDED, RETURN TO:  
  
Sheila Van Duyne, Esq.  
VAN DUYNE LAW GROUP  
1575 Delucchi Lane Ste 215  
Reno, NV 89501  
  
The undersigned hereby affirms that this document, including any exhibits, submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)

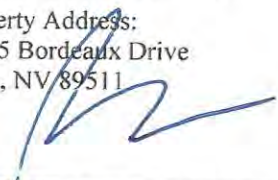
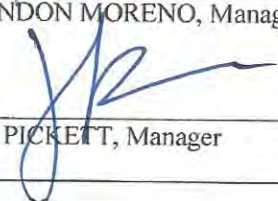
**RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")**

Please take notice that the set of CC&Rs recorded as Document 1465 on July 17, 1964, in Book 5, Page 262-264 and affecting Lots currently identified as APN: 047-162-17; APN: 047-162-19; APN 047-162-21; APN: 047-162-18; APN 047-162-22; APN: 047-162-23; is hereby rescinded by all affected Lot Owners by way of a unanimous vote. The CC&Rs recorded as Document 1465 are hereby RESCINDED in their entirety and shall have no further force, effect or legal application whatsoever.

**Certification**

We, the undersigned, hereby certify, under penalty of perjury, that this Rescission of CC&Rs was provided to all six of the affected Lot Owners bound by such set of CC&Rs, for action, and that each Lot Owner so encumbered voted in favor of the Rescission of the CC&Rs; that such action is hereby recorded below in this document which will then be recorded in the official property records of County.

**SIGNATURES AND NOTARIES**

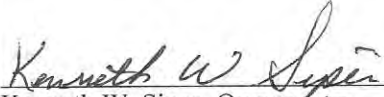
APN: 047-162-23  
EL CAP HOLDINGS LLC  
  
Property Address:  
16475 Bordeaux Drive  
Reno, NV 89511  
  
  
\_\_\_\_\_  
BRANDON MORENO, Manager  
  
Date 4-11-19  
  
  
\_\_\_\_\_  
JEFF PICKETT, Manager  
  
Date 04/11/2019

**RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")**

APN: 047-162-22

Property Address:  
16425 Bordeaux Drive  
Reno, NV 89511

Mailing Address:  
PO Box 20474  
Reno, NV 89515

  
\_\_\_\_\_  
Kenneth W. Sipes, Owner, Trustee

Date April 10 - 2019

APN: 047-162-18

Property Address:  
16700 Mount Rose Hwy  
Reno, NV 89511

Mailing Address:  
18124 Wedge Pkwy #162  
Reno, NV 89511

\_\_\_\_\_  
Daniel T Lee, Owner

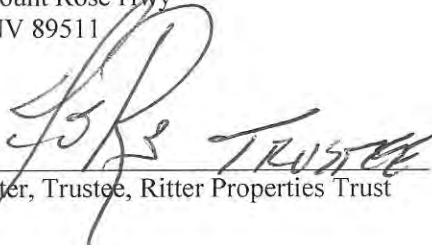
Date \_\_\_\_\_

\_\_\_\_\_  
Delee Lee, Owner

Date \_\_\_\_\_

APN: 047-162-17

Property Address:  
6730 Mount Rose Hwy  
Reno, NV 89511

  
\_\_\_\_\_  
Tim Ritter, Trustee, Ritter Properties Trust

Date 5-23-2019

RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

APN: 047-162-22

Property Address:  
16425 Bordeaux Drive  
Reno, NV 89511

Mailing Address:  
PO Box 20474  
Reno, NV 89515

Date \_\_\_\_\_

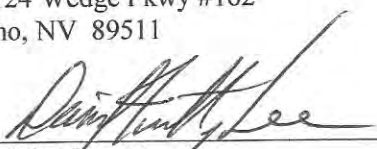
\_\_\_\_\_  
Kenneth W. Sipes, Owner

APN: 047-162-18

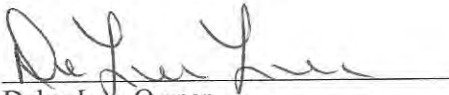
Property Address:  
16700 Mount Rose Hwy  
Reno, NV 89511

Mailing Address:  
18124 Wedge Pkwy #162  
Reno, NV 89511

Date 4-15-2019

  
\_\_\_\_\_  
Daniel T Lee, Owner

Date 4/15/2019

  
\_\_\_\_\_  
Delee Lee, Owner

APN: 047-162-17


Property Address:  
6730 Mount Rose Hwy  
Reno, NV 89511

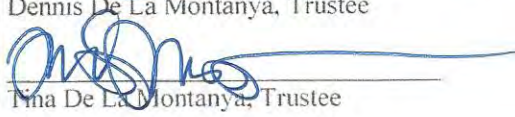
Date \_\_\_\_\_

\_\_\_\_\_  
Tim Ritter, Trustee, Ritter Properties Trust

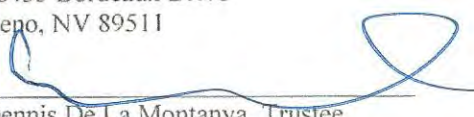
RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

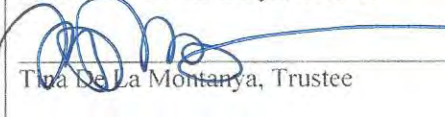
APN: 047-162-21  
 Property Address:  
 16435 Bordeaux Drive  
 Reno, NV 89511

 Date 4/10/19  
 Dennis De La Montanya, Trustee

 Date 4/10/19  
 Tina De La Montanya, Trustee

APN: 047-162-19  
 Property Address:  
 16435 Bordeaux Drive  
 Reno, NV 89511

 Date 4/10/19  
 Dennis De La Montanya, Trustee

 Date 4/10/19  
 Tina De La Montanya, Trustee

ACKNOWLEDGMENT

State of Nevada        )  
                                  ) ss  
County of Washoe     )

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, a Notary Public in and for the State of Nevada, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

**WITNESS** my hand and official seal.

\_\_\_\_\_  
Notary Public

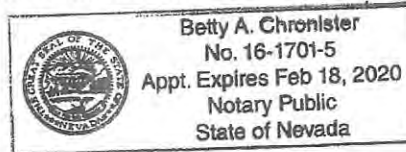
RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On 4/10/2019, 2019 before me, Betty A. Chronister Notary Public in and for the State of Nevada, personally appeared Kenneth Sipes, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.  
Betty A Chronister  
Notary Public



ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On April 11, 2019 before me, Monica Evans, a Notary Public in and for the State of Nevada, personally appeared Jeff Pickett personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.  
Monica Evans  
Notary Public

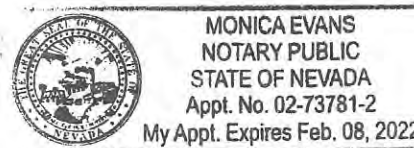


ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On April 11, 2019 before me, Monica Evans, a Notary Public in and for the State of Nevada, personally appeared Brandon Moreno personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.  
Monica Evans  
Notary Public



RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

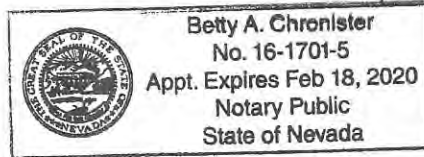
ACKNOWLEDGMENT

State of Nevada        )  
                                  ) ss  
County of Washoe     )

On 4/10/2019, 2019 before me, Betty A. Chronister Notary Public in and for the State of Nevada, personally appeared Kenneth Sipes, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.

Betty A Chronister  
Notary Public



ACKNOWLEDGMENT

State of Nevada        )  
                                  ) ss  
County of Washoe     )

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, a Notary Public in and for the State of Nevada, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT

State of Nevada        )  
                                  ) ss  
County of Washoe     )

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, a Notary Public in and for the State of Nevada, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, a Notary Public in and for the State of Nevada, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

**WITNESS** my hand and official seal.

\_\_\_\_\_  
Notary Public

X

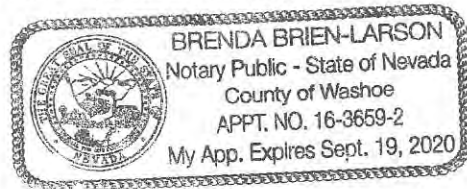
ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On April 15, 2019 before me, Brenda Brien-Larson, a Notary Public in and for the State of Nevada, personally appeared Debbie Lee & Daniel Lee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

**WITNESS** my hand and official seal.

Brenda Brien-Larson  
Notary Public



ACKNOWLEDGMENT

State of Nevada )  
 ) ss  
County of Washoe )

On \_\_\_\_\_, 2019 before me, \_\_\_\_\_, a Notary Public in and for the State of Nevada, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

**WITNESS** my hand and official seal.

\_\_\_\_\_  
Notary Public

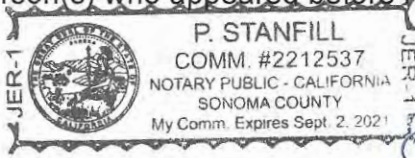
RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SONOMA.

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_  
day of April, 2019, by \_\_\_\_\_

Tina S. De la Montaña  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature [Handwritten Signature]

[Handwritten marks]

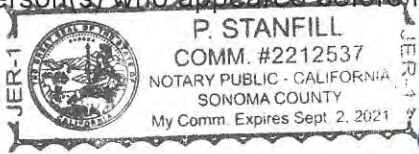


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sonoma

Subscribed and sworn to (or affirmed) before me on this 10  
day of April, 2019, by \_\_\_\_\_

Dennis De La Montanya  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature [Handwritten Signature]

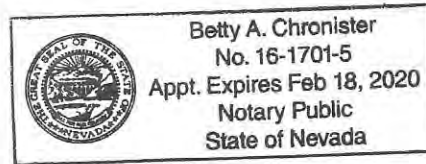
ACKNOWLEDGMENT

State of Nevada        )  
                                  ) ss  
County of Washoe        )

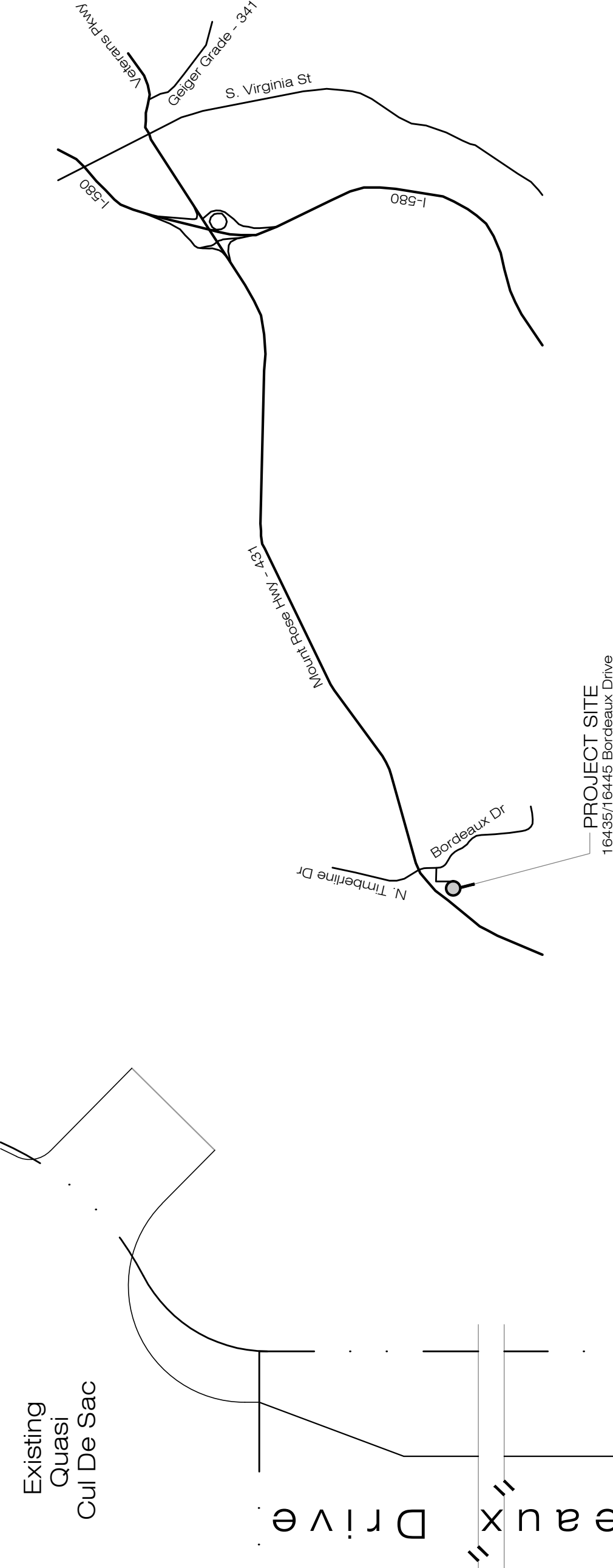
On 5/23/19, ~~2019~~ before me, Betty A. Chronister Notary Public in and for the State of Nevada, personally appeared Tim D. Ritter, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument.

WITNESS my hand and official seal.

Betty A Chronister  
Notary Public

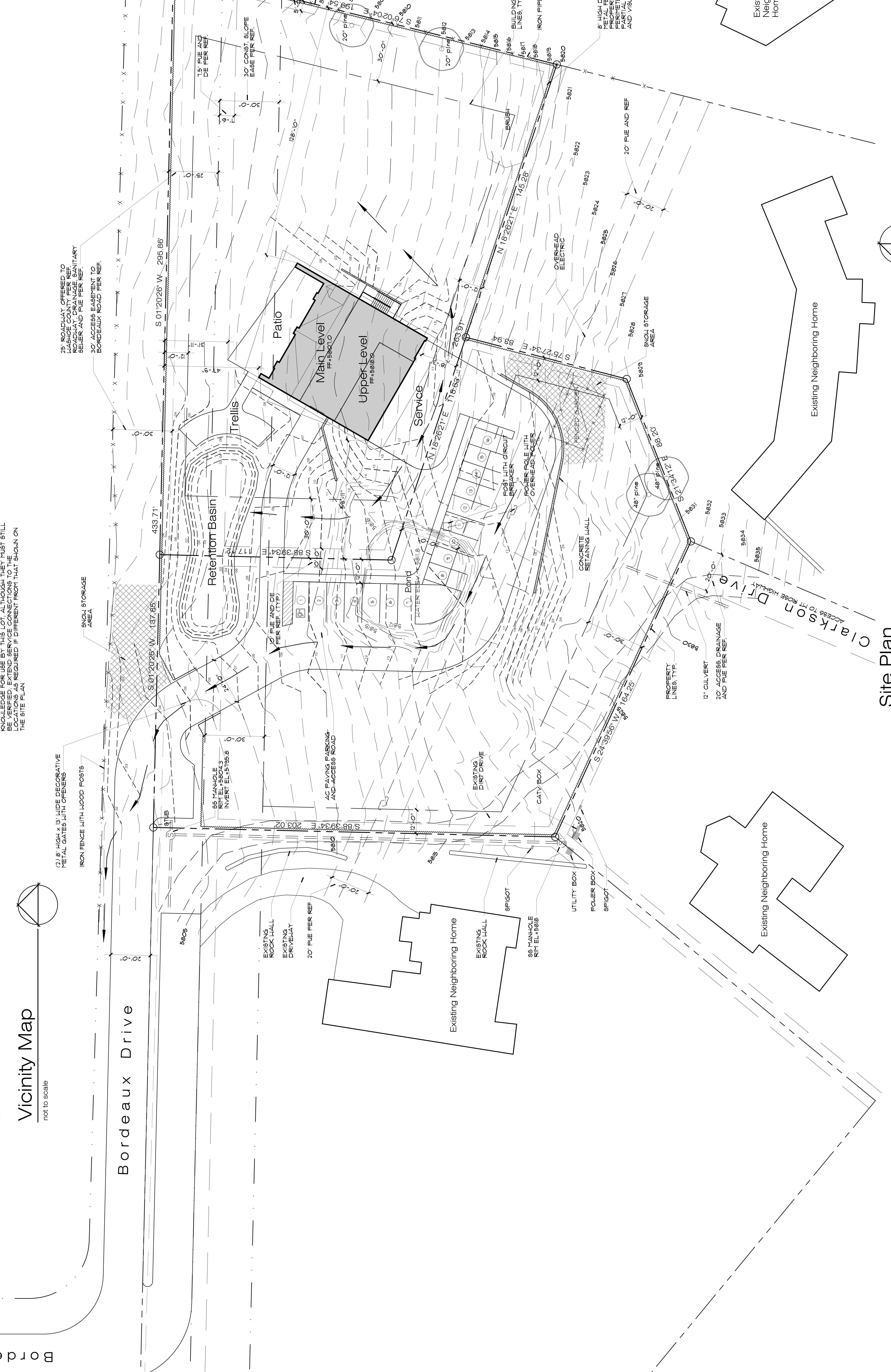


RESCISSION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&RS")



Vicinity Map  
not to scale

- Site Notes:**
1. THE EXISTING SITE INFORMATION AND TOPOGRAPHY HAS BEEN PROVIDED FOR THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE EXISTING INFORMATION PROVIDED OR THE ACCURACY OF THAT INFORMATION. THIS INCLUDES BUT IS NOT LIMITED TO THE TOPOGRAPHY, SURVEY DATA, TOP OF CURB REFERENCES, EDGE OF ASPHALT, EXISTING FENCES OR OTHER EXISTING FEATURES OR ELEMENTS, SETBACKS, EASEMENTS, ETC.
  2. THE CONTRACTOR MUST PROVIDE POSITIVE DRAINAGE AWAY FROM THE BUILDING PERIMETER MIN. 5% SLOPE AWAY FOR THE FIRST 10'-0".
  3. ALL DISTURBED AREAS OF NATURAL VEGETATION MUST BE RETURNED TO THEIR NATURAL STATE IMMEDIATELY AFTER COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL COORDINATE WITH LANDSCAPE PLAN.
  4. THE CONTRACTOR MUST VERIFY ALL UTILITY LOCATIONS SHOWN AS WELL AS THE UTILITY SERVICES THAT ARE DESIGNATED OR ASSIGNED FOR THIS USE WITH THIS LOT. HOSE SHOWN AND THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES. KNOWLEDGE FOR USE BY THIS LOT, ALTHOUGH THEY MUST STILL BE VERIFIED. EXTEND SERVICE CONNECTIONS TO THE LOCATIONS AS REQUIRED IF DIFFERENT FROM THAT SHOWN ON THE SITE PLAN.
  5. THIS PLAN IS PREPARED TO SHOW THE DIMENSIONAL RELATIONSHIP BETWEEN THE INFORMATION SHOWN ON THIS PLAN AND THE GENERAL SITE INFORMATION TO CONFORM TO LOCAL ORDINANCES AND FOR THE PURPOSE OF BUILDING PERMIT APPLICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE DIMENSIONS AND SPECIFICATIONS OF THE STRUCTURE AND FOUNDATION. THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT THE FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL ORDINANCES (CITY OR COUNTY) REQUIREMENTS OR THE STANDARD SPECIFICATIONS, WHICHEVER IS THE MORE STRINGENT.
  6. LOT GRADING, SUBGRADE PREPARATION, AND SITE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (THE ORANGE BOOK), LATEST EDITION, AND THE RECOMMENDATIONS CONTAINED IN THE GEOTECHNICAL REPORT FOR THIS SITE AND AS MAY BE DIRECTED IN THE FIELD BY THE GEOTECHNICAL ENGINEERING INSPECTOR.
  7. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ARCHITECT OF DISCREPANCIES BETWEEN THE INFORMATION SHOWN ON THIS PLAN AND THE GENERAL SITE INFORMATION TO CONFORM TO LOCAL ORDINANCES AND FOR THE PURPOSE OF BUILDING PERMIT APPLICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE DIMENSIONS AND SPECIFICATIONS OF THE STRUCTURE AND FOUNDATION. THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT THE FOUNDATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LOCAL ORDINANCES (CITY OR COUNTY) REQUIREMENTS OR THE STANDARD SPECIFICATIONS, WHICHEVER IS THE MORE STRINGENT.
  8. THE CONTRACTOR SHALL CONTROL DUST IN ACCORDANCE WITH THE WASHOE COUNTY HEALTH DEPARTMENT AIR QUALITY MANAGEMENT DIVISION.
  9. PLACEMENT OF FILL AND PREPARATION OF SUBGRADE IN STRUCTURAL AREAS SHALL BE INSPECTED BY OR UNDER THE SUPERVISION OF A NEVADA LICENSED GEOTECHNICAL ENGINEER OR GEOTECHNICAL ENGINEERING FIRM. REMOVAL OF UNSUITABLE SOILS SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (THE ORANGE BOOK), LATEST EDITION, AND THE RECOMMENDATIONS CONTAINED IN THE GEOTECHNICAL REPORT FOR THIS SITE AND AS MAY BE DIRECTED IN THE FIELD BY THE GEOTECHNICAL ENGINEERING INSPECTOR.



Existing Quasi Cul De Sac

Bordeaux Drive

Clarkston Drive

Existing Neighboring Home

Existing Neighboring Home

De La Montanya Winery APN 047-162-19 and 21 Washoe County, Nevada

Miles Architectural Group

10800 Sand Hollow Court Reno, Nevada 89521 phone 775.852.8802 www.milesarchitect.com

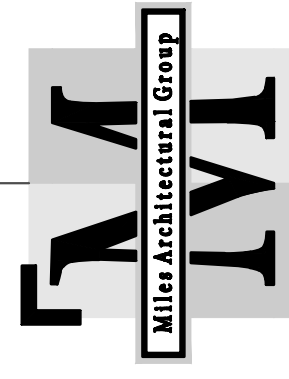
date May 2, 2019 job no. 959

A-1



De La Montanya  
Winery  
APN 047-162-19 and 21  
Bordeaux Drive Washoe County, Nevada

Miles  
Architectural  
Group

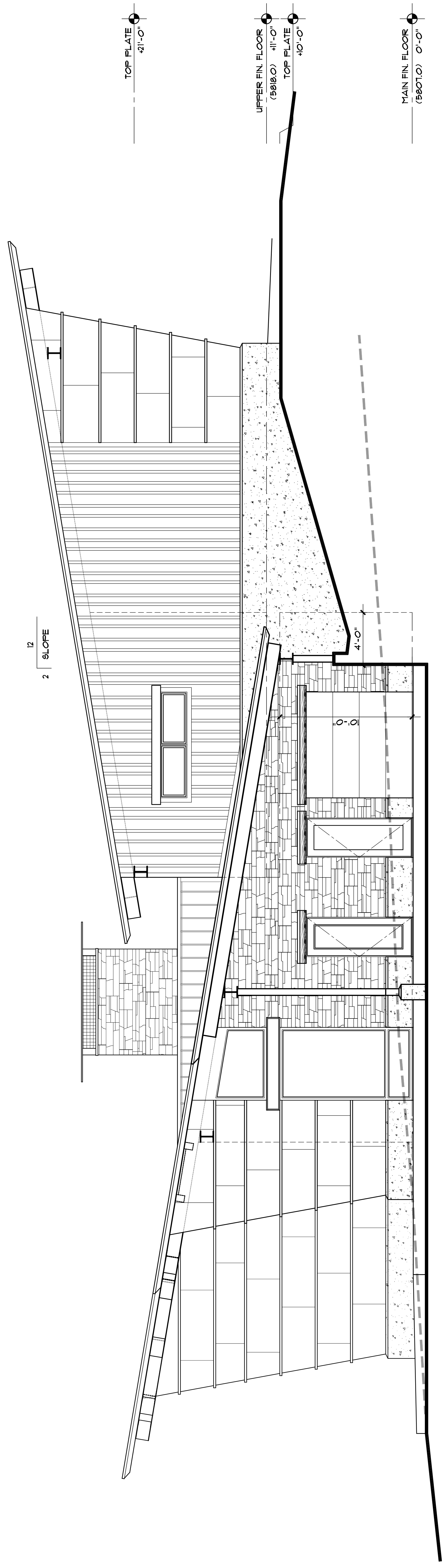


10800 Sand Hollow Court  
Reno, Nevada 89521

phone 775.652.8801  
www.renaarchitect.com

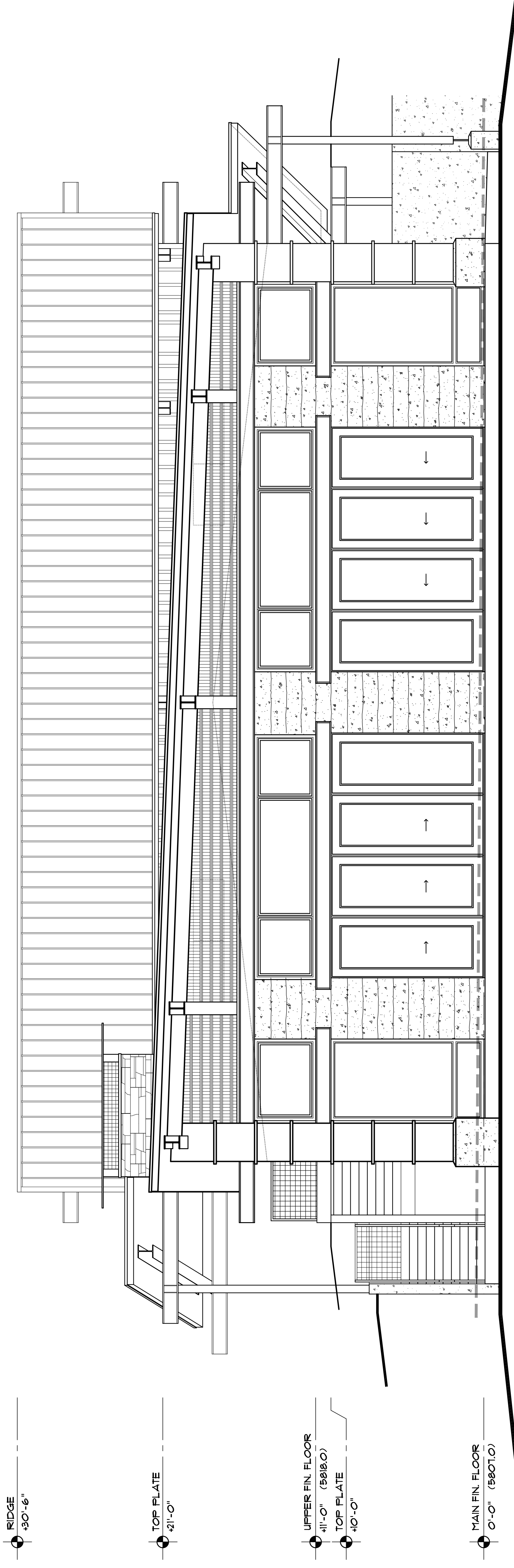
date May 2, 2019  
job no. 999

A.3



North Elevation

1/4"=1'-0"



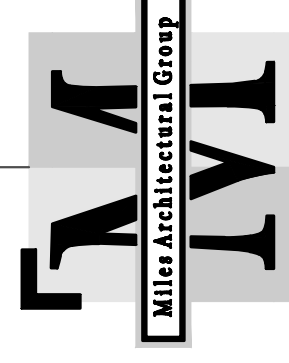
East Elevation

1/4"=1'-0"

revisions

De La Montanya  
Winery  
Bordeaux Drive Washoe County, Nevada  
APN 047-162-19 and 21

Miles  
Architectural  
Group

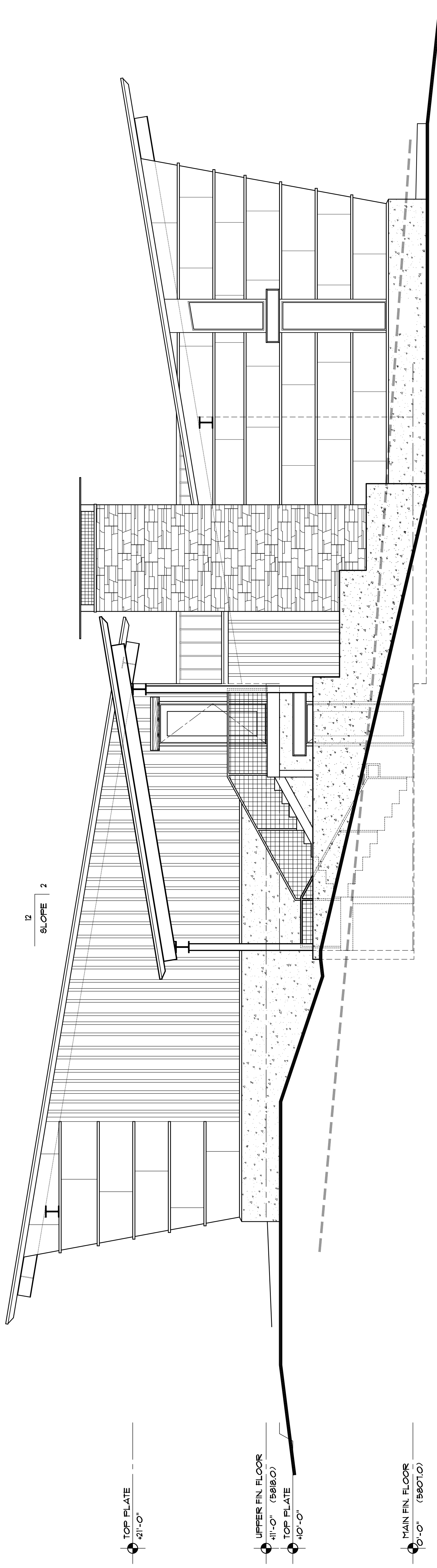


10800 Sand Hollow Court  
Reno, Nevada 89521

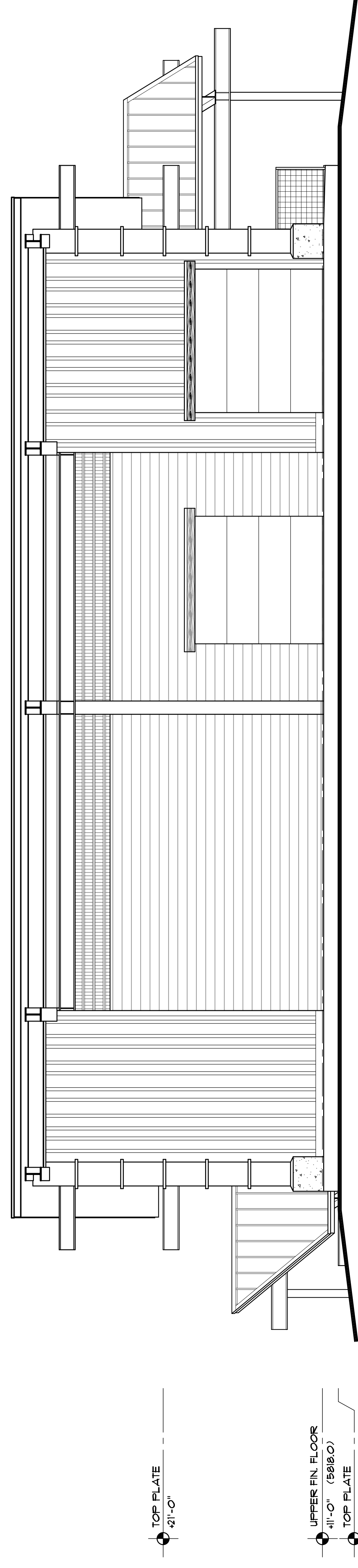
phone 775.652.8802  
www.renaarchitect.com

date May 2, 2019  
job no. 999

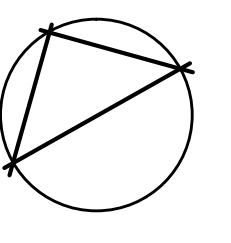
A.4



South Elevation  
1/4"=1'-0"



West Elevation  
1/4"=1'-0"



Roof Plan  
1/4"=1'-0"

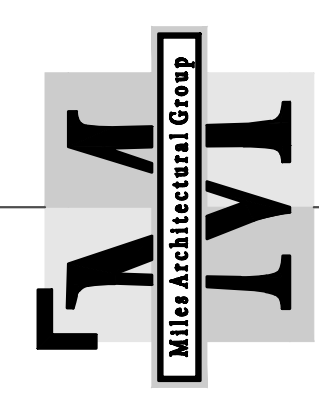
1/4"=1'-0"

**A.5**

date May 2, 2019  
job no. 999

phone 775.652.8800  
www.renarchitect.com

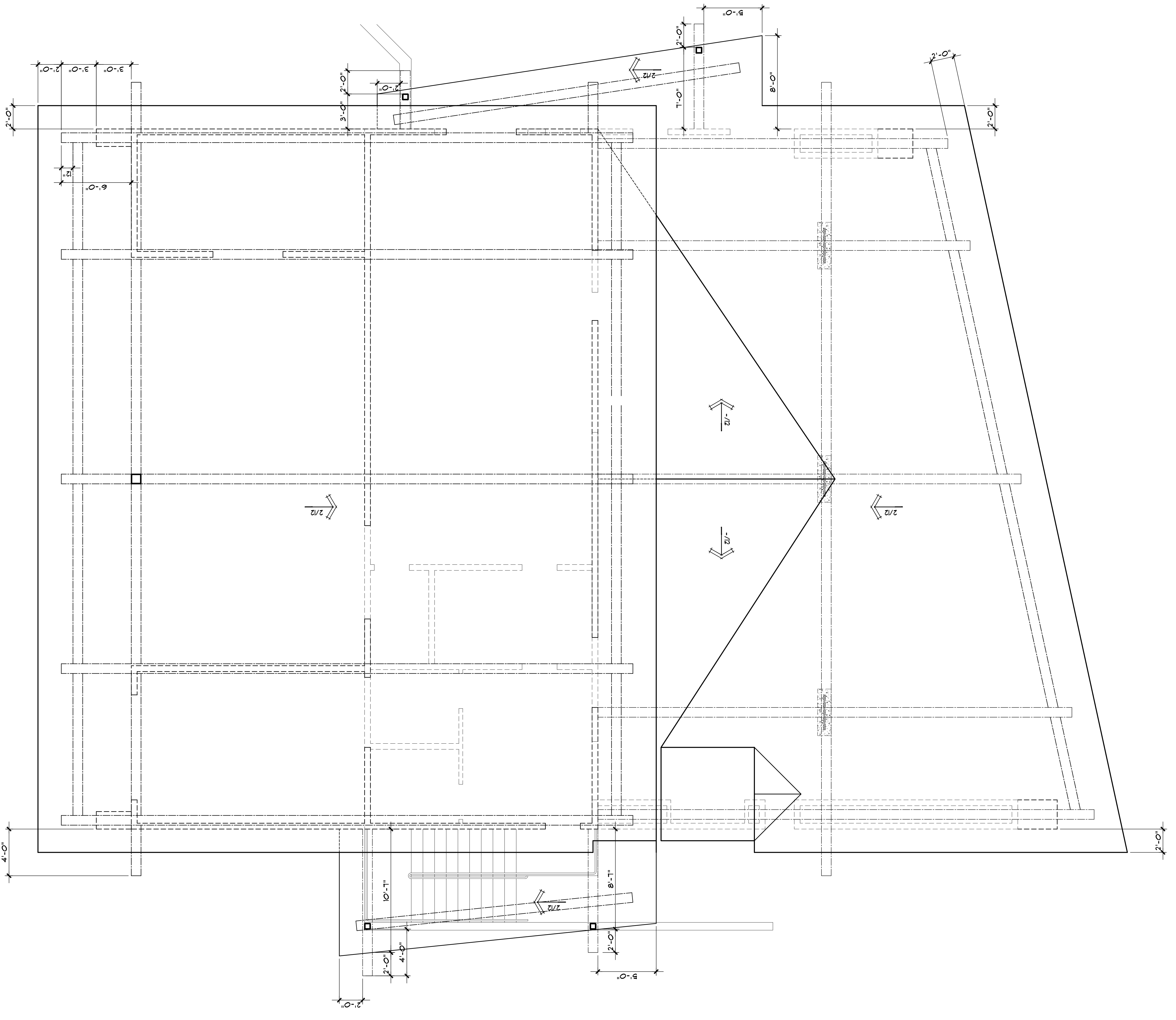
10800 Sand Hollow Court  
Reno, Nevada 89521



**Miles Architectural Group**

**De La Montanya**  
Winery  
APN 047-162-19 and 21  
Bordeaux Drive Washoe County, Nevada

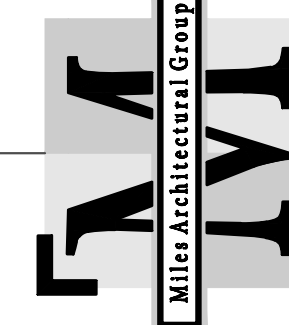
revisions



revisions

De La Montanya  
Winery  
APN 047-162-19 and 21  
Bordeaux Drive Washoe County, Nevada

Miles  
Architectural  
Group

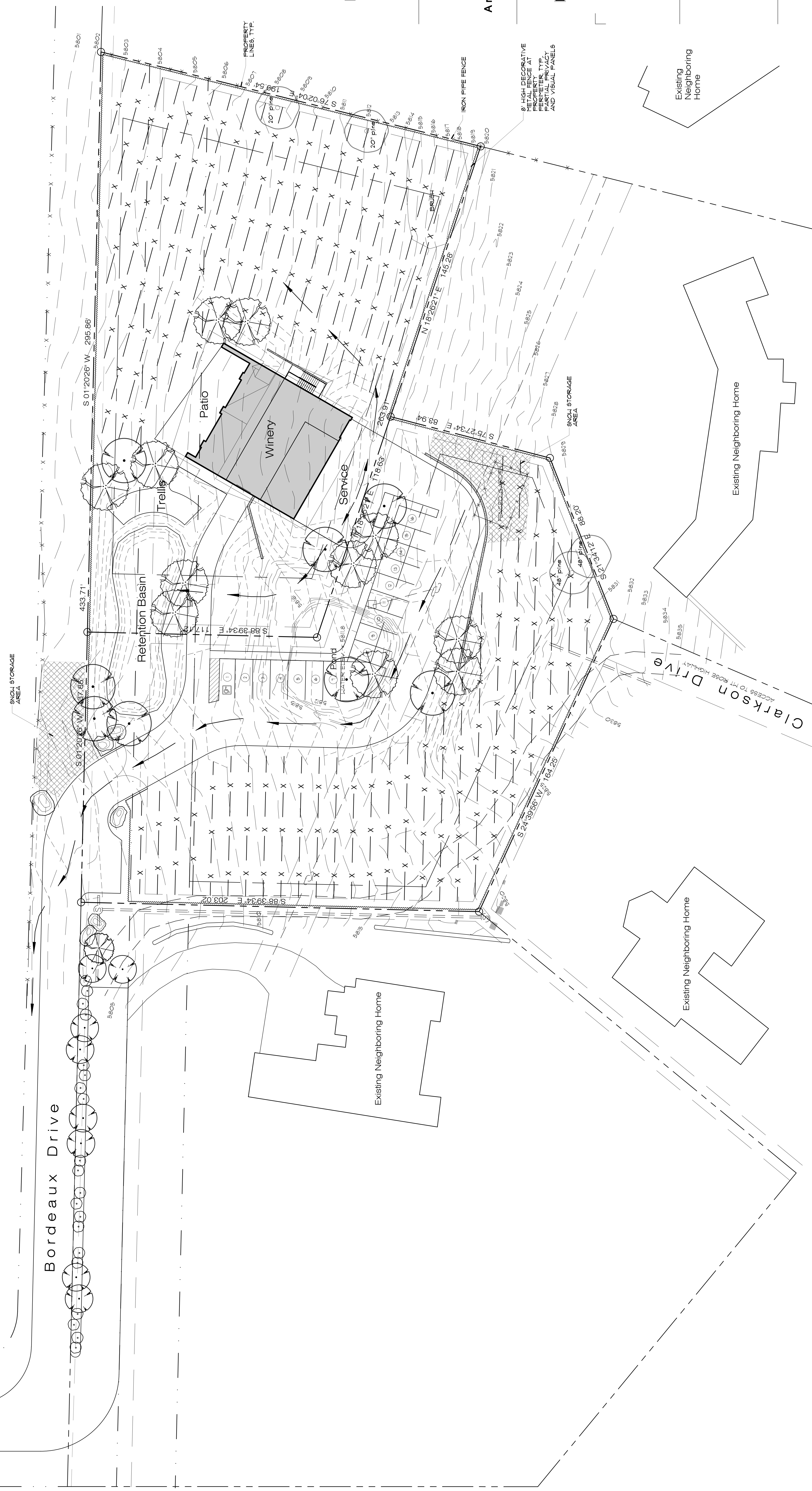
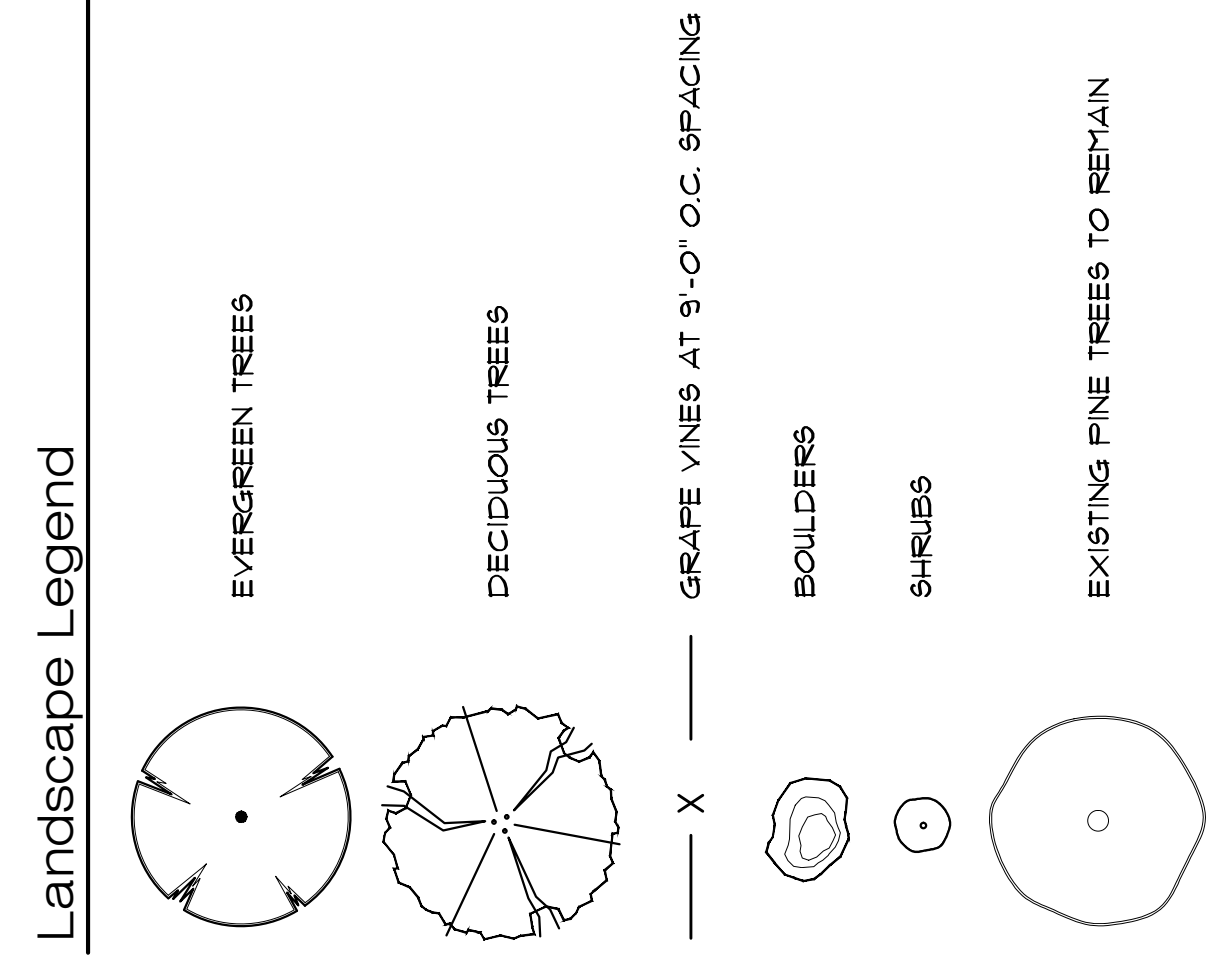


10800 Sand Hollow Court  
Reno, Nevada 89521

phone 775.852.8802  
www.milesarchitect.com

date May 2, 2019  
job no. 959

L-1



Landscape Plan  
1"=20'-0"

APN 047-162-19 and 21





PROTECTED BY  
PAY  
ALARM  
SINCE 1948  
800-470-1000



999  
DE LA MONTANYA  
WINERY

## Traffic Impact Report

The DeLaMontanya Winery will employ 4 full time personnel. On a good week the winery will see approximately 80 patrons over the four days in which they are open. The winery will have at most 1 delivery a day for supplies.

The ITE does not have a trip generation multiplier for wineries. After speaking with Mitchell Fink in Engineering and looking at the multipliers for wineries in the Napa/Sonoma area, we came to the conclusion that the following was appropriate.

4 employees x multiplier of 2 = 8 trips

20 visitors per day x multiplier of .8\* = 16 trips

1 delivery truck per day x multiplier of 6 = 6 trips

Total number of trips per day is 30. The total number of trips is far less than the 80 or more weekday peak hour trips that trigger a traffic impact report.

\*multiplier commonly used in wine country in Napa/Sonoma



February 19, 2019

Attachment D Page 119

1:2,257

0 105 210 420 ft

0 30 60 120

Washoe County  
Washoe County GIS

This information for illustrative purposes only. Not be used for boundary resolution or location and not intended to be used for measurement, calculation, or delineation.

**WTP** Sewer\_Treatment\_Plant  
 Sewer\_Septic\_Tank  
 Sewer\_Lift\_Station  
 Sewer\_Manhole  
 Sewer\_Flow\_Collection  
 Sewer\_Clean\_Out  
 Sewer\_Main  
 Sewer\_Stub  
 Sewer\_Lateral

<all other values>  
III

**WADMIN19-0014**  
**EXHIBIT K**

Washoe County Treasurer  
 Tammi Davis

Washoe County Treasurer  
 P.O. Box 30039, Reno, NV 89520-3039  
 ph: (775) 328-2510 fax: (775) 328-2501  
 Email: tax@washoecounty.us

Account Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

**Disclaimer**

- ALERTS: If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

**CollectionCart**

Collection Cart	Items	Total	<a href="#">Checkout</a>	<a href="#">View</a>
	0	\$0.00		

**Pay Online**

**Washoe County Parcel Information**

Parcel ID	Status	Last Update
04716221	Active	5/20/2019 2:07:07 AM

**Current Owner:**  
 DE LA MONTANYA TRUST, DENNIS & TINA  
 999 FOREMAN LN  
 HEALDSBURG, CA 95448

**SITUS:**  
 16435 BORDEAUX DR  
 WCTY NV

**Taxing District:**  
 4000

**Geo CD:**

**Legal Description**  
 Lot 4A Township 17 SubdivisionName \_UNSPECIFIED Range 19

**Pay By Check**

Please make checks payable to:  
 WASHOE COUNTY TREASURER

**Mailing Address:**  
 P.O. Box 30039  
 Reno, NV 89520-3039

**Overnight Address:**  
 1001 E. Ninth St., Ste D140  
 Reno, NV 89512-2845

**Tax Bill (Click on desired tax year for due dates and further details)**

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2018	\$904.82	\$904.82	\$0.00	\$0.00	\$0.00
2017	\$868.38	\$881.87	\$0.00	\$0.00	\$0.00
2016	\$847.23	\$869.42	\$0.00	\$0.00	\$0.00
2015	\$843.85	\$854.29	\$0.00	\$0.00	\$0.00
2014	\$817.68	\$817.68	\$0.00	\$0.00	\$0.00
<b>Total</b>					<b>\$0.00</b>

**Payment Information**

**Special Assessment District**

**Installment Date Information**

Washoe County Treasurer  
Tammi Davis

Washoe County Treasurer  
P.O. Box 30039, Reno, NV 89520-3039  
ph: (775) 328-2510 fax: (775) 328-2500  
Email: tax@washocounty.us

Account Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

**Disclaimer**

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.


**Pay By Check**


Please make checks payable to:  
WASHOE COUNTY TREASURER

Mailing Address:  
P.O. Box 30039  
Reno, NV 89520-3039

Overnight Address:  
1001 E. Ninth St., Ste D140  
Reno, NV 89512-2845

 **Payment Information**

 **Special Assessment District**

 **Installment Date Information**

**CollectionCart**

Collection Cart	Items	Total	<a href="#">Checkout</a>	<a href="#">View</a>
	0	\$0.00		

**Pay Online**

**Washoe County Parcel Information**

Parcel ID	Status	Last Update
04716219	Active	5/20/2019 2:07:07 AM
<b>Current Owner:</b> DE LA MONTANYA TRUST, DENNIS & TINA 999 FOREMAN LN HEALDSBURG, CA 95448		<b>SITUS:</b> 16445 BORDEAUX DR WCTY NV
<b>Taxing District</b> 4000	<b>Geo CD:</b>	
Legal Description		
Lot 3 Township 17 SubdivisionName _UNSPECIFIED Range 19		

**Tax Bill (Click on desired tax year for due dates and further details)**

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2018	\$904.82	\$904.82	\$0.00	\$0.00	\$0.00
2017	\$868.38	\$881.87	\$0.00	\$0.00	\$0.00
2016	\$847.23	\$869.42	\$0.00	\$0.00	\$0.00
2015	\$843.85	\$854.29	\$0.00	\$0.00	\$0.00
2014	\$817.68	\$817.68	\$0.00	\$0.00	\$0.00
<b>Total</b>					\$0.00



# Conditions of Approval

Administrative Permit Case Number WADMIN19-0014

The project approved under Administrative Permit Case Number WADMIN19-0014 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on September 5, 2019. 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 or to abide by all other generally applicable codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the approval of this administrative 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 administrative 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 administrative permit may result in the initiation of revocation procedures.

Operational conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the operational conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative 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.

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 the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

**Contact Name – Chris Bronczyk, Planner, 775.328.3612, cbronczyk@washoecounty.us**

- a. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. Planning and Building shall determine compliance with this condition.
- c. The applicant shall submit complete construction plans and building permits shall be issued within two (2) years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Building.
- d. 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.

- e. Prior to any ground disturbing activity, the applicant shall submit a landscaping design plan to the Planning and Building Division for review and approval. Said plan shall address parking, parking lot circulation and striping, signage, exterior lighting, trash enclosures, landscaping and plant material, type and size of plants, maturation size at full growth, landscaping location, and landscaping irrigation system.
- f. All landscaping, irrigation and screening shall be completely installed and shall satisfy the requirements prior to issuance of a certificate of occupancy.
- g. The wall or fence that is required to be constructed between the commercial uses and the adjacent residential uses shall be constructed of long-lasting materials, and shall be at least six (6) feet in height. The wall or fence shall be constructed out of stone, masonry, vinyl, or composite. Transparent predator resistant fencing, three strand smooth wire, and planted hedgerows shall also be permitted. Wood and chain link are not permitted.
- h. Trees shall be focused around the primary structure, parking areas, and entry location.
- i. Vineyards shall count as required landscape buffers.
- j. Agricultural machinery and tools shall be screened from adjacent properties when not in use.
- k. Any outdoor lighting on the property must adhere to dark sky lighting standards.



- I. Prior to Certificate of Occupancy, the owner shall install signage at the exit of the driveway indicating the presence of a school bus drop off zone and children present.
- m. Prior to Certificate of Occupancy, the owner shall work with Washoe County Engineering and Public Works to appropriately sign the section of Bordeaux Drive and the entrance of the project with appropriate signage. If Washoe County Engineering deems this condition unnecessary this condition shall not be enforced.
- n. The owner(s) of APNs 047-162-19 and 047-162-21, along with its successors and assignees, shall be responsible for the maintenance, in perpetuity, of roadway as described in Washoe County Recorder's Document Number 1926933, with the following exception of the easement area being south of the access driveway to APN 047-162-21. Should an additional ingress/egress driveway or other vehicular access, for purposes of serving either portion of APNs 047-162-19 and 047-162-21 be established within the easement described in Doc # 1926933, the maintenance and improved pavement sections shall be extended to the southern edge of that vehicular access. The agreement shall be executed between the owners of APNs 047-162-19 and APNs 047-162-21 (currently "Dennis and Tina De La Montanya Trust") and the Montreux Development Group LLC. A separate maintenance agreement shall be drafted between the "Dennis and Tina De La Montanya Trust" and surrounding property owners who use the road for access.
- o. The following **Operational Conditions** shall be required for the life of the business:
  - i. This administrative 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 null and void.
  - iii. All landscaping and irrigation systems shall be maintained at all times to conform with the Landscaping Section of the Washoe County Development Code for the life of the business, including the replacement of dead plants, trees, shrubs and all ground cover.
  - iv. 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.
  - v. This administrative permit shall remain in effect as long as the business is in operation and maintains a valid business license.
  - vi. Hours of operation shall be restricted to the hours of 9:00 A.M. to 8:00 P.M.; if times need to be adjusted, Planning Director approval will be required. No events will be permitted due to the Low Density Suburban (LDS) regulatory zone.
  - vii. The owner shall limit hours of operation to "by appointment only" on Monday - Thursday and shall limit appointments between 2:30 P.M. - 4:30 P.M.

### **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 – Leo Vesely, 775.328.2313, [ivesely@washoecounty.us](mailto:ivesely@washoecounty.us)**

- a. The application shows a retention basin and grape vines located within a 25 foot wide roadway and utility easement dedicated to Washoe County. With the submittal of final permit plans, no facilities shall be allowed within said easement. If the applicant wishes to explore the possibility of abandoning the easement, it is recommended they first meet with County Engineering staff to explore the feasibility of the abandonment.
- b. The proposed access road from Bordeaux Drive has an open offer of dedication to Washoe County, however, the offer has not been accepted since no permanent roadway has been constructed at this time. A privately owned and maintained access roadway conforming to Washoe County Code 110 to serve the development will be permitted upon the recordation of private access easements along the proposed roadway. Further, the private access easement shall not terminate or remove the existing Offers of Dedication provided on Parcel Map no. 3092 and Document No. 1926933. The applicant shall prepare engineering design drawings (plan and profiles, details) for the proposed roadway construction with hydrology report and submit to Washoe County for a Grading/Building Permit.

### **Truckee Meadows Fire Protection District (TMFPD)**

3. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions. Unless otherwise stated, these conditions shall be met prior to the issuance of any building or grading permit or on an ongoing basis as determined by TMFPD.

**Contact Name – Don Coon, 775.326.6077, [Dcoon@tmfpd.us](mailto:Dcoon@tmfpd.us)**

- a. Provide a Vegetation Installation, Management and Defensible Space Plan as required for the project in accordance with the requirements of the *IWUIC*.
- b. Provide adequate space for a turnaround for Fire Apparatus as defined in IFC Appendix #D.

### **Nevada Division of Environmental Protection**

4. The following condition is a requirement of the Nevada Division of Environmental Protection, which shall be responsible for determining compliance with this condition.

**Contact Name – Patrick Mohn, 775.687.9419, [pmohn@ndep.nv.gov](mailto:pmohn@ndep.nv.gov)**

- a. A pre-treatment permit is required if wine-making process wastewater will discharge to the public utility sewage collection and treatment system.
- b. A water pollution control permit will be required if the wine-making process wastewater is discharged to lined ponds, liquid storage structures or tanks, infiltration basins, infiltration trenches, or generally for any disposal of wine-making process wastewater.

### **Nevada Division of Water Resources**

5. The following condition is a requirement of the Nevada Division of Water Resources, which shall be responsible for determining compliance with this condition.

**Contact Name – Timber Weiss, 775.684.2887, [tweiss@water.nv.gov](mailto:tweiss@water.nv.gov)**

- a. Any water used on the described lands should be provided by an established utility or under permit issued by the State Engineer's Office.
- b. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged or abandoned as required by Chapter 534.
- c. A Will Serve from Truckee Meadows Water Authority (TMWA) and mylar map of the

proposed project must be presented to the State Engineer for approval and signed through his office prior to development.

\*\*\* End of Conditions \*\*\*