

The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on December 10, 2019.
by De La Montanya
for Agenda Item No. 20
and included here pursuant to NRS 241.020(8).

De La Montanya Winery & Vineyards

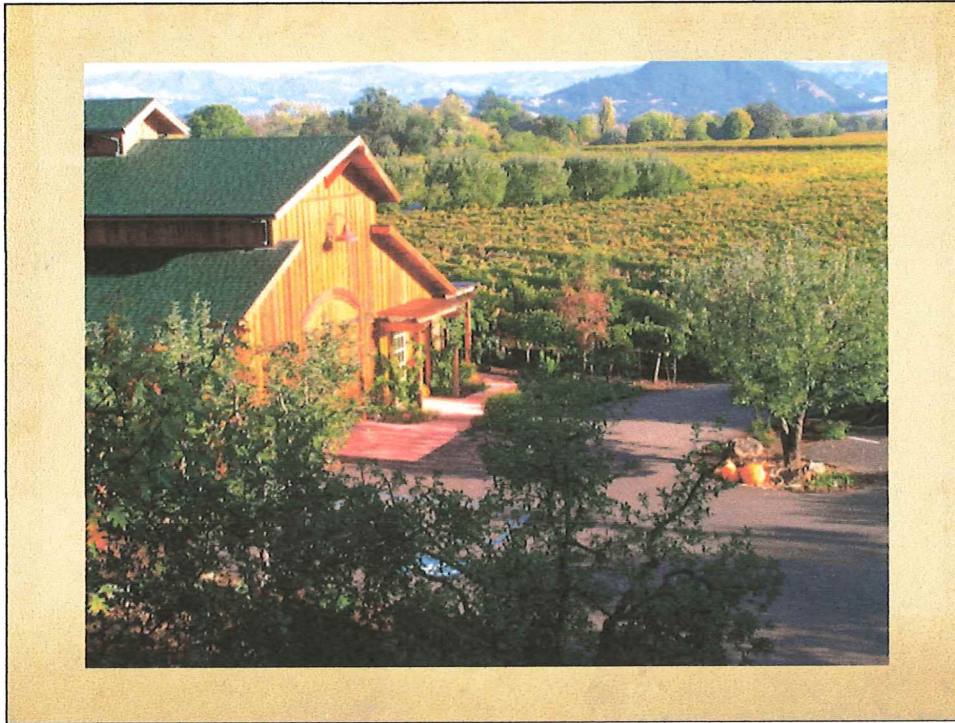


Washoe County Board of County Commissioners 12-10-2019

De La Montanya Family

- Six generations of farmers/ranchers
- 25 years making wine
- 3 Boutique Wineries-Tasting rooms
 - Vineyards ranging from 5 acres - 50 acres
 - 200 acres of vineyards total
- Small batch handcrafted wines

BCC 12-10-19 #20
De la montanya Winery



Boutique Winery

- Small in scale – anticipated less than 5,000 cases a year
- 1 acre vineyard on site
- 4,000 sf production, barrel room, and tasting space
- Anticipated to be open to the public:
 - April-December
 - By appointment M-Th
 - Friday-Sunday 11am-6pm

Administrative Permit

- First of its kind in Washoe County
- Code amended to allow for this use in LDS Zoning
- Mitigation and Considerations for effects on Surround Residential Uses
 - Buffering with vineyard/grapes and fencing
 - Limited hours of operation
 - Ample onsite parking
 - Sustainable farming practices
 - Blending in to surrounding uses

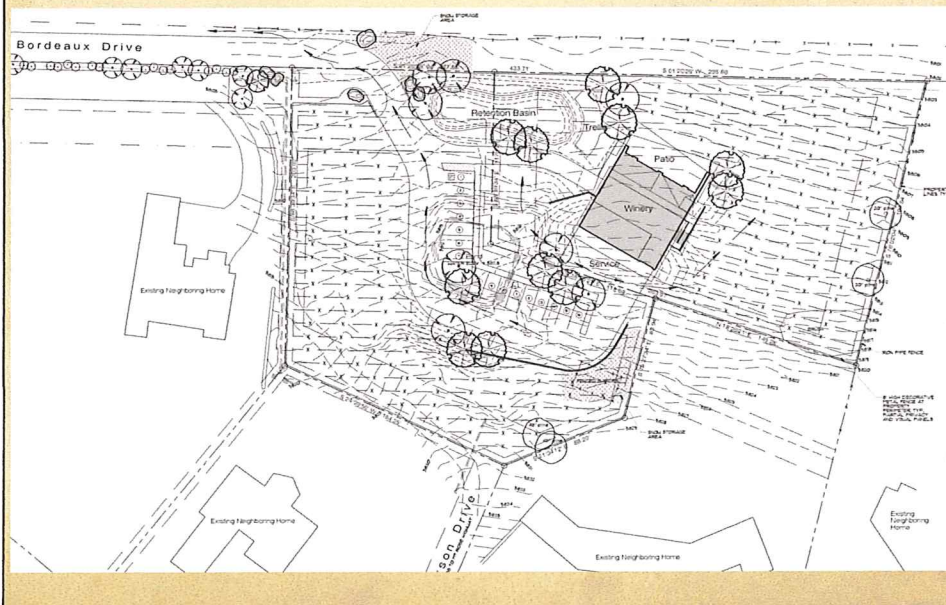
Operation

- Production, Tasting Room and Storage.
Approximately 4-8 rotating wines for patrons to taste
- Limited hours and months of operation
- Guest stay typically 30min-1hr, learn about wines, purchase wine and leave
 - Turnover is key
- Not a wine bar or lounge

Traffic Generation

- Traffic- 30 trips per day. Report generated by WC Traffic Engineer. Single Family Residence generates 10 trips per day.
- Access off of Bordeaux Drive, major arterial serving surrounding properties.
- NDOT traffic engineer supports access off of Bordeaux Drive

Site Development



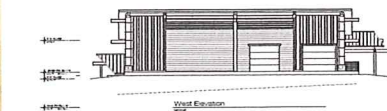
Architectural Design



- 4,000sf Building- Production, Tasting and Barrel Room
- Contemporary yet rustic design using natural materials consistent with local setting



- Outdoor seating/patio
- Public areas screened and designed to face away from residential uses



Concerns of the public

- Increased traffic
- School Bus Drop off
- Drinking establishment
- Decreased property values



Conditions of Approval

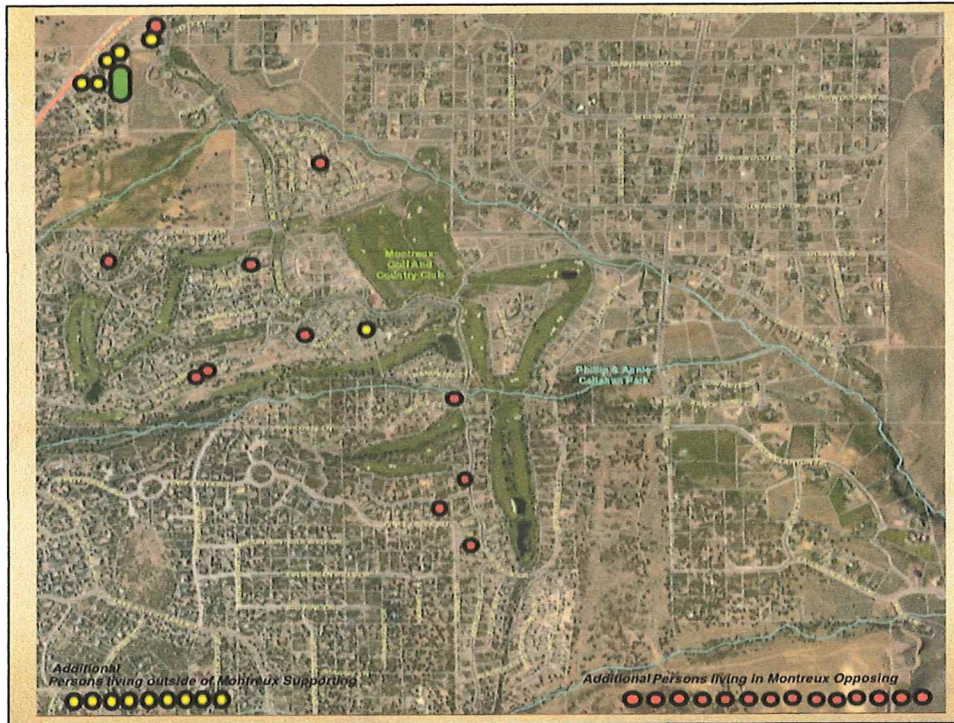
- Limited hours of operation
- Open by appointment only during school bus drop offs
- Signage on Bordeaux
- Signage on private drive
- Fencing to address wildlife
- Screening to address outdoor storage of vineyard tractor

Board of Adjustment Denial

- #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”
 - Support of Washoe County and Special Districts
 - Project met all requirements of Washoe County Code
 - Sewer, water, access, parking, landscaping etc.
 - Support from all adjacent property owners. Only one person outside the gates of Montreux opposed this project
 - Conditions imposed above and beyond prescriptive requirements as requested by BOA

Board of Adjustment Denial

- 3 years to find perfect site
- Escrow on numerous other sites
- This site checked all the boxes and meets the specific requirements of the Washoe County Development Code
- Staff support
- Use is legally allowed on this site
- Decision based on assumptions and not fact
 - Complaints from neighbors



Closing

- Excited to bring the first Winery and Vineyard to the greater Truckee Meadows
- Showed willingness to work with neighbors and gain their support
- Self imposed conditions
- Adding to Washoe County and its community character

Request

- Reverse the decision of the Board of Adjustment and approve the first ever winery, vineyard and tasting room in Washoe County

Questions?

- Dennis and Tina DeLaMontanya, Owners
- Dennis Troy, Realm Constructors

Case Number: Appeal of WADMIN19-0014 De La Montanya Winery After Denial
of the Project by the County Board of Adjustment on 09/05/2019

Planner: Chris Bronczyk, cbronczyk@washoecounty.us

Tentative Hearing Date: To Be Determined

Reviewing Body: Board of County Commissioners

BCC 12-10-19 #20
Peter Durfee

Exhibit for Review by Washoe County Commissioners

**From: Peter Durfee
Montreux Resident
Dated: September 28, 2019**

Executive Summary

- The only “traffic study” performed and provided in the related 9/5/2019 staff report in conjunction with this project was simply a theoretical construct using data from California wineries and only addressed new/additional trips for this potential new winery.
- At the Board of Adjustment meeting, an NDOT representative (the project’s county traffic engineer was on vacation) stated that very recently NDOT had discussed specifically adding the study of this section of the Mount Rose Corridor to their next 20-year strategic study as a function of such traffic concerns and the on-going urbanization of this traffic corridor. At this BOA meeting (nor any mention at the earlier two public meetings) there was no mention of an apparent NDOT study along part of this corridor after the fatality at the Callahan Road intersection.
- This one third of one page “traffic study” (Attachment One) from the staff report for the meeting date September 5, 2019, was performed before any of the traffic and public safety concerns were voiced at the three public meetings for this project.
- This traffic study does not address any of the traffic or public safety concerns consistently voiced/e-mailed by Montreux neighbors on this proposed project. A related data set (i.e., number of school children) referenced in one meeting was sorely outdated and ignores significant growth (80+ new homes) and the changing demographic (younger families moving in) at Montreux over the last few years.
- As the meaning and intent of Code Section Chapter 110, Article 808, Administrative Permit, intends to provide a somewhat higher bar (i.e., “**special appraisal**”) for projects that are not specifically outright approved for location in a residential Low Density Suburban (LDS) zoned neighborhood. To simply theoretically calculate additive trips in a vacuum does not meet the intent of a more wholistic assessment of the project as required by this code section; a project “**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.**”

Executive Summary - Continued

- Even ignoring that the primary business of this new proposed business will be to sample and purchase alcoholic beverages for consumption; these calculated additional trips will serve to only compound the existing adverse traffic and public safety conditions by specifically introducing additional dangerous left-hand turns (these left-hand turns are specifically required by the current design of this project's proposed traffic flows) at already problematic road entry points (please refer to related Mount Rose Highway accident data in Attachment Two). As pointed out in one meeting (i.e., at the South County Library) fatal accidents on Mount Rose Highway (e.g., one at the nearby Callahan Road entry point) have been the result of folks attempting such left-handed turns against downhill traffic at similar intersections (i.e. where the public safety of pulling out onto these high speed downhill stop sign controlled intersections/Mount Rose Highway entry points pale by comparison to the safety proffered by right turn entry/right turn only exit road configurations or to the safety provided by traffic light controlled, left-hand turn arrowed intersections). The County recently reconfigured an intersection for some other recent Mount Rose Highway Corridor Projects; for example, the **Doral Academy** and the **Symphony Ranch Housing Development's** exit from Edmonton Drive onto Mount Rose Highway was converted into a Right Turn Entry/Right Turn Only Exit (Attachment Three).
- **The statistics of left-hand turn related accidents (and their severity) are well established and well documented; no previous or potential future NDOT study will conclude otherwise.** The current traffic flow of this project will require all wine tasters leaving this proposed winery to execute left-hand turns onto Bordeaux Drive (additionally these left-hand turns will occur at a rather blind intersection because of adjacent landscaping and directly into the school bus related zone of Bordeaux Drive, Attachment Four). Additionally a percentage of these exiting wine tasters will then subsequently need to execute a left-hand hand turn onto Mount Rose Highway at Bordeaux Drive. **Implementing the current project's traffic design that specifically requires left-hand turn(s) by all exiting winery patrons doesn't reconcile well with Nevada's statewide goal of "Zero Fatalities". Especially as Engineering (i.e., one of the four E's of safety) safe traffic designs is one of the Critical Emphasis Areas (CEA) of Nevada's Zero Fatalities Program.**

Executive Summary - Continued

- From the outset of the project's solicitation of public comment; we have voiced concerns and offered several alternate traffic treatments to minimize and/or eliminate these dangerous left-hand turns (Please refer to Attachment Five for just a small sampling of left-hand turn accident statistics). For the safety of the public, it is imperative that any conditional approval of this project specifies one of these alternate traffic treatments that would remove the project's most significantly problematic cross traffic left-hand turns requirements onto Bordeaux Drive and onto Mount Rose Highway so as to **"eliminate, mitigate, or minimize to an acceptable level"** the projects adverse traffic and public safety impacts.
- In addition to specifically introducing these additional dangerous left-hand turns; the project's traffic design essentially creates a five-way entry point traffic circle in the middle of Bordeaux Drive (and again, just south of Montreux's school bus stop/zone) without any additional signage, traffic circle designs or controls (Please refer to Attachment Six).
- Obviously when you add the potential of drinking wine and then driving (e.g., the purchase of wine that will be for sale at this new location and potentially drunk on site at the project's beautiful patio area [and served with the winery's optional pre-packaged food service]); these adverse impacts to public safety will only be exacerbated.
- Specifying such alternate traffic treatment(s) as a condition for your approval (or asking your staff for alternate recommended traffic treatment(s) to eliminate, mitigate, or minimize these project related additive and statistically more dangerous left-hand turns) would provide a project that need not wait for additional accidents/injuries or confirmatory traffic studies; but will instead provide for increased public safety in a compromise that provides a win-win for everyone involved!

Executive Summary - Continued

- In addition to one of the Board of Adjustment's (BOA) members expressing his concern about the backlash/rejection of this project by such a significant number of homeowners (in fact this BOA member said it was the "highest opposition in his nearly five years of sitting on the Board"); two members of the BOA had other project concerns, including:
- As "special events" at this proposed winery are specifically prohibited under Washoe County Code Ordinance No. 1616, Section 5, Table 110.302.05.3, two members of the BOA expressed concerns that the application was playing word games ("**semantics**") to specifically provide future leeway for the winery to hold unlimited "appointments" in "as scheduled hours". When the BOA members asked the applicant's representative about any limitations on the number of guests by "appointment" or the timing of "scheduled hours" (and the applicant's representative response was that indeed there were no such limitations); it became obvious to these two board members of the BOA that these provisions were simply added as a code work around seemingly concocted to enable the applicant's future **events/special event** functions (please note: the applicant's intended wine club dinners/functions/get-togethers at the new proposed winery were specifically mentioned by the applicant at the South County Library meeting). At the same South County Library meeting, the applicant stated that he was unfamiliar with the serving of alcohol regulations in the state of Nevada and wasn't sure if visitors to the winery could purchase his wine for on site enjoyment with the wineries' pre-packaged food offerings. Such unfamiliarity with regulations of the applicant's core business seemed potentially naïve, insincere or misplaced.

Executive Summary - Continued

- As confirmed by Washoe County Planner Mr. Chris Bronczyk at the South County Libraries meeting; events at this proposed winery are specially prohibited by Washoe County Code (and unlike the matters at hand [i.e., the code basis for the applicant to ask to construct/operate this commercial project at this particular location/zoning], Mr. Bronczyk confirmed at that meeting that there are absolutely no code provisions for any future relief of the “no events permitted” requirements at this project site).
- As confirmed and assured by staff at the Board Of Adjustment meeting; we were specifically told that with this potential project approval, **there will be no precedence set and there will be no future danger of neighboring lots succumbing to other commercial operations using this project as a “stake in the ground”**.
- In specifying a “Privileged Business License” in addition to a “Privileged Liquor License” (i.e., your conditioned permitting of these winery/tasting operations specifically under such approvable revocable privileges, please see below for an example of such an approval category) as a condition for your approval would help ensure that all involved parties continue to have an on-going respect for the meaning and intent of any of the project’s conditional approvals and any of the project’s applicable Washoe County/State Codes for the lifetime of this Boutique Winery Operation in this residential neighborhood area.
- **Sec. 5.05.007. - Approvable revocable privilege.**
- No applicant for a privileged license or permit has any right to such license or permit. Any license or permit issued pursuant to the provisions of this title is a revocable privilege, and no holder acquires any vested right therein or thereunder. The revocation process shall be conducted in accordance with the provisions of RMC [section 4.04.190](#).
(Ord. No. 4765, § 1, 7-8-97; Ord. No. 6242, § 1, 7-11-12)

Background Information

- There has been and continues to be significant opposition to this project with a myriad of reasons/rationale as to why the project in its entirety should not be approved and I could similarly argue the many things that others have argued (e.g., like how inappropriate the location of this commercial project is); however as I've spent 40 years dealing with codes, developing commercial projects and obtaining project approvals/entitlements (and after a significant review of the respective Washoe County code and discussions with Mr. Bronczyk); **I'm not here to ask you to abandon this project; but rather I'm asking for the project's adverse traffic and public safety impacts to be properly addressed as a function of your potential project approval being expressly conditioned upon the implementation of changes that will "eliminate, mitigate, or minimize to an acceptable level" the projects adverse traffic and public safety impacts (and thereby meeting the intent of Code Section Chapter 110, Article 808.)**
- At the related South County Libraries' public meeting, the applicant by his own admission does not know whether this location will ever produce wine grapes but that he (applicant) is up for a "pioneering adventure" (applicant's own words not mine). If the applicant wants to investigate the terroir of those remaining grapes after being fed upon by the local wildlife (note: I'd personally love to see the local birds, deer, bobcat and bear drawn away from our Montreux neighborhood and heading to this new plentiful feeding ground); that is his choice and it is certainly within your power to make his "pioneering adventure" dream come true.

Background Information

- Again, I am not here to argue the many reasons why this project should not be approved; I am here to potentially help reinforce the meaning and intent of the code by which you intend to approve, disapprove or approve with conditions this project:
- 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.**
- To keep this slide deck from becoming too unwieldy and as pictures are worth a thousand words; I will simply point to the significant amount of e-mail correspondence and the earlier slide deck provided to Washoe County Planner Mr. Chris Bronczyk prior to the Board of Adjustment meeting on 09/05/2019 (and with much of this Montreux neighborhood e-mail correspondence having been included in the respective staff reports and is available in those staff reports for your detailed review). Additionally I may be contacted by e-mail or telephone (Mr. Chris Bronczyk has these details) to address any of your related questions, comments or concerns.

Suggested Compromises, Conditions for Approvals and Paths Forward for All Parties

- Please note I'm not just here to offer roadblocks; any of the following suggested solutions can serve as conditions for approval that are specifically directed at modifying the traffic flow of this proposed winery and would serve to reduce the adverse traffic and public safety impacts brought about by the project's current traffic flow design as submitted for approval
- **NOTE:** In addition, every effort should be made to hold NDOT's feet to the fire in terms of NDOT conducting a traffic study of the urbanization of this section of the Mount Rose Corridor as suggested by NDOT's representative at the BOA meeting on 9/5/19.
- Obviously please keep in mind that I'm not a traffic engineer...and I didn't stay at a Holiday Inn last night....but I have significant experience in obtaining permitting and entitlements in rigorous environments including the contracting/reviewing/approving of project related traffic studies and working directly with traffic professionals.
- ***The Potential "Good" (and simple) Solution - Use of essentially a Right Turn Entry and a Separate Right Turn Only Exit for the proposed Winery's Entrance and Exit:***
- Implement a strictly one-way entry roadway into the proposed winery having all winery patrons enter the project from Bordeaux Drive and provide signage at a new Clarkson Road exit point (i.e., from the winery) onto Mount Rose Highway that is signed for a Right Turn Only Exit. By simply making the entrance to the winery a one-way road will eliminate the dangerous (winery patrons) exiting left-hand turns onto Bordeaux (at a location with a significant landscape blind spot thwarting visibility until the last minute and into the school bus zone, Attachments Four and Six) and also the left-hand turns from Bordeaux onto Mount Rose Highway (downhill, fast and curved, Attachment Seven). When this suggested simple solution was previously proposed directly to the applicant....the applicant bemoaned that he doesn't have access to Clarkson Drive that connects his property directly to Mount Rose Highway for use. After the BOA meeting on 9/5/2019, this simple suggestion was directly mentioned to the applicant's representative (and again to no avail).
- If the success of this project only hinges upon negotiating an easement for the use of Clarkson Drive as the winery's exit; it seems a small price to pay for on-going public safety (whilst better meeting the design intents of Nevada's "Zero Fatalities"). Since the applicant has told us that this project was greeted with open arms by these neighbors and as the applicant has already negotiated with these neighbors to change their CC&R's to specifically accommodate his project (the modification of these CC&R's is also referenced in Attachment One as culled from the staff report); this does not seem an insurmountable obstacle.

Suggested Compromises, Conditions for Approvals and Paths Forward for All Parties

- Unlike what I suspect is your ability to simply require this one-way entry roadway into the winery from Bordeaux as simply a condition of your approval; the subsequent addition of a Right Turn Only sign at the winery's exit from Clarkson Drive onto Mount Rose Highway may take the involvement of other agencies (and hence might have to unfortunately follow somewhat later). Please refer to the proposed project's immediate adjacency to Clarkson Drive and this proposed entry/exit in Attachment Seven that would eliminate the project's dangerous left-hand turns. Unfortunately, for a percentage of some individuals, without providing a subsequent legal/protected U-turn configuration in conjunction with this new Right Turn Only sign in reasonable proximity (e.g., installing a new traffic light at the Mt. Rose Hwy., Timberline, and Bordeaux intersection, providing appropriate signage/controls/roadway space for executing a safer U-turn after the highway subsequently expands [just after Bordeaux] to four lanes with a center turning lane); such individuals could potentially be inclined to simply substitute an illegal/potentially unsafe U-turns just after this Clarkson Drive Right Turn Only exit location. Such illegal behaviors have been occasionally witnessed further down Mt. Rose Hwy. However, it is important to recognize that you cannot drive traffic designs to account for the percentage of individuals that willingly undertake such illegal and endangering driving behaviors. Fortunately there accident statistics of Attachment Five detail that U-Turn related accidents occur around 50 times less than those associated with left-hand turns. By logically locating a few off-lane cueing shoulder areas along this highway (like the expanded shoulder locations already used by school buses along Mt. Rose Highway) would provide safer U-Turns (now) and set the table for future Median U-Turn (MUT) Intersection construction (for information on MUT's please refer to the next slide's description/links).

The Potential "Better" Solution – Create a structured traffic circle on Bordeaux Drive and provide left-turn protected traffic light at Mt Rose Hwy:

- The project proposes the creation of a five-way entry point traffic circle in the middle of Bordeaux Drive (and again, **just south of Montreux's school bus drop off location**) without any additional signage (note: these entry points currently are [at best] awkwardly controlled by just two Stop signs, with one of these stop signs moveable), without any standard traffic circle designs or controls. Accordingly, this solution would construct an industry standard traffic circle in the middle of Bordeaux at the point where the four lanes (five lanes with the addition of the proposed winery) of traffic intersect. Multiple traffic studies have confirmed that traffic circles are significantly safer than intersections with multiple stop signs. This is true for both vehicular traffic and pedestrian/vehicle interactions (Please refer to Attachment Six)
- <https://www.scribd.com/document/174870895/ITE-A-Comparative-Evaluation-of-the-Safety-Performance-of-Roundabouts-and-Traditional-Intersection-Controls>
- <https://www.quora.com/What-is-the-difference-between-roundabouts-and-traffic-circles>
- <https://www.treehugger.com/cars/mythbusters-roundabouts-vs-4-way-stop-intersection-which-more-efficient-video.html>

Unlike what I suspect is your ability to potentially simply require this traffic circle on Bordeaux as a condition of your approval; and as it may take the involvement of other parties (and hence could follow later); the subsequent addition a traffic light (with left turn arrow phases) at the intersection of Bordeaux, Timberline and Mount Rose Highway would eliminate the winery's dangerous left-hand turns from this location. Unfortunately by similarly simply implementing just a right turn only configuration at this location; it would similarly suffer from the same potential drawbacks as discussed in the "Good Solution's" last bullet point hereinabove.

Suggested Compromises, Conditions for Approvals and Paths Forward for All Parties

The Potentially “Best” Solution – Require as conditions of approval and implement suggestions from the “Good” and “Better” solutions hereinabove AND consult with NDOT as part of their upcoming strategic study of this roadway to provide a program to construct logical Median U-turn (MUT) Intersections along this Mount Rose Highway corridor (e.g., from Douglas Fir Drive down to the existing interchange at old Route 395):

- To deal with its on-going urbanization; ultimately construct a series of logical Median U-turn (MUT) Intersections (aka Median U-turn Crossover) along this Mount Rose Corridor. Similar to the re-designed Plumb Lane/I580 intersection; this solution would employ newer intersection & interchange geometrics previously identified by the Federal Highway Administration so as to "provide innovation aimed at reducing project delivery time, enhancing safety and protecting the environment."
- This approach (please watch videos and refer to the referenced Federal Highway Administration's Informational Guide on Median U-turn intersections) minimizes the highest risk turns associated with intersections, reduces the number of pedestrian-vehicle conflict points, are supported by initial statistical studies and anecdotally, these intersections appears to have decreased accidents as a result of reducing left-hand turns. Although there are no CMFs (i.e., Crash Modification Factors) specific to MUT intersections. The results of past safety studies indicate a trend of improved safety performance at MUT intersections versus conventional intersections

https://safety.fhwa.dot.gov/intersection/alter_design/pdf/fhwasa14069_mut_infoguide.pdf

<https://www.traffictechnologytoday.com/videos/vdot-highlights-safety-befits-of-median-u-turn-intersections.html>

https://www.youtube.com/watch?v=fshW_O_Xggl

Thanks to all for a few compromises to date

We really appreciate all of the effort by Chris Bronczyk, the Applicant, and your staff for helping with the attempted modification of the wineries public business hours of this project as conditions for project approval.

When resolved (e.g., elimination of the flexibility afforded by the proposed “by appointment” and “scheduled hours” workaround provisions of the last application); this should hopefully lessen adverse pedestrian (e.g., school children) impacts by people visiting the winery (but not necessarily by the winery employees/deliveries if the winery’s blind intersection entrance/exit isn’t converted to the suggested right turn entrance one-way roadway).

We really appreciate all the efforts by Chris Bronczyk in clarifying that the project’s location’s zoning code (and recognizing that even with your approval of this project); that any of the wineries’ subsequent requests for permission for this new winery to hold special events no matter how espoused or couched (e.g., functions, gatherings, wine group meetings, wine dinners, mass appointments, etc..) at this location (both now or at anytime in the future) will never be permitted.

One last thought.....speaking of suggestions.....

Specifically for your review of this project; I would suggest to change the current signage located at the intersection of Bordeaux Drive and Jefte Court from this.....



To This:



Eliminate,
mitigate,
and/or
minimize the
project's
adverse public
safety impacts
like your
friends,
neighbors
and kids live
here!

www.brown.org/stoplight-redesign.com

Thank you!

Any Questions?

Note: to County Commissioners: Please feel free to contact me by e-mail or telephone (Mr. Chris Bronczyk , County Planner, has these contact details) to address any of your related questions, comments, and/or concerns.

Attachment One: The Traffic "Study" from the Staff Report for the 9/5/19 Board of Adjustment Meeting

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

**WADMIN19-0014
EXHIBIT K**

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.

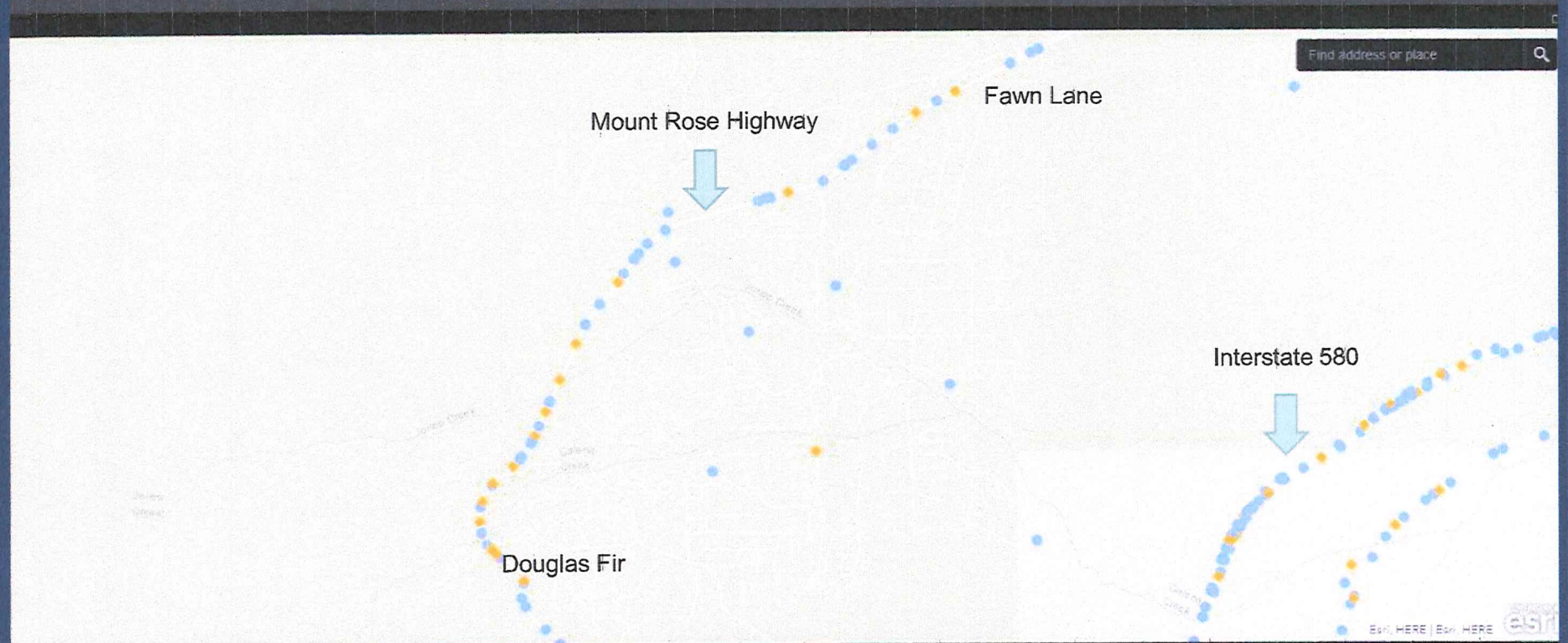
The application includes a copy of the current Covenants, Conditions & Restrictions (CC&R's). The existing CC&R's were established on July 17, 1964 and currently restrict uses for "business or commercial purposes" on the two parcels and several adjacent parcels. The applicant has been working with an 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.

Attachment Two: NDOT Crash Data From Portions of the Mount Rose Highway Corridor

mta 2015 - 2017

contact crashinfo@ndot.nv.gov

Tutorials and Additional Safety Information Traffic Safety Engineering Open Data Page Download Data



Crash Count

Number of Crashes in Current Extent

269

Pan or Zoom to update the number of crashes in current extent

Crash Severity

Crash Severity

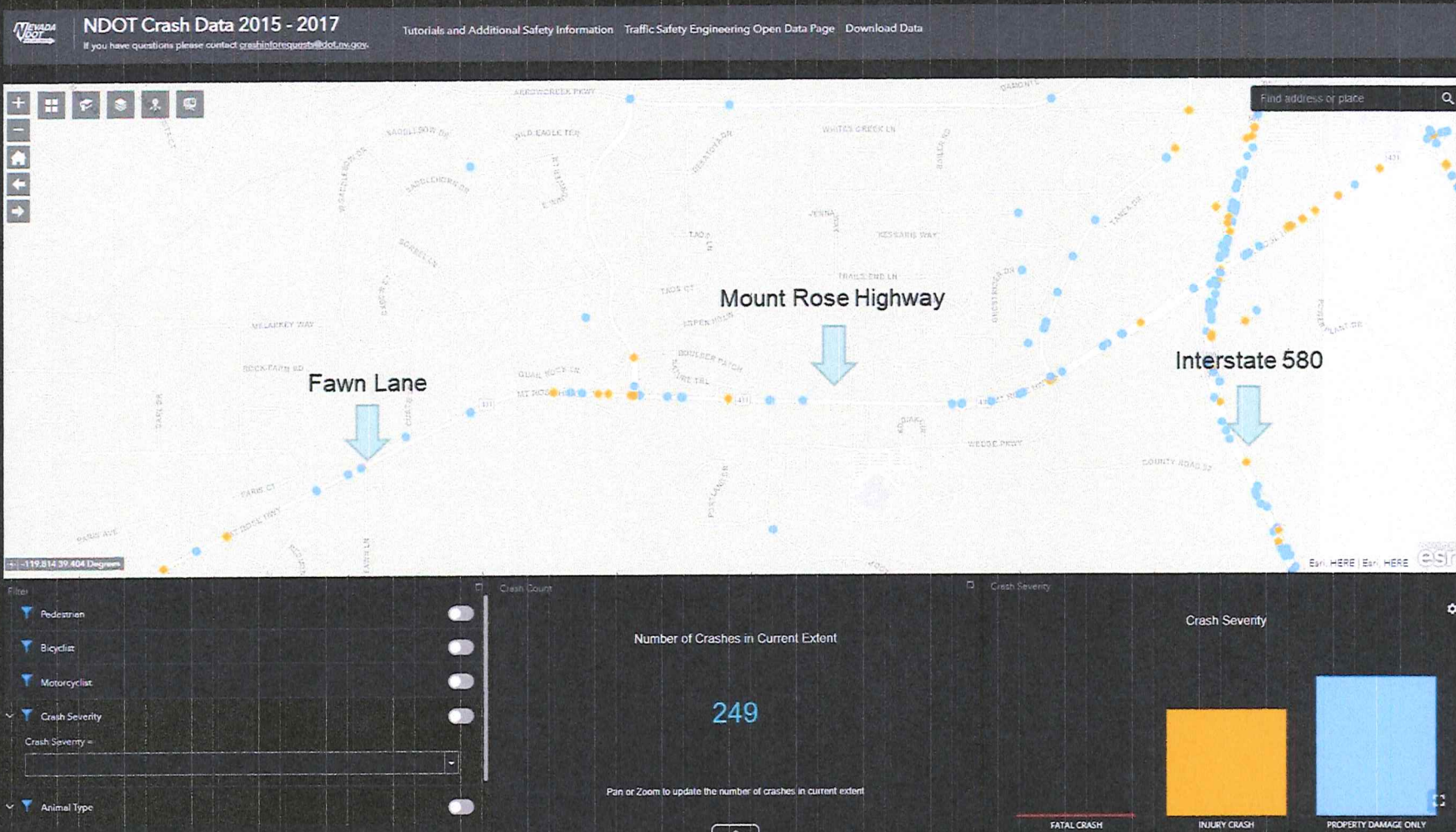
FATAL CRASH INJURY CRASH PROPERTY DAMAGE ONLY

ESRI

ESRI BLM

The bottom section of the interface is a dark grey control panel. On the left, there is a vertical stack of five white toggle switches. Below them is a search bar. In the center, the text 'Number of Crashes in Current Extent' is displayed above a large blue number '269'. Below this, a smaller line of text reads 'Pan or Zoom to update the number of crashes in current extent'. On the right side, there is a legend titled 'Crash Severity' with three colored squares: a red square for 'FATAL CRASH', an orange square for 'INJURY CRASH', and a blue square for 'PROPERTY DAMAGE ONLY'. The ESRI logo is visible in the bottom right corner of the map area, and 'ESRI BLM' is written in small text at the very bottom right of the interface.

Attachment Two: NDOT Crash Data From Portions of the Mount Rose Highway Corridor



Attachment Three: Reconfigured Right Turn Entry and Right Turn Exit Only at Edmonton Drive



Attachment Three: Right Turn Entry and Right Turn Only Exit at De Spain Lane



Attachment Four: Approach to New Winery Exit Entrance on Bordeaux From Mt. Rose Hwy



Approximate School Bus Zone
(please also see Attachment Six)

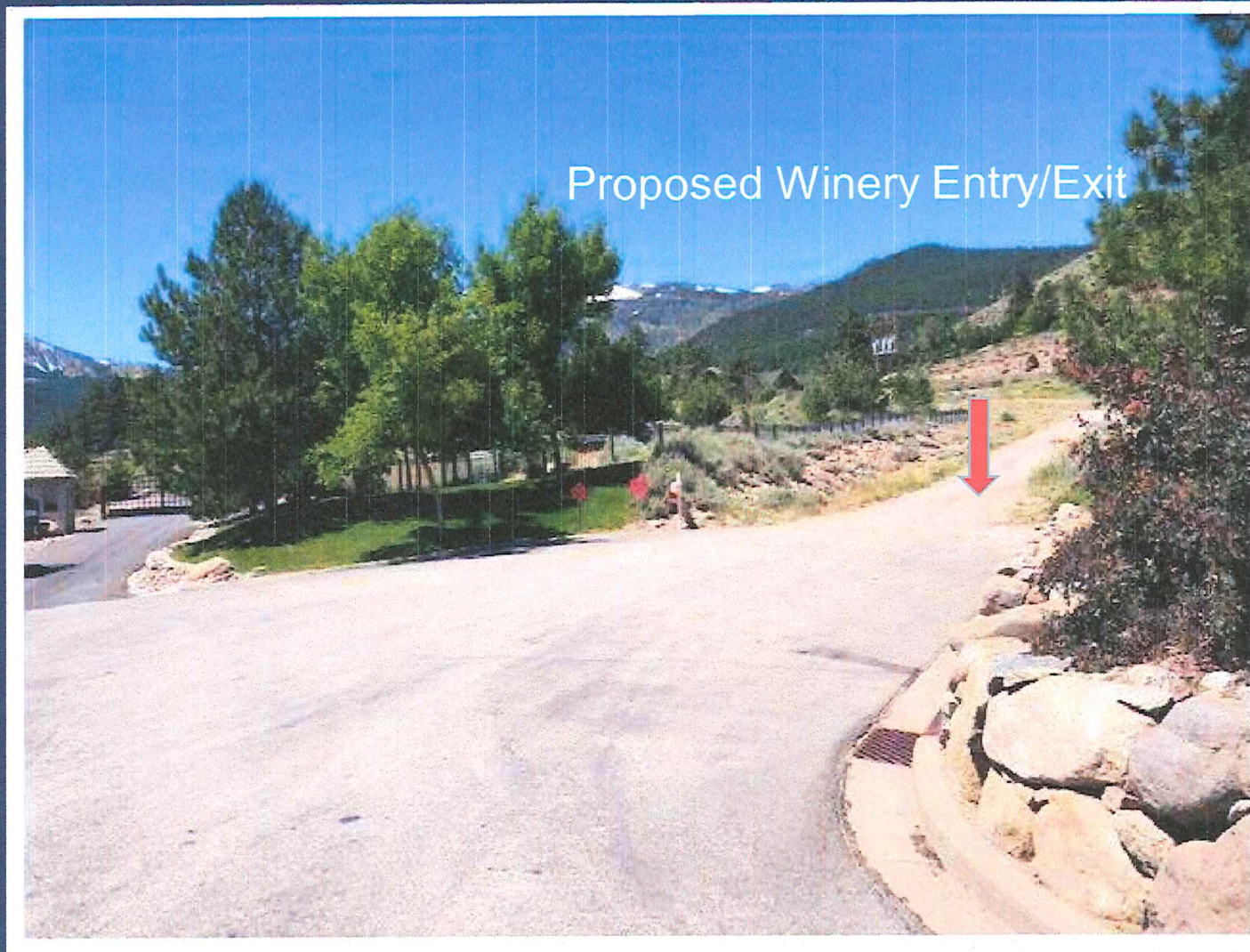
Attachment Four: Bordeaux Approach (Cont'd) To New Winery Entrance Exit From Mt. Rose Hwy



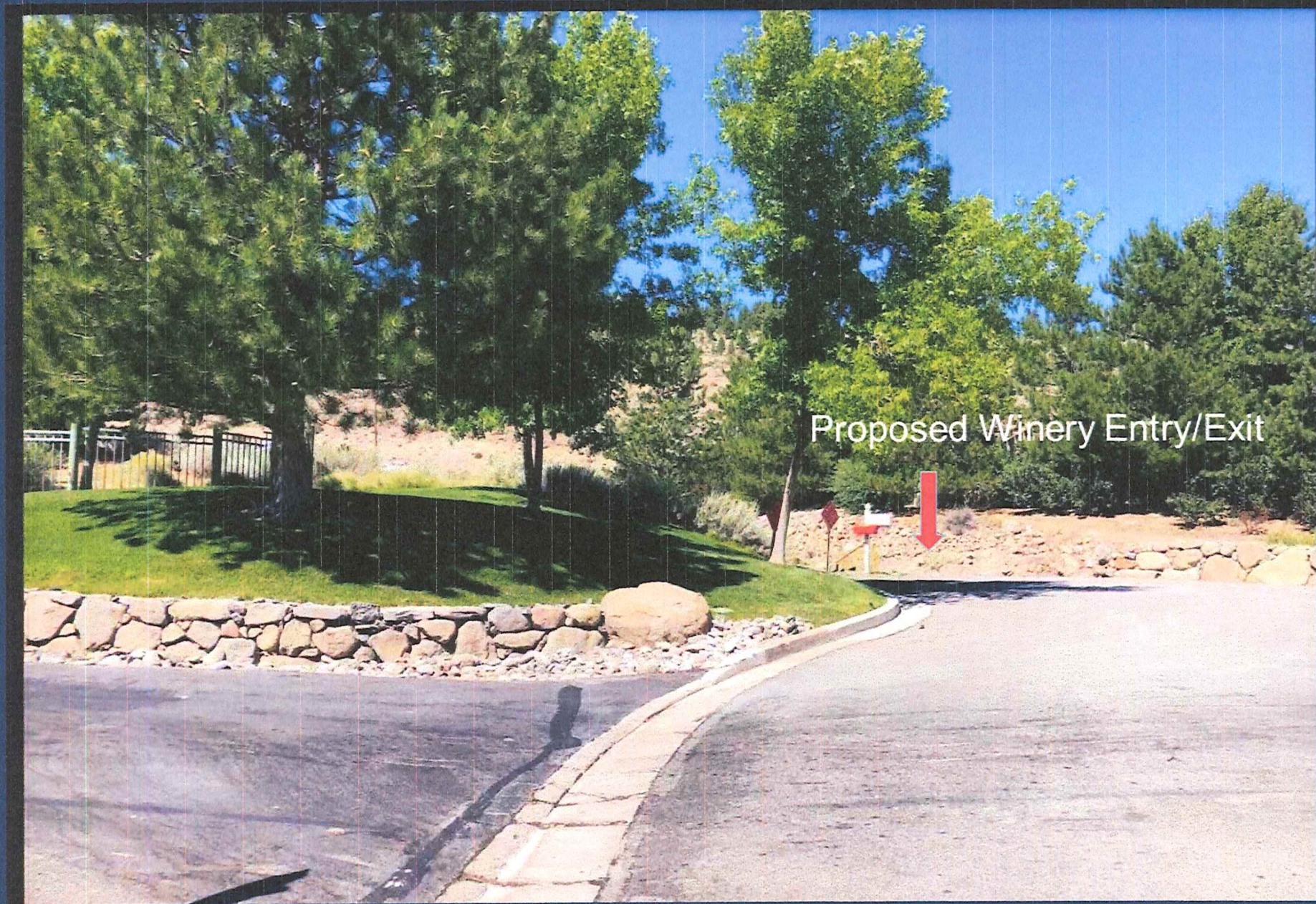
Attachment Four: Bordeaux Approach (Cont'd) To New Winery Entrance Exit From Mt. Rose Hwy



Attachment Four: Bordeaux Approach (Cont'd) To New Winery Exit Entrance (Dirt Road at Right)



Attachment Four: Approach to Bordeaux From New Winery Exit Entrance (along rock wall)



Attachment Four: Approach to Bordeaux (cont'd) From New Winery Exit Entrance (along rock wall)



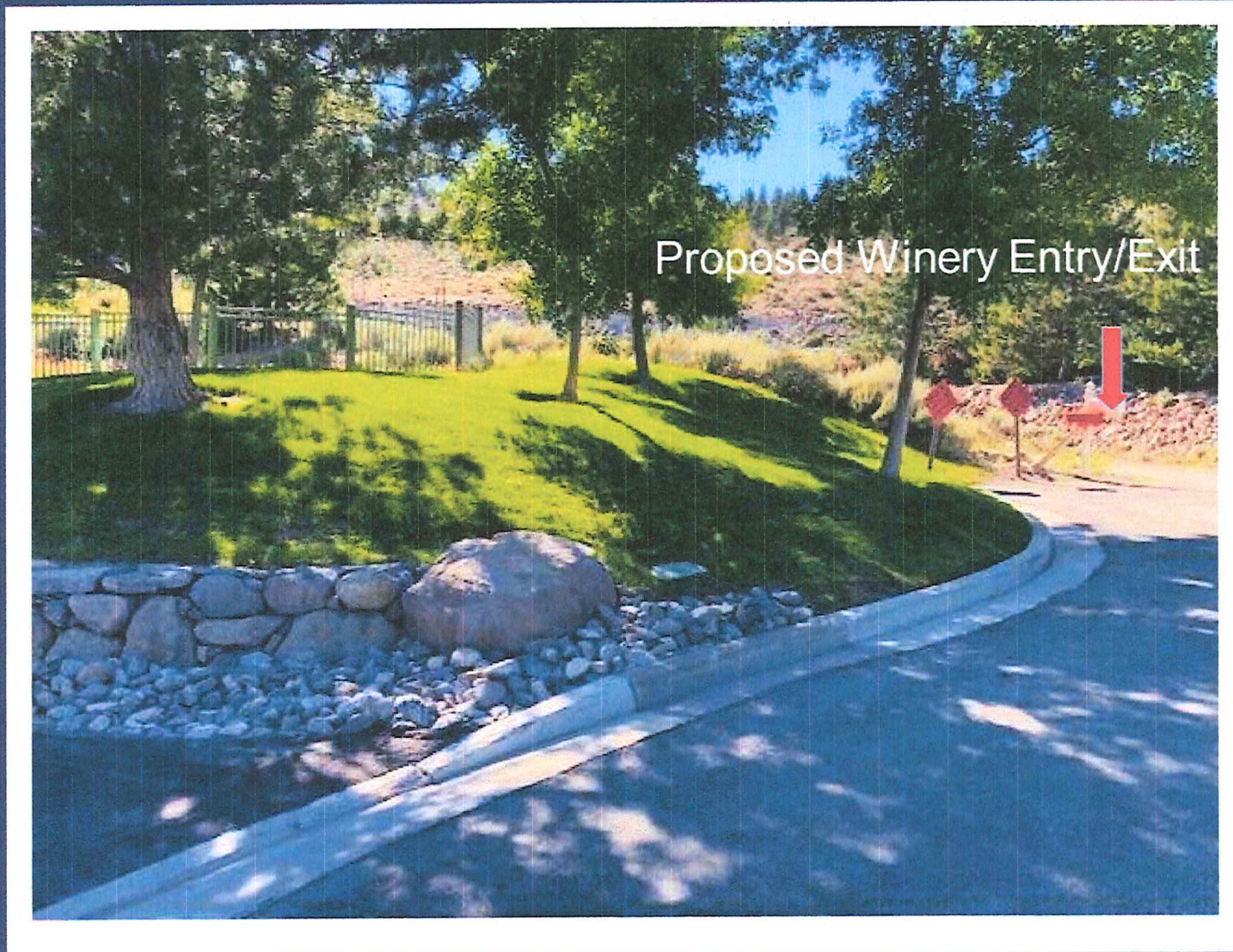
Attachment Four: Approach to Bordeaux (cont'd) From New Winery Exit Entrance (along rock wall)



Attachment Four: Additional Landscaping Between Road Entry Points Adjacent to the Proposed Winery Entrance Exit



Attachment Four: Additional Landscaping Between Road Entry Points Adjacent to the Proposed Winery Entrance Exit



Attachment Four: Moveable Stop Sign on Bordeaux Near Winery Exit Entrance



Attachment Five: Representative Left-Hand Turn Accident Statistics

NEVADA Strategic Highway Safety Plan

zero
Fatalities

Drive Safe Nevada



Always Buckle Up



Don't Drive Impaired



Focus on the Road



Stop on Red



Be Pedestrian Safe



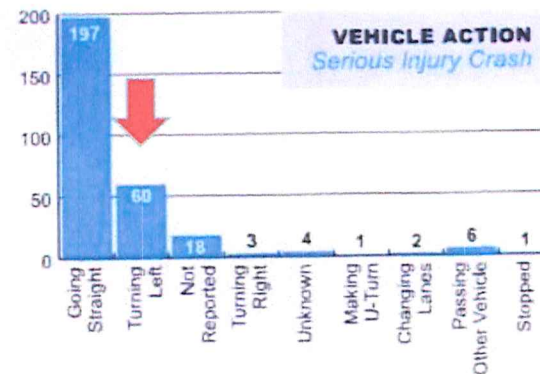
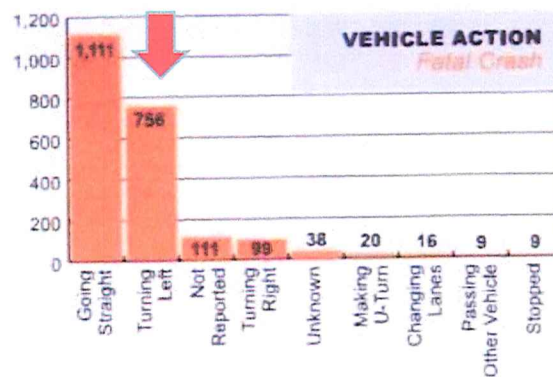
Ride Safe



NEVADA'S INTERSECTION SAFETY PROBLEM

Between 2012 and 2016, 301 people lost their lives and a staggering 2,212 were seriously injured in intersection-related crashes on Nevada roadways.

The goal of the Nevada Strategic Highway Safety Plan (SHSP) is to reach zero fatalities. This fact sheet provides information on who is involved in intersection-related fatal and serious injury crashes, where and when these crashes occurred, and why they happened. It also outlines how the State plans to reduce intersection-related fatalities and serious injuries.



Attachment Five: Representative Left-Hand Turn Accident Statistics (Cont'd)

Avoiding Left Turns



AIG Programs
Loss Control Bulletin

Avoiding Left Turns Improves the Bottom Line

If you could improve your bottom line by implementing a simple, low, or no cost solution, would you do it? Businesses that rely on automobiles to deliver goods or services, that solution is avoiding left turns.

Planning routes to avoid left turns will help drivers avoid accidents, improve delivery times, and decrease fuel expenses.

Avoid Accidents

The National Highway Traffic Safety Administration (NHTSA) reports that "close to half of the 5.8 million car crashes in the U.S. are intersection-related and the majority of those are the result of making a left turn." If the driving public made a conscious effort to reduce the number of left turns, then millions of car crashes could be avoided.

Accidents involving left-turns are preventable. Drivers making a left turn can be cited for "failure to yield" or "violating the right-of-way." Statistics indicates that there are substantial costs incurred with preventable motor vehicle accidents.


Accident Costs: Direct, Indirect, and Intangible

Direct Cost "Hard Dollars"	Indirect Cost "Soft Dollars"	Intangible "Soft Dollars"
Collision – Property Damage	Lost Revenue	Shift in Work Priorities
Liability – Property Damage or Bodily Injury	Lost Profit	Public Image/Reputation
Replacement Transportation	Lost Opportunity	Customer Retention/Employee Perception
Workers' Compensation (replacement labor,	Insurance	

Attachment Five: Representative Left-Hand Turn Accident Statistics (Cont'd)

Think about the last time you saw a UPS truck. Did it make a left-hand turn? Probably not, but do you know why?

While the initial practice started decades ago, now, with the assistance of GPS devices, computers and smart phones, UPS drivers can avoid left-hand turns even more easily – and they do. Carriers favor right-hand turns, and only turn left when the action is unavoidable. By doing so, the company saves millions of gallons of fuel each year, increases its delivery efficiency and avoids accidents.



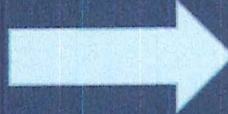
According to the *US National Highway Traffic Safety Association*, turning left is a **leading critical pre-crash event**, and occurs in 22.2 percent of crashes. Further, **approximately 61 percent of crashes that take place while turning or crossing an intersection involve a left-hand turn.**

Should trucks, big rigs and other commercial vehicles avoid left-hand turns to help promote road safety?

Avoiding Left-Hand Turns – Is the Strategy Safer?

UPS truck drivers aren't the only ones behind the wheel who can (and should) do their part to be cautious while driving.

According to the **CDL manual**, which addresses left-hand turns in Section 2, all truckers should follow this warning: "Before you start across a road, make sure you can get all the way across before traffic reaches you."



In a recent study, *CNN* reported that left-hand turns are often considered unsafe, and are three times more likely to kill pedestrians than right-hand turns.



A left-hand turn is generally dangerous, due to the fact that:

- This type of turn disrupts the flow of traffic
- Speed, oncoming traffic and pedestrians must be considered
- Not all drivers remember to use their turn signals

Though evidence supports that laws regarding left-hand turns should be re-evaluated, it doesn't seem that a change will happen any time soon.

Zero Fatalities®

Drive Safe Nevada

STRATEGIC HIGHWAY SAFETY PLAN (SHSP)

What is the SHSP?

Nevada's SHSP is a statewide, comprehensive safety plan that provides a coordinated framework for reducing fatalities and serious injuries on all Nevada public roads. The SHSP strategically establishes statewide goals, critical emphasis areas (CEAs), and strategies developed in consultation with federal, state, local, and private-sector safety stakeholders.

Nevada, under the leadership of the Nevada Department of Transportation (NDOT), completed development of the first SHSP in 2006. The plan was updated in 2011 (2011-2016 Plan) and 2016 (2016-2020 Plan). A broad range of state agencies and other organizations actively participate in the SHSP process through the Nevada Executive Committee on Traffic Safety (NECTS) and the CEA Task Forces. The process involves review of the data and results in strategies and action steps for the seven CEAs.

CEA Task Forces

Task Forces lead development and assist with implementation of multidisciplinary goals and strategies to combat traffic fatalities and serious injuries in each team's respective emphasis area. They also ensure team membership is multidisciplinary and includes representatives from a minimum of three of the 4Es of safety (engineering, enforcement, education, and emergency medical services), and follow up with state SHSP coordinators if assistance is needed on team composition.

CEA Task Forces Include:



Attachment Five: Representative Nevada "Zero Fatalities" Web Data

zero Fatalities[®]

Drive Safe Nevada

SAFETY PLAN

- What is the SHSP?
- Impaired Driving Prevention
- Intersection Safety**
- Lane Departure Prevention
- Motorcycle Safety
- Occupant Protection
- Pedestrian Safety
- Young Driver Safety

- Fact Sheets
- Proven Strategies
- Data
- Accomplishments
- The Four E's
- Highway Safety Manual
- Resources

THE ROAD TO ZERO

- Always Buckle Up
- Be Pedestrian Safe
- Don't Drive Impaired: Alcohol
- Focus on the Road
- Stop on Red
- Ride Safe

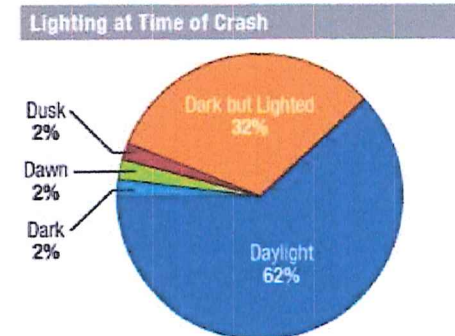
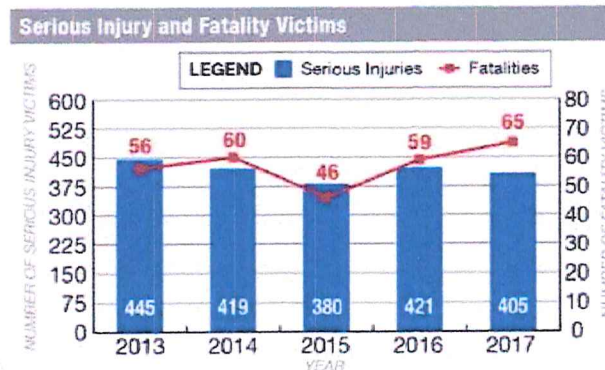


Intersection Safety Task Force

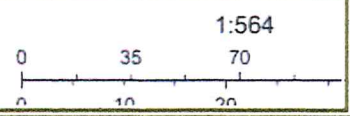
Stop on Red

Between 2013 and 2017, 282 people lost their lives and a staggering 2,085 were seriously injured in intersection-related crashes on Nevada roadways. The goal of the Nevada Strategic Highway Safety Plan (SHSP) is to reach zero fatalities. [Nevada's Intersection Safety Critical Emphasis Area Fact Sheet](#) provides information on who is involved in fatal and serious-injury intersection-related crashes, where and when these crashes occurred, and why they happened. The Fact Sheet also outlines critical strategies and action steps the State of Nevada plans to take in reducing impaired driving crashes in efforts to reach our goal of zero fatalities.

Intersection Crashes 2013 – 2017



Attachment Six: Proposed creation of the five-way entry point traffic circle in the middle of Bordeaux Drive(and again, just south of Montreux's school bus stop/zone)



Attachment Six: Proposed Location of Winery Entrance Exit just south of Montreux's School Bus Stop/Zone

Location of proposed Winery's Entrance/Exit as currently proposed



Attachment Six: Representative Vehicular Traffic and Pedestrian/Vehicle Interactions Comparisons

Roundabout

Intersection

● 8 Vehicle conflicts
■ 8 Pedestrian conflicts

● 32 Vehicle conflicts
■ 24 Pedestrian conflicts

Added graphic to highlight the vital importance of slowing traffic at conflict points:

Hit by a vehicle traveling at **20 MPH** 9 out of 10 pedestrians survive.

Hit by a vehicle traveling at **30 MPH** 5 out of 10 pedestrians survive.

Hit by a vehicle traveling at **40 MPH** only 1 out of 10 pedestrians survives.

These discussions regarding roundabouts never seem to cease. Anecdotes can be helpful, but in this case, there is a large body of study on the issue. Unless one asserts some type of driver exceptionalism (see incompetence), the evidence that roundabouts safer than traditional signalized or signed intersections is overwhelming. The Institute of Transportation Engineers (ITE), Federal Highway Administration and many state DOTs agree. If you're really into this, you can read the recent ITE here. A snapshot regarding previous research from around the world from that report:

In 1992, a before-and-after study was conducted in the Netherlands of 181 roundabouts that were previously stop controlled or signalized intersections. They found that the number of accidents in a year dropped by 51% on an average and the injury accidents decreased by an average forty four

SITE DEVELOPMENT...jpg set view.jpg d5887d6a-9df-4d...jpg unnamed.png image.png project image.png base picture.png

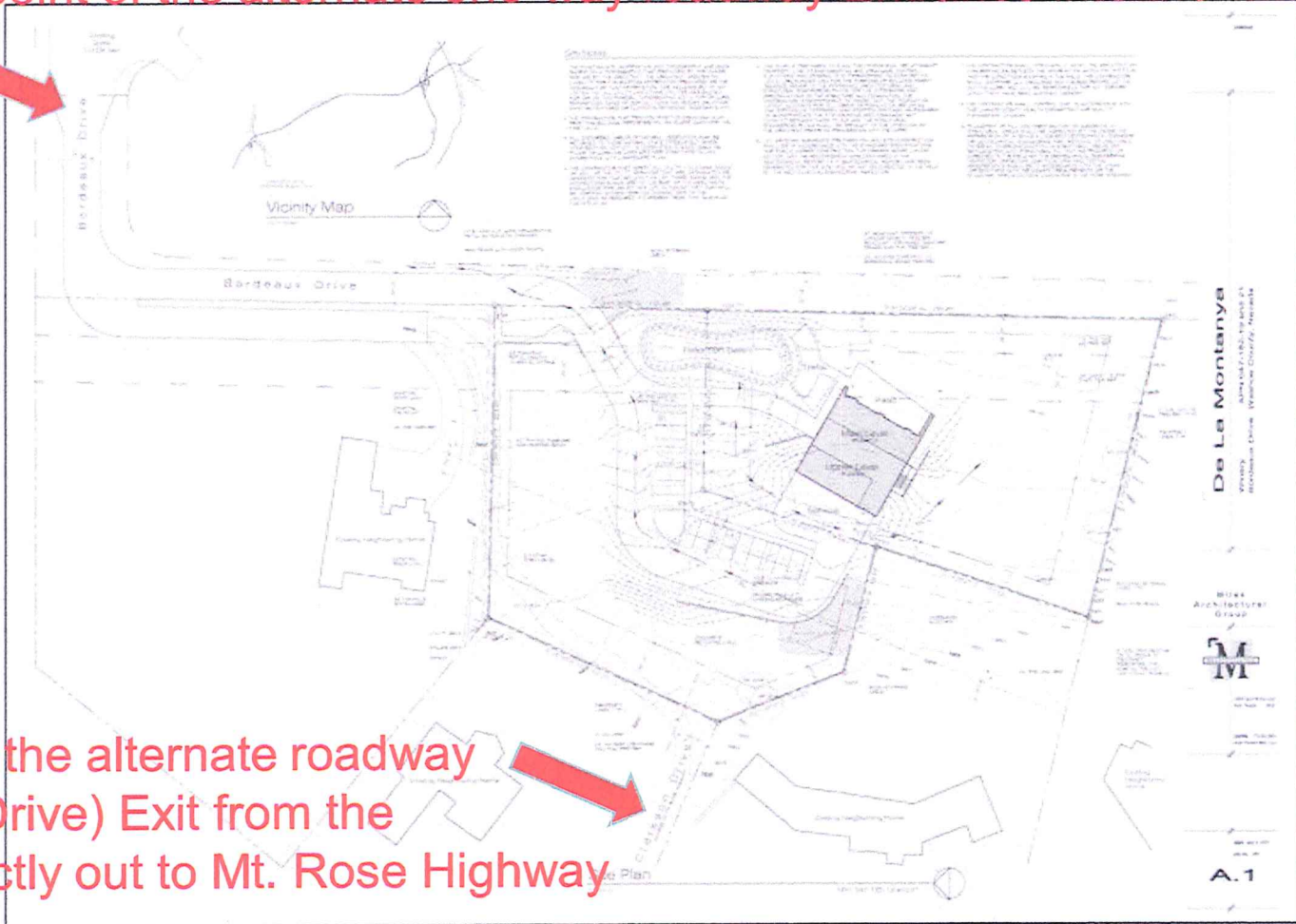
A Comparative Evaluation of the Safety Performance of Roundabouts and Traditional Intersection Controls

Shashi S. Nambisan and Venu Parimi

Abstract: One consideration influencing the deployment of roundabouts is that they help improve the safety characteristics of an intersection. This is partly because of factors such as the elimination of conflict points, and the reduction in the speeds of vehicles that traverse the intersection. This paper summarizes the results of a safety analysis of the roundabouts located in the Las Vegas metropolitan area in the USA. The Las Vegas metropolitan area has had several new roundabouts installed over the last decade or so. The evaluation consists of a comparison of traffic crashes in the proximity of roundabouts with those at comparable conventional stop controlled and signalized intersections. Traffic volumes were used to normalize the number of crashes. Five years of crash data were used for the study and the comparison of the intersection controls is done with respect to the time of the crash, contributing factors, type of crash, roadway conditions etc. Statistical tests were used to evaluate the significance of these results. The results indicate that intersections that had minor and medium levels of traffic volumes roundabouts were generally safer than the intersections that were stop controlled and signalized. However, high volume intersections with signalized traffic controls appeared to be safer than the corresponding candidate roundabouts. But, the results for the high volume intersections were statistically not significant.

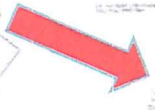
Attachment Seven: Adjacency of Project Location To Clarkson Drive

Beginning point of the alternate one-way roadway Entrance into the winery



Site Plan

Location of the alternate roadway (Clarkson Drive) Exit from the winery directly out to Mt. Rose Highway



Attachment Seven: Street View Toward Mount Rose Summit at Bordeaux

aps 16408 Mt Rose Hwy



Google

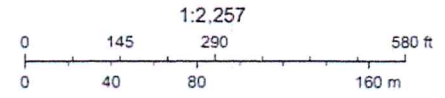
Image capture: Jul 2018 © 2019 Google

Attachment Seven: The essentially straight roadway approach in each direction at Clarkson Drive

Case Number: WADMIN19-0014 De La Montanya Winery_Straight Roadway at Clarkson Drive

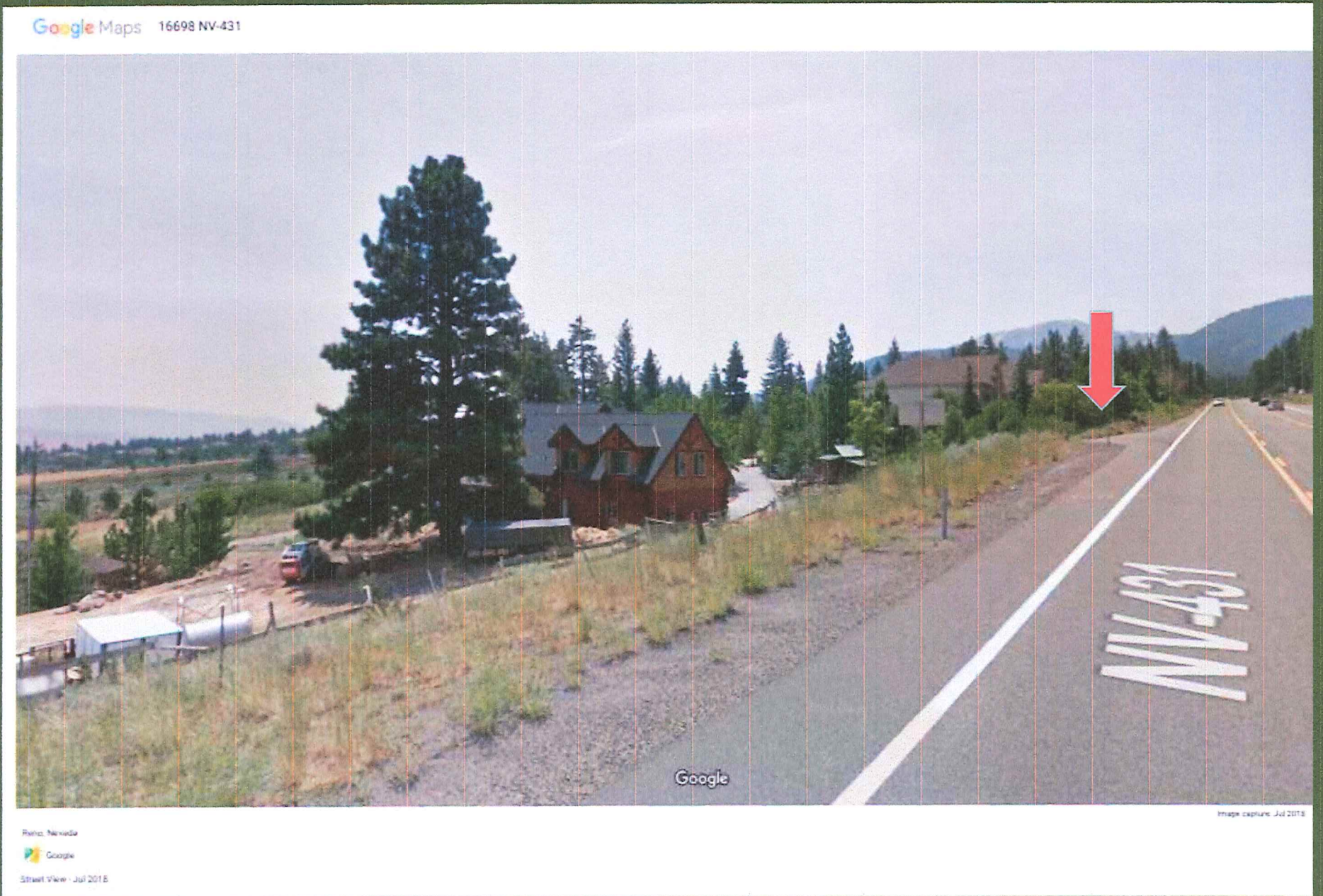


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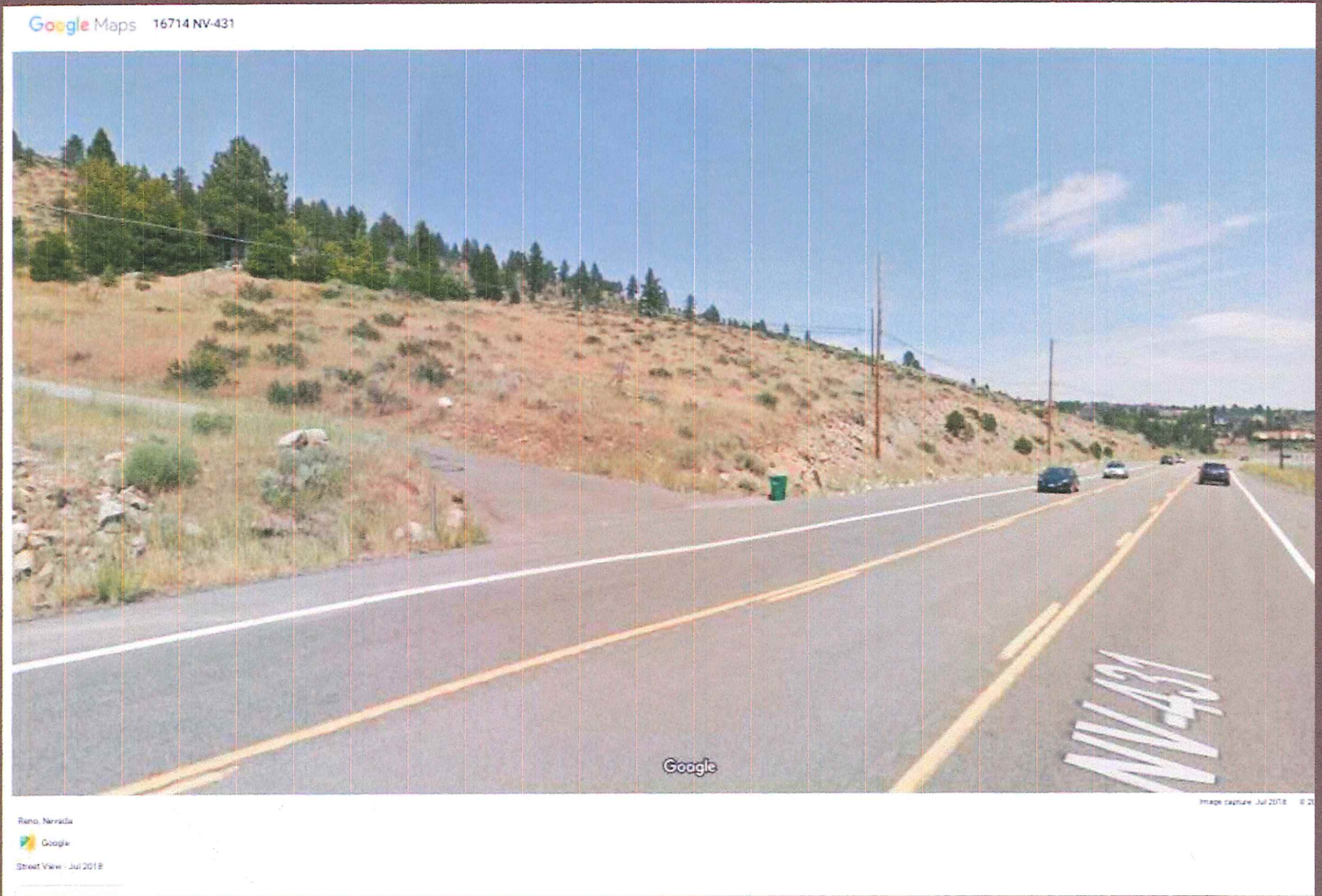


Washoe County
Washoe County GIS
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User
Community

Attachment Seven: Street View Toward Mount Rose Summit near Clarkson Drive



Attachment Seven: Street View South Toward Bordeaux Drive Near Clarkson Drive



The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on December 10, 2019.
by Community Services
for Agenda Item No. 20
and included here pursuant to NRS 241.020(8).



De La Montanya Winery – Appeal of Denial



Washoe County Commission

December 10, 2019

WADMIN19-0014

BCC 12-10-19 #20
Community Services





Vicinity Map



- 16435 and 16445
Bordeaux Drive
- 2 Parcels
- 2.02 acres
- Low Density Suburban



Previous Action

- **July 11, 2019: Citizen Advisory Board heard request; no action taken**
- **August 1, 2019: Board of Adjustment continued item to September meeting**
- **September 5, 2019: Board of Adjustment denied request, unable to make required findings**



Case Description

- Administrative permit for a winery use in the Low Density Suburban Regulatory Zone
- 4,199 sq ft building
 - Production area is 1,170 sq ft
 - Tasting and barrel rooms will be 2,400 sq ft total
- No Special Events (Weddings, etc) allowed
- 1 acre of vineyard



Background

- **16 parking spaces proposed**
 - WCC Section 410 requires a minimum of 5 parking spaces
- **The site is served by municipal water (TMWA) and sewer (Washoe County)**
- **Trip generation is expected to be around 30 ADT**
- **4 full time personnel**
- **This property had CC&R's established in 1964. The adjacent property owners under the CC&R's rescinded the CC&R's in May of 2019**



Public Comment

- **9 phone calls voicing opposition to the proposal**
- **Received 43 emails in opposition**
- **Received 13 emails in support**



Washoe County School Bus Stop

- **Bus 1620**
- **Pick up is at 9:03 AM**
- **Drop off is at 3:54 PM**
- **25 Students utilize this stop**



Director's Modification

- **The applicant submitted a Director's Modification application on August 8, 2019 to modify the buffer requirements, tree requirements, and the fencing requirements as is required from WCC 110.412.40 (c) and WCC 110.412.40(d).**



Recommendation

- Review information received and either affirm or reverse Board of Adjustment's denial
- Possible motions for each option on pages 3 and 4 of staff report