



# Warm Springs Citizen Advisory Board

Minutes of the regular meeting of the Warm Springs Rural Citizen Advisory Board held **JANUARY 13, 2021** via teleconference

## 1. \*CALL TO ORDER/DETERMINATION OF QUORUM

The meeting was called to order at 6:13 p.m. by Susan Ambrose. CAB members present included: Robert (Bob) Gunn, Kevin Cook, Marshall Todd, Kelly Ann Barr (alternate), Hugh Ezell, Susan Ambrose.

Absent: None

2. \*PLEDGE OF ALLEGIANCE – The pledge was recited.

3. \*PUBLIC COMMENT – There were no requests for public comment. Susan Ambrose closed the public comment period.

4. **APPROVAL OF AGENDA FOR THE MEETING OF JANUARY 13, 2021 (for Possible Action)** – Bob Gunn moved to approve the agenda for the meeting of **JANUARY 13, 2021**. The motion was seconded by Marshall Todd. Motion carried unanimously.

5. **APPROVAL OF THE MINUTES FOR THE MEETING OF SEPTEMBER 8, 2020 (for Possible Action)** – Susan Ambrose noted our last meeting of the Warm Springs Rural CAB was held back in July 2019, not September 8, 2020; therefore we cannot approve the minutes and can be approved at a future meeting.

6.A. **Revocation of Special Use Permit SB13-008 (De La Luz)** – For possible action, hearing, and discussion to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code.

- Property Owner: Hilaria De La Luz
- Location: 6205 Grass Valley Road, Warm Springs Valley
- Assessor's Parcel Number: 076-340-13
- Staff: Chris Bronczyk, Planner, (775) 328-3612; cbronczyk@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on February 4, 2021

Chris Bronczyk informed the public of the chat feature, mute/unmute button to be able to make a public comment.

Chris Bronczyk, Washoe County Planner, provided a staff report PowerPoint presentation. Chad Giesinger spoke about the next steps.

Susan Ambrose inquired if there were other GID members wishing to speak. There were no GID members who spoke.

Bob Gunn said the allegations are serious and wondered what means of enforcement can be done through these steps to get judicial review. If it's revoked, what means of enforcement do we have. Larry Chesney, GID representative, said this individual has consistently not met their requirements for Special Use Permit (SUP), causing grave and extenuating problems to the road. He said they haven't been a good neighbor to the community. It's all about them and not about bringing good to the community. He said that is his expression for the GID. As an individual who lives out here, he said they are bad neighbors. They are not good. They have not done well. They run a plastering business which has nothing to do with this event. Palomino Valley GID recommendation is revocation of SUP.

Susan Ambrose said even if the permit is revoked, they could apply for special event, and her concern would be County enforcement - that they were meeting public safety and roads within the GID.

Chad Giesinger, Code Enforcement, said the problems we have been having with this SUP is that we are finding out about violations after the fact and it already occurred. He said if they were to come in for single, one-time events, he would make sure code enforcement would be present, that day of the events. He said we used to do that when we issued the permit to do compliance checks. The first year they did well and then started to have problems. We didn't have the manpower to go out and baby sit. The other mechanism is to coordinate with Sheriff's Office. They have the authority to enforce if someone is hosting an unpermitted event. He said we also would have to rely on the community. Health District gets a lot of comments. He said he receives emails from them on Monday mornings if something happens over the weekend. It's like any code enforcement issue will be a difficult and lengthy enforcement process. He said we have already issued 3 stop activities orders so we could do a criminal citation. He said the SUP makes it hard to take a case to criminal action. Susan Ambrose said she hopes code enforcement can be there. If there were to be a future event, even though they wouldn't have this current permit, the large number of attendees accessing the dirt road, it can't handle hundreds of cars. She said she read the sheriffs having issues with discharge of firearms at these events. It's fraught with many concerning violations. She expressed concern with even granting a one-day event and the challenges with enforcing compliance as far as public safety, roads and dust.

Kelly Barr stated she lives behind the subject property. She said she is all for people having fun. She said she would sit on the gate and listen to the music. She said the problem began when they were supposed to water the road before and after the event. She said one day there was a wall of dirt drifting in her direction and there were 1,000 people in the backyard who were parked on that road. They had no regard for the neighbors on that road. One of those houses is for sale because of the dirt problem. Just do what you are supposed to do. Our roads are horrible. Just water the roads.

Kevin Cook said he is familiar with the situation. He said in his experience, after these events, the biggest issue is lack of regard for neighbors and safety for those in the area. He said for example, there is trash left behind on the road after the event. You will see discarded beer bottles. He said he hasn't seen anyone throw it out but assumes its coming from those attending the event. He said his father-in-law had to slam on his breaks on the dirt road. The people leaving the event had no regard for our own traffic. It's a safety aspect. It's courtesy. He asked Chad, if they hold an event illegally, would a criminal citation from a sheriff be the only repercussion once this is revoked? He asked what other means could be done so they don't hold the event illegally. Chad Giesinger said we have two mechanisms of enforcement – we have administrative with enforcing fines and appeal process to hearing officer and the other is criminal avenue. If they violate the stop activity order in any way, and we observe it, we can issue a citation. He said the issue is we aren't informed of issues until after the fact. We have no way of catching them in the act. He said that is where the sheriff can come in and help. He said the other option would be to have video of the act with a witness willing to sign a statement and willing to testify. If we go the administrative enforcement route, it's a \$100 penalty and they can pay it and move on. The penalty goes up to \$400 dollars. It's not a big hammer. They could appeal during administrative hearing. We have been relying on evidence such as posts on Facebook and feedback from reviewing agencies such as the GID. The concerns are valid. It will still be hard to enforce but they won't have the coverage of SUP. As long as they have the SUP, they have a cover which is more than if they didn't have it.

Kevin Cook said \$100 to \$400 is probably pocket change for them. He asked if there a way to make a bigger hammer to help with the problem. He said revoking is not going to do much considering who we are dealing with. Chad Giesinger said not without going through a lengthy process to change code enforcement process for entire county. It would be amending the current code chapter to include stricter penalties. He said it took 3 years to get the process they have now. The commission wasn't willing to allow code enforcement that much power. The criminal option is the quickest to prevent illegal activity.

Bob Gunn said he is concerned with the violations but also concerned with animal abuse and mistreatment of horses. If revocation of SUP, they need to permanently revoke any future application for future events at this property with this owner. You can see by history they will ignore any kind of action to suppress their activities. Chad Giesinger said we made a point in the presentation to state that they can apply for single events; however, the county doesn't have to approve those. Part of the reviewing process of the special events is they are required to submit their application 90 days in advance. We can consider past events and behaviors as criteria in the reviewing process. They are supposed to get temporary liquor license and food permits. There is the ability to deny if necessary. Chad Giesinger spoke about the business license – it expired, but code allows

90 days to reapply. They need to apply for new business license. He said he has grounds to deny business license.

Hugh Ezell said if we see an event on the weekend and there is no staff around, there is nobody to call. The onerous is on the county to show up on the weekend and provide public a means to report violations of conditions or problems with event as they are happening. It's easy to calm down the events, we just need the sheriff to set up a check point. He said he has seen car wrecks. He said he has seen two on Road Runner. People are leaving the events drunk. The sheriff can enforce. The residents and neighbors are happy to call and report if there is a number provided. He said he is upset and agree that they are poor neighbors.

Ms. Barr spoke about events held off of Winnemucca at the horse barn. She said there are 300 to 500 vehicles for events. Susan Ambrose said that is Mexican ranch. Hugh Ezell said that is over on Road Runner where he lives. He said it's the same type of event. The events can be a problem. They need some place to do this, but they need to be good neighbors. He said he is disappointed the applicants are not on the phone tonight.

Ms. Barr said we like to have fun. Just water the roads.

Larry Chesney said over the years, the Mexican rodeos north of Hugh's place, were shut down for not meeting conditions. He said when he was on the CAB and this operation was on the agenda as a special use permit and it was denied due to soils not conducive to horse racing, the property isn't conducive to horse racing, and the owners have consistently not shown good faith. It's not a matter of determining if the events are acceptable. They are absolutely acceptable with SUP. But the owners have to meet conditions of SUP. You cannot just come out here and kill horses and expect everyone to turn their head. As a resident of the valley, this SUP should have never been allowed in the first place.

Hugh Ezell asked Chad/Chris. If we vote this down and BOA revokes the permit, and the event goes away, does that mean they will go over to the other side of the valley and host events. Chad Giesinger said he cannot control what people do; however, events have their parameters which can be violated. If they have more attendees than allowed; don't get permits; hold events outside the determined schedule, then those would be violations. Chad Giesinger said for the other event held at the other location, he said he been in contact with the property owner numerous times in the last 6 months because of COVID check-ins and they are required to limit capacity and informed them the sheriff would be by.

Susan Ambrose said if rodeo events are concerns, we can put that on a future agenda.

Marshall Todd said these people have shown complete disregard with complying with rules. One way to get them to comply is to revoke the permit and make them start it back up. Instead of code enforcement, they should deal with the sheriff. He said he thinks that is sufficient impetuous to get them in-line.

Pam Roberts thanked Chris and Chad for this thorough presentation of the history of noncompliance for this property. She said given they were properly notified, she said she completely supports the CAB to take position that the SUP permit be revoked. She said she appreciates the explanation of remedies that residents have if that after it's revoked, we would be able to call code enforcement and sheriff about illegal activity that would be happening without permit. Although administrative penalties seem small, misdemeanor crime is punishable up to \$1000 especially if there is repeat offense. She said she hopes the judge that imposes the fine would give maximum, especially for repeat offenses.

Chris Bronczyk ensured the applicants have been properly noticed. The processor served them in October. This case got pushed to February. They were noticed per statute. We have done our due diligence. He said the sheriff has been brought up in this meeting. He said they provided an agency review and they supported revocation of this SUP.

**MOTION: Marshall Todd moved to recommend the SUP be revoked. Hugh Ezell seconded the motion. The motion carried unanimously.**

Hugh Ezell asked Chad if the permit is revoked and they have illegal events, what do you want from us if something happens on Saturday? He asked if Chad wants pictures, videos. He asked what you need as far as evidence of illegal action. Chad said date/time stamped photo or video and witness statement form which he

will provide. Chad Giesinger said sheriff is their own entity. We have been building a good relationship with them. They have helped by visiting the events. If we have difficulty catching them in the act, the evidence is helpful. But if something is happening that is unsafe, contact them.

Susan Ambrose said two deputies come out to patrol the valley, but they are spread thin. Sheriff Balaam has been a strong advocate and cooperative.

**7. \*WASHOE COUNTY COMMISSIONER UPDATE** – Commissioner Jeanne Herman spoke about County activities. She said we had a strategy meeting today. The meeting wasn't well attended; however, we had Hugh Ezell speak and he made a great public comment. You have an outstanding public member who spoke well. She spoke about COVID – things aren't getting done as they normally would. We have some folks who are doing a great job. She said she speaks with people who cannot get permits or cannot get anything done. There are some people who are waiting over a year. She said people aren't supposed have to wait.

Susan Ambrose thanked Commissioner Herman for attending and providing an update. Susan Ambrose said we understand these difficult times with COVID and everyone is doing the best they can. Hopefully things will improve once the vaccine is rolled out and people get back to work. We will get caught up on things that are backlogged.

**8. \*CHAIRMAN/BOARD MEMBER ITEMS-** Susan Ambrose announced recent CAB appointments. She welcomed Hugh, Kevin, and Kelly. She thanked the GID and County staff.

**9. \*GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –**

Pam Roberts said for the next meeting agenda, the minutes from July 2019 meeting need to be included. The minutes haven't been reviewed or approved. She noted she had amendments to the minutes. Chad Giesinger will include it on the next agenda with corrections.

There were no further requests for public comment.

**Meeting adjourned at 7:13 p.m.**

Number of CAB members present: 6

Number of Public Present: 2

Presence of Elected Officials: 1

Number of staff present: 2