







Memorandum

Date: April 22, 2013

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Candice Sterling, *Environmental Health Specialist II* 
Susan LaBay, *Environmental Health Supervisor* 
Glenn Savage, *Director of Environmental Health* 
John Middaugh, M.D., *Interim Chief Health Officer* 

Petitioner: The Waterpark, LLC, d/b/a Wet 'n' Wild, 7055 S Ft Apache, Las Vegas, NV 89148.
For Health Permits: PR0096741, PR0096725, PR0096738, PR0096723,
PR0096740, PR0096724, PR0096742, and PR0096739
Takuya Ohki, General Manager

Subject: Variance Request to Operate Public Bathing Places not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, and NAC 444.278 [Assessor's Parcel Number (APN) 176-06-701-003]

I. BACKGROUND:

The Waterpark, LLC., d/b/a Wet 'n' Wild is petitioning for a variance as requested by Takuya Ohki, General Manager, of the Wet 'n' Wild Waterpark (See Attachment A: Nevada Secretary of State Corporation Information), to operate eight public bathing places not in compliance with the Nevada Administrative Code (NAC) 444.214.1, which states in part: "...*(a) For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof ... (b) For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof...*" NAC 444.214.2, which states in part: "...*minimum criteria for bathhouse plumbing facilities are based upon the anticipated maximum attendance in bathers...*" NAC 444.278, which states in part: "...*maximum number of bathers permitted within the pool enclosure must be posted at each facility. The number must be based on the area of the facility or on the sanitary facilities which are provided. The most restrictive regulation applies....*"

II. RECOMMENDATION:

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance. The granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety if the following conditions as recommended are included:

1. The petitioner agrees to increase the number of sanitary facilities should the Health Authority determine that current facilities are inadequate. Indicators of inadequate facilities include but are not limited to the following:
 - a. The patron wait time at the provided facilities exceeds three minutes
 - b. The sanitary conditions of the existing facilities cannot be maintained
 - c. The sanitary conditions of any body of water cannot be maintained
2. The petitioner agrees to increase the number of sanitary facilities as prescribed by the Health Authority according to the following timelines:
 - a. Shower heads will be added within one week of notification by the Health Authority
 - b. Restroom fixtures will be added within one calendar year of notification by the Health Authority to include: toilets, urinals and lavatories
3. The petitioner agrees to limit the park capacity to 1500 bathers should the Health Authority determine the existing facilities are inadequate
4. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spa Regulations, NAC 444
5. Failure of the petitioner to prevent public health and safety issues, as determined by the Health Authority, will result in the revocation of this variance
6. The variance is automatically terminated without further notice upon the closing of any sale transaction involving the subject property, or upon petitioner leasing or assigning operation of these public bathing facilities to any other person or entity

III. CONDITIONS:

The petitioner request a variance (See Attachment B: Variance Candidate Worksheet and Attachment C: Variance Application Letter) "...to provide 20% of the minimum required number of sanitary plumbing facilities..."

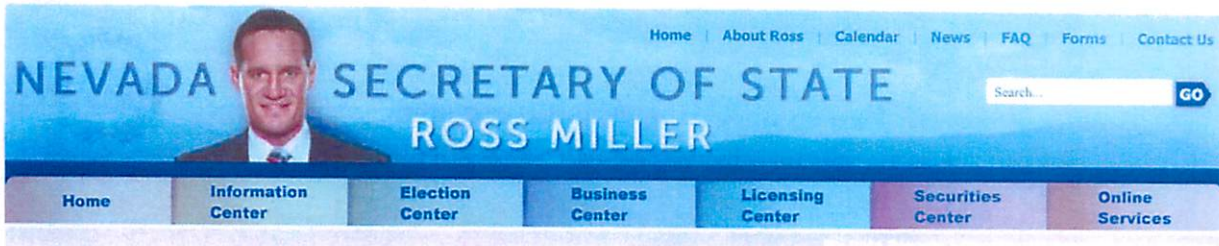
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Attachments:

- A: Nevada Secretary of State Corporation Information
- B: Variance Candidate Worksheet
- C: Variance Application Letter
- D: Assessor's Parcel Information
- E: Assessor's Map
- F: Public Notice
- G: Affidavit of Public Notice
- H: Site Map of Restrooms
- I: Facility Comparison Document

Attachment A: Nevada Secretary of State Corporation Information

Entity Details - Secretary of State, Nevada



THE WATERPARK, LLC

Business Entity Information			
Status:	Active	File Date:	10/12/2010
Type:	Domestic Limited-Liability Company	Entity Number:	E0491382010-3
Qualifying State:	NV	List of Officers Due:	10/31/2013
Managed By:	Managers	Expiration Date:	
NV Business ID:	NV20101746044	Business License Exp:	10/31/2013

Registered Agent Information			
Name:	ROGER BULLOCH	Address 1:	3175 WESTWOOD DR
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89109
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent		
Status:	Active		

[View all business entities under this registered agent](#)

Officers <input checked="" type="checkbox"/> Include Inactive Officers			
Manager - SCOTT R BULLOCH			
Address 1:	7055 S FT APACHE	Address 2:	
City:	LAS VEGAS	State:	NV
Zip Code:	89148	Country:	USA
Status:	Active	Email:	
Manager - TAKUYA OHKI			
Address 1:	7055 S FT APACHE	Address 2:	

Entity Details - Secretary of State, Nevada

City:	LAS VEGAS	State:	NV
Zip Code:	89148	Country:	USA
Status:	Active	Email:	

Actions/Amendments
[Click here to view 5 actions/amendments associated with this company](#)

[Information Center](#) | [Election Center](#) | [Business Center](#) | [Licensing Center](#) | [Securities Center](#) | [Online Services](#) | [Contact Us](#) | [Sitemap](#)

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Attachment B: Variance Candidate Worksheet

**PUBLIC SWIMMING FACILITY OR FOOD ESTABLISHMENT
VARIANCECANDIDATE WORKSHEET**
(Follow Variance Procedure Worksheet Steps on Page 4)

PART I

Name of Facility/Establishment: The Waterpark at Summerlin – (dba) Wet ‘n’ Wild
Health Permit No.: PR0096741, PR0096725, PR 0096738, PR0096723, PR0096740, PR0096724, PR0096742, and PR0096739
Date of Inquiry: March 8, 2013
Name of Operator/Agent: Harvest Family Entertainment Nevada LLC
Address of Operator/Agent: 20783 N 83rd Ave, Ste 103-229, Peoria, AZ 85382
Phone Nos. of Operator/Agent: Greg Yost
Office:
Cell: 623-326-9211
Fax: 632-399-4909

If corporation, the name/title of person to sign Variance document:

Name: Takuya Ohki
Title: General Manager

Name of Property Owner: The Water Park LLC
Address of Property Owner: 10091 Park Run Drive, Site 190, Las Vegas, NV 89145
Phone Nos. of Property Owner:
Office: **Cell:** 1-808-384-9283 **Fax:** 702-331-7565
Property Address: 7055 S. Fort Apache Rd., Las Vegas, NV 89145

Assessor's Parcel Number (APN): 176-06-701-003

Describe location within larger facility (i.e., shopping mall, hotel/casino/resort, etc.):

- The bathhouse and restroom are located within the waterpark complex.
- a. The Main Bathhouse is located near the park entrance on the east side of the park.
 - b. The Secondary Restroom is located in the Island area in the southwest area of the park.

Describe Variance issue(s):

- I. **Bathhouse Requirements:** A request for a variance on “Bathhouse” requirements submitted on behalf of The Waterpark at Summerlin. The owner specifically requests a variance from NAC 444.214.1, NAC 444.214.2, and NAC 444.278 for the above referenced bodies of water.

The requested variance is for the ability to provide 20% of the minimum required number of sanitary plumbing facilities as shown in table below.

Fixtures	Men's				Women's		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers
Required per NAC	69	69	69	172	138	69	172
Variance Request per Submitted Plan	15	16	11	17	31	15	16

The sections of the Nevada Administration Code that apply to the request for a variance are:

NAC 444.214 Minimum sanitary plumbing facilities. (NRS 439.200, 444.070)

1. Minimum sanitary plumbing facilities must be provided at each public bathing or swimming facility as follows:
 - (a) For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which will be assumed to be adequate for the first 80 bathers. One additional shower head must be provided for each additional 40 bathers.
 - (b) For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which is presumed to be adequate for the first 80 bathers. One shower head must be added for each 40 additional bathers.
 - (c) Fixture schedules should be increased for facilities at schools or other similar locations where bather loads may reach peaks due to schedules of use.
2. These minimum criteria for bathroom plumbing facilities are based upon the anticipated maximum attendance in bathers.

NAC 444.278 Capacity. (NRS 439.200, 444.070)

1. For the purpose of determining the capacity of any pool in a public bathing or swimming facility, those portions of the pool less than 5 feet (1.52 meters) deep or from the breakpoint to the shallow end is designated as the "nonswimming" area and the portion of the pool more than 5 feet (1.52 meters) deep or from the breakpoint to the deep end is designated as the "swimming" area.
2. The maximum number of bathers permitted within the pool enclosure at one time must be based on the following formula:

$$\text{Maximum Bathing Load} = \frac{\text{Nonswimming Area (ft.}^2\text{)}}{10} + \frac{\text{Swimming Area (ft.}^2\text{)}}{24}$$

3. The health authority may make additional allowance in cases of facilities with extensive deck areas used by patrons for lounging or sunbathing.
4. The maximum number of bathers permitted within the pool enclosure must be posted at each facility. The number must be based on the area of the facility or on the sanitary facilities which are provided. The most restrictive regulation applies.
5. The owner of the facility is responsible for seeing that the maximum capacity is not exceeded.

PART II

Nevada Administrative Code 439.240 states in general that certain conditions or circumstances must be shown to

exist in order for a Board of Health to approve a request for a Variance from adopted public health regulations. A variance application letter (as noted below in PART III) MUST specifically address each of the following issues:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation. Please indicate how your request is unique to your situation and is, therefore, not likely to affect other persons subject to specific regulation:

Bathroom Requirements: Because Nevada Administrative Code Chapter 444 does not specifically take into account waterparks the size and scope of Wet 'n' Wild Bay Las Vegas, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and or operate a waterpark as per the NAC 444.

2. There must be circumstances or conditions which make compliance with the regulation unduly burdensome and cause a hardship to and abridge a substantial property right of the applicant, and the variance is necessary to render substantial justice to and preserve the property rights of the applicant. Please indicate in what manner compliance with the regulation would be burdensome or cause a hardship on your business or how the free use of your property may be affected (if economic factors are an issue, please include estimates regarding the costs that would be incurred by compliance):

Bathroom Requirement Hardships:

- A. Compliance with this regulation would cause the following hardships to the business. The cost to construct bathrooms/restrooms to meet regulatory compliance would cost an estimated \$25 million. Also the required space to construct buildings to house the fixture count as per NAC 444 is not feasible or realistic to consider.
- B. In addition to the hardship incurred by the owner and operator by compliance with the regulation, the State of Nevada, Clark County and the City of Henderson will each realize negative impacts if this project is not build as summarized:
 - i. **Taxable Revenue:** Total Projected Taxable Revenue to the community is projected at \$13.9 million in 2013, increasing to \$16.1 million in 2014 and \$18.6 million in 2015.
 - ii. **Community Business Revenue:** Total Operating Expenses where revenue generated into the community for services rendered are anticipated to be \$10-12 million annually.
 - iii. **Construction Revenue:** Total Economic Impact on the region during the construction phase is projected to be approximately \$26 million with contractors, hotels, food services, suppliers, banks and vendors contracting their services to the project.

3. Granting the variance will not be detrimental or pose a danger to the public health and safety. Please provide evidence that the variance request, if approved, will not adversely affect the safe and sanitary operation of the applicant(s) pool, spa, or food establishment:

I. **Bathroom Fixtures:**

- a. The Waterpark at Summerlin is providing two (2) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, The Waterpark is providing six (2) unisex family restrooms, which are highly favored by waterpark patrons, and allow parents with small children to more conveniently, utilize the facilities.
- b. The proposed bathroom fixture counts are in line with waterpark industry standards. The Waterpark at Summerlin is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathroom facilities to use.

NAC 439.240 Approved by board.

1. The state board of health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
 - (a) There are circumstances or conditions which:
 - (1) Are unique to the applicant

- (2) Do not generally affect other persons subject to the regulation;
 - (3) Make compliance with the regulation unduly burdensome; and
 - (4) Cause of a hardship to and abridge a substantial property right of the applicant; and
- (b) Granting the variance:
- (1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and
 - (2) Will not be detrimental or pose a danger to public health and safety.
2. Whenever an applicant for a variance alleges that he suffers or will suffer economic hardships by complying with the regulations, he must submit evidence demonstrating the costs of his compliance with the regulation. The board will consider the evidence and determine whether those costs are unreasonable. [Bd. Of Health, Variance Reg.§§ 2.7-2.8, eff. 10-16-80; A 2-5-82; 1-19-84]

PART III:

A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to Glenn D. Savage, Environmental Health Division (EHD) Director no later than six (6) weeks before the monthly Board of Health Meeting on the 4th Thursday except in November and December which is on the 3rd Thursday. The Application letter must be on the owner's letterhead signed by the Owner/Corporate Officer specifically listing which part(s) of the Regulation the proposed Variance covers with this completed Worksheet as an attachment. The written Application Letter must take particular care in providing statements and evidence of circumstances or conditions and reasons why the District Board of Health should grant the Variance as listed in NAC 439.240 as shown at the top of this page. *ALL information you have provided in PART I and II of this Worksheet must be included in the body of the letter.* The evidence required may include 8 1/2" x 11" or 11" x 17" detailed drawings and/or photographs.

The Variance process is outlined in Nevada Administrative Code (NAC) 439.200 through 439.260 with the exception that an application fee is payable to SOUTHERNNEVADAHEALTH DISTRICT (SNHD).

Attachment C: Variance Application Letter



March 8, 2013

Glenn D. Savage, REHS
Environmental Health Director
Southern Nevada Health District
330 S. Valley View Blvd.
Las Vegas, NV 89127

Re: The Waterpark LLC, (dba) Wet 'n' Wild of Las Vegas

Request for a variance on Bathhouses: NAC 444.214.1, NAC 444.214.2 and NAC 444.278.

- Freefall Slide
- Warming Pool
- Tot's Pool
- Mat Racer
- Tube Slides
- Wave Pool
- Lazy River
- Rain Fortress

Dear Mr. Savage;

Please accept this letter as a request for variance, referenced above, for the bathhouse requirements, submitted on behalf of The Water Park, LLC. The Owner specifically requests a variance from NAC 444.214.1, NAC 444.214.2 and NAC 444.278 for the bodies of water listed above.

The requested variance is for the ability to provide a realistic number of sanitary plumbing facilities to reasonably accommodate a waterpark facility the size of Wet 'n' Wild Las Vegas, which is not specifically addressed in NAC 444.

The sanitary plumbing facilities comparison matrix for Wet 'n' Wild Las Vegas is as follows:

REQUIRED FIXTURE COUNT

Fixtures	Men's				Women's		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers
Required per NAC 444	69	69	69	172	138	69	172
Variance Request per Submitted Plan	13	12	12	6	25	12	6

The sections of the Nevada Administrative Code that apply to the request for a variance are:

NAC 444.214 Minimum sanitary plumbing facilities. (NRS 439.200, 444.070)

1. Minimum sanitary plumbing facilities must be provided at each public bathing or swimming facility as follows:
 - (a) For males: One water flush toilet, two water flush urinals and one lavatory is presumed adequate for the first 100 bathers. One water closet, one urinal and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which will be assumed to be adequate for the first 80 bathers. One additional shower head must be provided for each additional 40 bathers.
 - (b) For females: Not less than three water flush toilets and one lavatory must be provided which will be assumed to be adequate for the first 100 bathers. Two water closets and one lavatory must be provided for each additional 100 bathers or major fraction thereof. Not less than two shower heads must be provided which is presumed to be adequate for the first 80 bathers. One shower head must be added for each 40 additional bathers.
 - (c) Fixture schedules should be increased for facilities at schools or other similar locations where bather loads may reach peaks due to schedules of use.
2. These minimum criteria for bathroom plumbing facilities are based upon the anticipated maximum attendance in bathers.

NAC 444.278 Capacity. (NRS 439.200, 444.070)

1. For the purpose of determining the capacity of any pool in a public bathing or swimming facility, those portions of the pool less than 5 feet (1.52 meters) deep or from the breakpoint to the shallow end is designated as the "nonswimming" area and the portion of the pool more than 5 feet (1.52 meters) deep or from the breakpoint to the deep end is designated as the "swimming" area.
2. The maximum number of bathers permitted within the pool enclosure at one time must be based on the following formula:

$$\text{Maximum Bathing Load} = \frac{\text{Nonswimming Area (ft.}^2\text{)}}{10} + \frac{\text{Swimming Area (ft.}^2\text{)}}{24}$$

3. *The health authority may make additional allowance in cases of facilities with extensive deck areas used by patrons for lounging or sunbathing.*
4. *The maximum number of bathers permitted within the pool enclosure must be posted at each facility. The number must be based on the area of the facility or on the sanitary facilities which are provided. The most restrictive regulation applies.*
5. *The owner of the facility is responsible for seeing that the maximum capacity is not exceeded.*

Because the Nevada Administrative Code Chapter 444 does not specifically take into account waterparks the size and scope of Wet 'n' Wild Las Vegas, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and or operate a waterpark as per the NAC 444.

Wet 'n' Wild Las Vegas has researched and proposed a realistic fixture count that is in line with waterpark industry standards. In addition, Wet 'n' Wild Las Vegas is providing two (2) separate restroom facilities, strategically placed within the park to make restrooms easily accessible to patrons throughout the park. Included in the requested variance, Wet 'n' Wild Las Vegas is providing two (2) unisex family restrooms, which are highly favored by waterpark patrons and allow parents with small children to more conveniently utilize the facilities.

Compliance with this regulation would cause the following hardships to the business. The cost to construct bathhouses/restrooms to meet regulatory compliance would cost an estimated \$2.5 million. Also the required space to construct buildings to house the fixture count as per NAC 444 is not feasible or realistic to consider.

In addition to the hardship incurred by the owner and operator by compliance with the regulation, the State of Nevada, Clark County and the City of Las Vegas will each realize negative impacts if this project is not build as summarized:

- i. **Taxable Revenue:** Total Projected Taxable Revenue to the community is projected at \$13.9 million in 2013, increasing to \$16.1 million in 2014 and \$18.6 million in 2015.
- ii. **Community Business Revenue:** Total Operating Expenses where revenue generated into the community for services rendered are anticipated to be \$10-12 million annually.
- iii. **Construction Revenue:** Total Economic Impact on the region during the construction phase is projected to be approximately \$26 million with contractors, hotels, food services, suppliers, banks and vendors contracting their services to the project.

The proposed bathhouse fixture counts are in line with waterpark industry standards. Wet 'n' Wild Las Vegas is committed to providing adequate facilities to ensure its patrons are safe and have sanitary bathhouse facilities to use.

PROPOSED FIXTURE COUNT

Fixtures	Men's				Women's			Family		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers	Toilets	Lavatories	Showers
Bathhouse	10	10	10	6	20	10	6	2	2	2
Secondary Restroom	3	2	2	0	5	2	0	0	0	0
Totals	13	12	12	6	25	12	6	2	2	2

Thank you for considering this request for a variance. Please contact me if you need additional information concerning this matter.

Sincerely,



Takuya Ohki
General Manager

Attachment D: Assessor's Parcel Information

Clark County Real Property

Page 1 of 1

GENERAL INFORMATION	
PARCEL NO.	176-06-701-003
OWNER AND MAILING ADDRESS	HUGHES HOWARD COMPANY L L C 10801 W CHARLESTON BLVD 3RD FL LAS VEGAS NV 89135-1200
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	7055 S FORT APACHE RD SPRING VALLEY
ASSESSOR DESCRIPTION	PARCEL MAP FILE 111 PAGE 57 LOT 2 SEC 06 TWP 22 RNG 60
RECORDED DOCUMENT NO.	* 20030501:03089
RECORDED DATE	05/01/2003
VESTING	NO STATUS
COMMENTS	CA-20101117:3204,3205

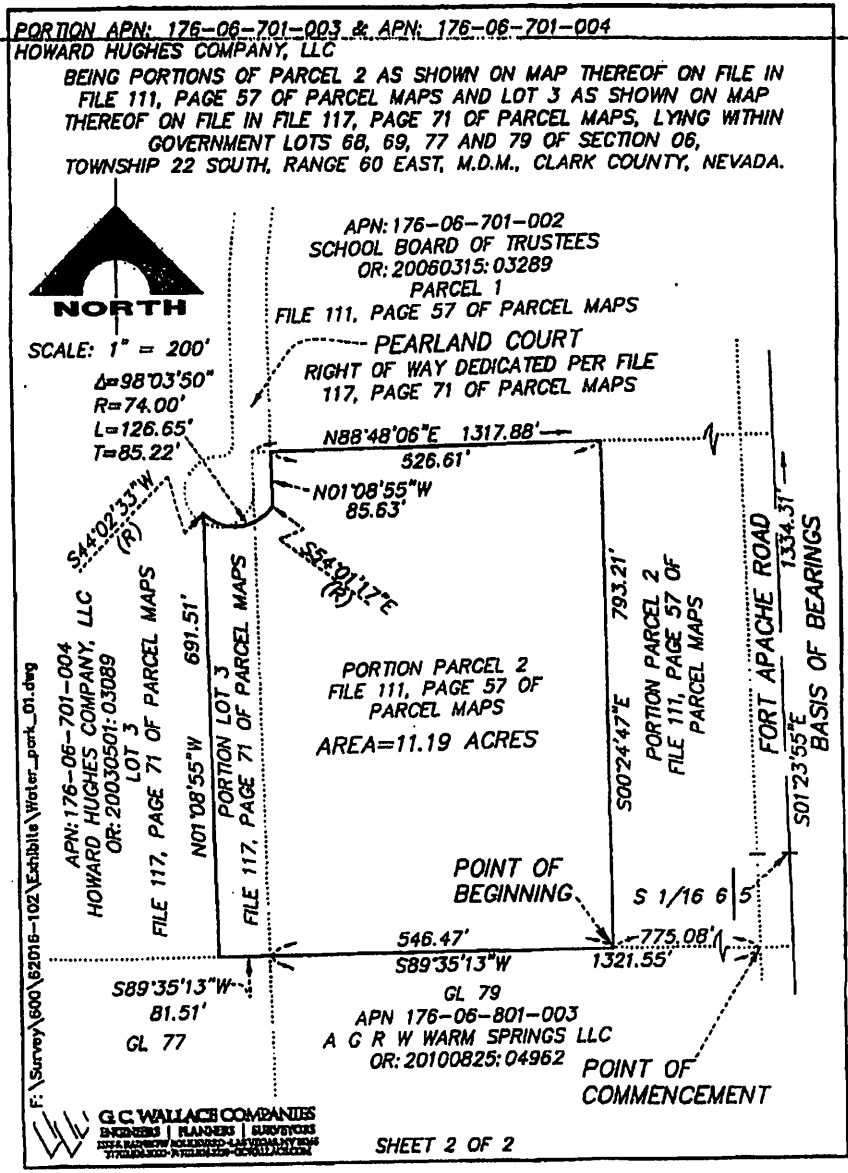
*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
TAX DISTRICT	417
APPRAISAL YEAR	2012
FISCAL YEAR	12-13
SUPPLEMENTAL IMPROVEMENT VALUE	0
SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER	N/A

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2012-13	2013-14
LAND	126368	189551
IMPROVEMENTS	0	0
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	126368	189551
TAXABLE LAND+IMP (SUBTOTAL)	361051	541574
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	126368	189551
TOTAL TAXABLE VALUE	361051	541574

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	24.07 Acres
ORIGINAL CONST. YEAR	0
LAST SALE PRICE MONTH/YEAR	0
LAND USE	0-00 VACANT
DWELLING UNITS	0

Attachment E: Assessor's Map



Attachment F: Public Notice



PUBLIC NOTICE

The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on **APRIL 22, 2013** at 5:00 p.m. during its monthly meeting held at **330 S. VALLEY VIEW BOULEVARD, LAS VEGAS, NEVADA 89107** to approve or deny a variance request to operate a public bathing place not in compliance for The Waterpark at Summerlin, (dba) Wet 'n' Wild Las Vegas, located at 7055 S. Fort Apache Road, Las Vegas, Nevada 89145, APN 176-06-701-003. Note, if this application is not presented at the April 22, 2013 meeting, it will be presented at the May 23, 2013 meeting.

The variance request is made to allow the Petitioner to construct and operate public bathing places which are not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing Places and Public Spas: NAC 444.212.2 General Requirements; NAC 444.214 Minimum Sanitary Plumbing Facilities; and NAC 444.290 Spectators and Non-bathers.

Interested persons may appear at the public hearing and present their views thereon. Written comments will also be considered by the Southern Nevada Health District Board of Health and must be forwarded to Susan LaBay, Environmental Health Supervisor, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-3902, no later than April 10, 2013. The variance application request is available for review at the Southern Nevada Health District, Environmental Health Division, 330 S. Valley View Blvd, Las Vegas NV 89107.

If there are special viewing needs, please contact Aivelhyn Santos at (702) 759-0571 to schedule an appointment to review the permit application during normal business hours of 8:00 a.m. to 4:00 p.m. Copies of the documents may be requested during that time for \$1.00 per page.



Glenn D. Savage, R.E.H.S., Environmental Health Director
Southern Nevada Health District

4/2/13

Date

Attachment G: Affidavit of Public Notice

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

SOUTHERN NEVADA HEALTH DIST 7591204SOU 8435987

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/03/2013 to 04/03/2013, on the following days:

04/03/2013

SNHD
SOUTHERN NEVADA HEALTH DISTRICT

PUBLIC NOTICE

THE SOUTHERN NEVADA DISTRICT BOARD OF HEALTH will conduct a PUBLIC HEARING on APRIL 22, 2013 at 8:00 p.m. during its monthly meeting held at 330 S. VALLEY VIEW BOULEVARD, LAS VEGAS, NEVADA 89107 to approve or deny a variance request to operate a public bathing place not in compliance for The Waterpark at Summerlin (dba) West of which Las Vegas, located at 7025 S. Fort Apache Road, Las Vegas, Nevada 89146, APN 178-06-701-003. Note, if this application is not presented at the April 22, 2013 meeting, it will be presented at the May 23, 2013 meeting.

The variance request is made to allow the Petitioner to construct and operate public bathing places which are not in accordance with the Nevada Administrative Code (NAC) 444 Public Bathing, Pools and Public Spas; NAC 444.212.2 General Requirements; NAC 444.214 Minimum Sanitary Plumbing Facilities; and NAC 444.290 Spectators and Non-bathers.

Interested persons may appear at the public hearing and present their views thereon. Written comments will also be considered by the Southern Nevada Health District Board of Health and must be forwarded to Susan LeMay, Environmental Health Supervisor, Southern Nevada Health District, P.O. Box 3302, Las Vegas, Nevada 89127-3302, no later than April 10, 2013. The variance application request is available for review at the Southern Nevada Health District, Environmental Health Division, 330 S. Valley View Blvd, Las Vegas NV 89107.

If there are special viewing needs, please contact Alveyn Santos at (702) 799-0571 to schedule an appointment to review the permit application during normal business hours of 8:00 a.m. to 4:00 p.m. Copies of the documents may be requested during that time for \$1.00 per page.

Glenn D. Savase, P.E.H.S.,
Environmental Health Director
Southern Nevada
Health District

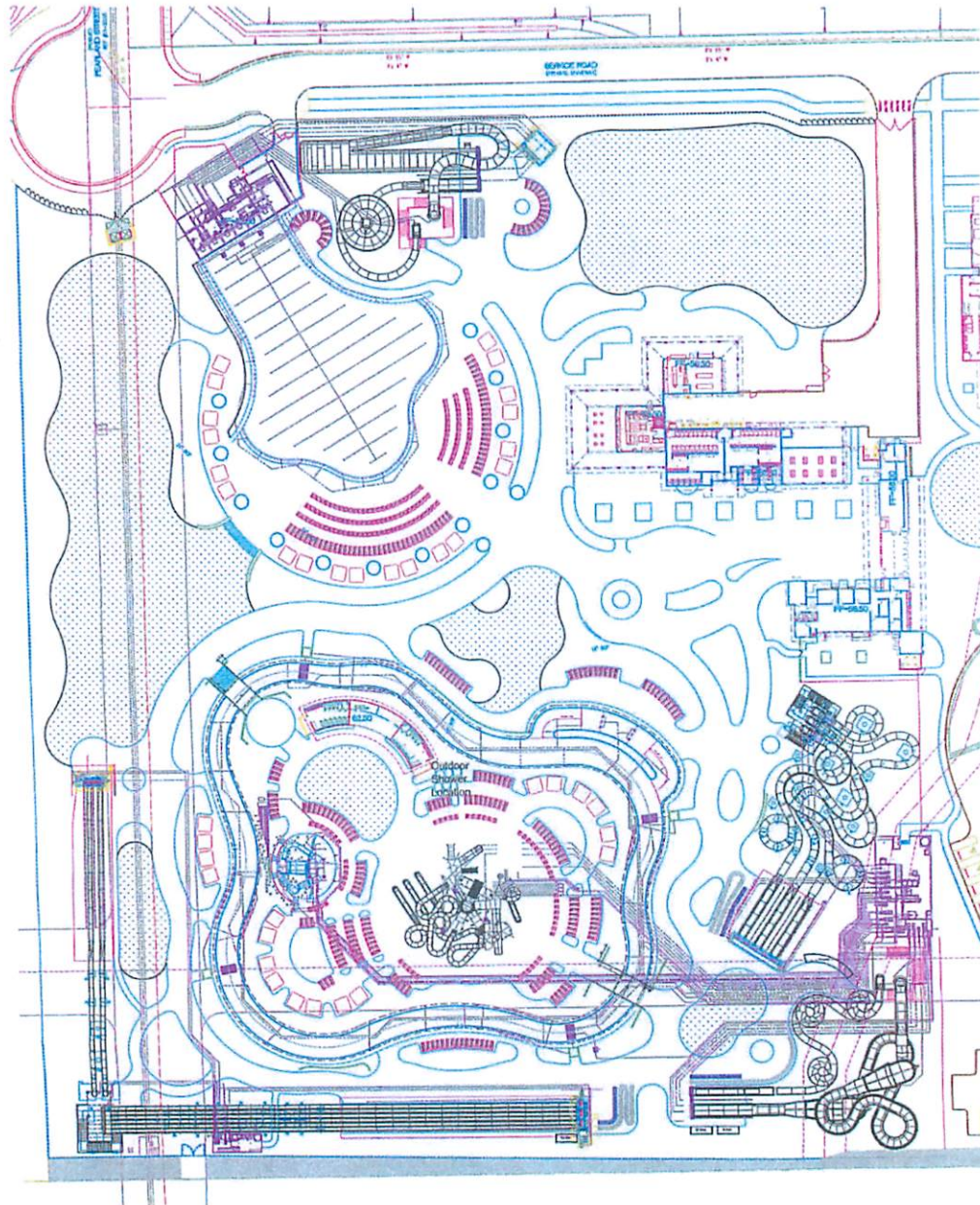
PUB: April 2, 2013
LV Review-Journal

Signed: _____
 SUBSCRIBED AND SWORN BEFORE ME THIS, THE
 4th day of April, 2013.

 Notary Public

MARY A. LEE
 Notary Public State of Nevada
 No. 09-8941-1
 My Appt. Exp. Nov. 13, 2016

Attachment H: Site Map of Restrooms



Attachment I: Facility Comparison Document

Waterpark Sanitary Plumbing Facilities Comparison Matrix

The following are actual sanitary facility count conducted at similar waterpark properties

WNW Las Vegas		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
Main Bathhouse	11.5	10	10	10	20	10
Island Restrooms	11.5	3	2	2	5	2
Las Vegas Total	11.5	13	12	12	25	12

Phoenix AZ		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
4000	32	8	8	9	15	9
Contact: Scott Cooper / General Manager (602) 799-2278						

LEGOLand/San Diego		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
3000	5.5	5	4	7	10	8
Contact: Peter Ronchetti / General Manager (760) 918-5346						

Soak City/Palm Springs		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
3000	12	12	10	9	16	9
Contact: Bill Lentz / General Manager (760) 322-3865						

Garland TX		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
2500	9	5	5	7	14	7
Contact: Jim Stone / Parks Director (972) 205-2750						

Colony TX		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
2400	9	3	4	5	12	5
Contact: Clint Hill / General Manager (972) 741-5094						

Mansfield TX		Men's			Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory	Toilets	Lavatory
3200	12	4	7	5	13	5
Contact: Shelly Lanners / Parks Director: 817-343-3739						

Roanoke TX		Men's				Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory		Toilets	Lavatory
2300	8	4	5	5		11	5
Contact: Don Smith / General Manager (817) 853-0099							

WWW Hawaii		Men's				Women's	
Park Capacity	Acre	Toilets	Urinals	Lavatory		Toilets	Lavatory
3500	19	10	10	15		11	15
Contact: Buren Shen / General Manager (808) 440-2928							

HARDSHIP CONSIDERATION. With another water park creating competition, our attendance and revenue forecast will be negatively impacted in comparison to our original plan. We are requesting the same fair business practices that were offered to our competitor by the City of Henderson and SNHD. The approximate 1 million dollars cost to build the plumbing fixtures, which complies with the current prescriptive code requirements, will impose hardship to the overall financial viability to the project. As referenced in the above matrix, our current restroom and plumbing fixture count exceed the ratios from other water parks at locations in the country. Unlike concert venues or sports arenas where guests use restroom facilities at the same time during halftime or intermission, water park guests use bathroom