



# Memorandum

**Date:** April 28, 2014

**To:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

**From:** Jacquelyn Raiche-Curl, REHS, Environmental Health Supervisor  
Paul Klouse, REHS, Environmental Health Manager  
Jacqueline Reszetar, Director of Environmental Health  
Joseph P. Iser, MD, DrPH, MSc, Chief Health Officer

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**Subject:** Variance Request to Operate a Public Bathing Places not in Compliance with the Nevada Administrative Code NAC 444.214.1, NAC 444.214.2, NAC 444.278, NAC 444.133 and NAC 444.134, Henderson Water Park LLC, d/b/a Cowabunga Bay Water Park, 900 Galleria Drive, Henderson, NV 89011. [Assessor's Parcel Number (APN) 161-35-402-021] For Health Permits: PR0104086, PR0104426, PR0104427, PR0104428, PR0104429, PR0104430, PR0104431, PR0104432; Shane Huish, Manager/Owner's Agent

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## I. BACKGROUND:

Henderson Water Park, LLC., d/b/a Cowabunga Bay Water Park is petitioning for a variance as requested by Shane Huish, Manager, of the Cowabunga Bay Water Park, 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...*" In addition, NAC 444.133, which states in part: "...*(c) Be perpendicular to the edge of the pool at any point where it meets the edge or, if the edge is curved at the point of intersection, to a tangent passing through that point...*" NAC 444.134, which states in part: "...*a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a*

*distance equal to not more than 10 percent of the perimeter of the pool if: (a) The design of the obstruction does not endanger the health or safety of persons using the pool; (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool...."* The public bathing places will be located on APN 161-35-402-021, at 900 Galleria Drive, Henderson, Nevada.

## II. DISCUSSION:

The petitioner request a variance "...to provide 20% of the minimum required number of sanitary plumbing facilities..." and "... for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degree requirements."

### Bathroom Requirements:

The requested variance is for the ability to provide a realistic number of sanitary plumbing facilities to reasonably accommodate a water park facility the size of Cowabunga Bay, which is not specifically address in NAC 444.

The sanitary plumbing facilities comparison matrix for Cowabunga Bay is as follows:

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	12	11	21	28	11	21

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 bathhouse 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 Nevada Administrative Code Chapter 444 does not specifically take into account water parks the size and scope of Cowabunga Bay, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and or operate a water park as per the NAC 444.

Cowabunga Bay has researched and proposed a realistic fixture count that is in line with water park industry standards. In addition, Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by water park patrons and allows parents with small children to more conveniently utilize the facilities.

The proposed bathhouse fixture counts are in line with water park industry standards (standards are established by the World Water Park Association, located at 8826 Santa Fe Drive, Suite 310 Overland Park, KS 66212 Phone: 913.599.0300. Cowabunga Bay is committed to provide 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
<b>Bathhouse</b>	5	5	5	16	12	5	16	8	4	4
<b>Secondary Restrooms</b>	4	4	2	-	8	2	-	2	2	1
<b>Ancillary Restrooms</b>	1	2	1	-	3	1	-	-	-	-

**Unobstructed Deck/Bridges:**

The requested variance is for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degrees requirements.

The section of the Nevada Administration Code that applies to the request for a variance is:

**NAC 444.134 Decks. ([NRS 439.200](#), [444.070](#))**

1. Except as otherwise provided in this subsection and in [NAC 444.196](#) and [444.1995](#), a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool if:
  - (a) The design of the obstruction does not endanger the health or safety of persons using the pool;
  - (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool; and
  - (c) Written approval for the obstruction is obtained from the health authority before construction or installation of the obstruction.
2. The paved area of the deck must extend not less than 4 feet (1.2 meters) from both sides and rear of any diving board or its appurtenances.
3. The surface of the paved deck must not drain into the pool or the overflow gutter. Drainage must be conducted from the deck in a manner that will not create muddy, hazardous or objectionable conditions. Decks must slope on a minimum slope of 1/4 inch per foot (2 percent) to the drains to points at which the water will have a free, unobstructed flow to points of disposal at all times. If deck drains are provided, they must be spaced or arranged so that not more than 400 square feet (37.2 square meters) of area is tributary to each drain and drains must not be more than 25 feet (7.6 meters) apart. Drainage from the decks must not be returned to the recirculation system.
4. The deck must have a slip-resistant surface that can be cleaned by hosing and causes no discomfort to bare feet.

5. *Provision must be made to prevent the drainage of materials from lawns or landscaped areas onto the pool decks or into the pool.*

The unique design of the water park requires a bridges over the lazy river to provide access to its patrons to access the inside area of the lazy river. This includes access by handicap patrons over an ADA ramps that have been incorporated into the bridge design. The length of the bridge was designed to meet ADA requirements and to accommodate grade differences. The bridge is also designed to be wide enough to accommodate maintenance vehicles and food service carts. In order for the proposed bridge to meet NAC 444, ADA requirements and to accommodate reasonable maintenance and operational needs, Cowabunga Bay is requesting a variance for the ability to eliminate the required 4 foot wide path around the ADA ramps. The bridges are also designed to be slightly skewed from the 90 degrees to accommodate the necessary grade differences. The bridges still meet other code requirements for the height from the water elevation and pool bottom, and do not pose a threat to anyone's safety.

Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. In addition the slightly angled bridge designs will not pose a threat to anyone's safety.

The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.

In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.

**NAC 439.240 Approved by board.**

The petitioner states the following in regard to this requirement:

1. There must be circumstances or conditions which are unique to the applicant, and do not generally affect other persons subject to the regulation.
  - I. **Bathroom Requirements:** Because Nevada Administrative Code Chapter 444 does not specifically take into account water parks the size and scope of Cowabunga Bay, when determining fixture counts, the code requires an unrealistic and impractical number of fixtures which makes it unfeasible to build and or operate a water park as per the NAC 444.
  - II. **Unobstructed Deck/Bridges:** Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will requires excessive cost and affecting reasonable functionality for both its patrons, maintenance and operations crews. The cost to construct a bridge

and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.

The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.

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.

**I. 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 \$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.
- 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 \$10 million annually.
  - 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 \$30 million with contractors, hotels, food services, suppliers, banks and vendors contracting their services to the project

**II. Unobstructed Deck / Bridge Hardships:**

- A. Compliance with NAC 444.1333 Bridge requirements, NAC 444.134 Decks, ADA requirements and reasonable maintenance and operation needs of the facility pose a significant hardship on the business. The bridges and ramps are design to meet both ADA compliance to accommodate vehicles for reasonable maintenance and operations of the facility. Therefore, the design does not allow for a 4 foot wide unobstructed deck within 15 feet from the edge of the pool. This variance is requested in order for the facility to achieve ADA compliance.
- B. Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will requires excessive cost and affecting reasonable functionality for both its patrons, maintenance

and operations crews. The cost to construct a bridge and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.

- C. The required space to construct the ADA ramps and to meet the requirements of both NAC 4444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the water park causing a potential safety hazard.
- D. In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.

3. Granting the variance will not be detrimental or pose a danger to the public health and safety.

**I. Bathroom Fixtures:**

- a. Cowabunga Bay has researched and proposed a realistic fixture count that is in line with water park industry standards. In addition, Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by water park patrons and allows parents with small children to more conveniently utilize the facilities.
- b. The proposed bathroom fixture counts are in line with water park industry standards (standards are established by the World Water Park Association, located at 8826 Santa Fe Drive, Suite 310 Overland Park, KS 66212 Phone: 913.599.0300.) Cowabunga Bay is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathroom facilities to use.

Fixtures	Men's				Women's			Family			
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers	Toilets	Urinals	Lavatories	Showers
Required per NAC	69	69	69	172	138	69	172	-	-	-	-
UNIFORM PLUMBING CODE	9	11	8	-	32	8	-	-	-	-	-
<b>PROPOSED FIXTURE COUNT</b>											
Bathhouse	5	5	5	16	12	5	16	8	-	4	4
Secondary Restrooms	4	4	2	-	8	2	-	2	1	2	-
Ancillary Restrooms	1	2	1	-	3	1	-	-	-	-	-
<b>Total Fixture Count</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>16</b>	<b>23</b>	<b>8</b>	<b>16</b>	<b>10</b>	<b>1</b>	<b>6</b>	<b>4</b>

**II. Unobstructed Decks / Bridges:**

- a. Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. In addition the slightly angled bridge designs will not pose a threat to anyone’s safety.
- b. The slightly angled bridge designs will not pose a threat to anyone’s safety.

**III. RECOMMENDATION:**

Staff is of the opinion that there exist circumstances which satisfy the requirements for a variance and that the granting of this variance will not be detrimental or pose an unreasonable danger to public health and safety so long as the following conditions are included. Therefore, staff recommends approval of the variance in accordance with the outlined conditions.

**IV. CONDITIONS:**

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 maintain all other walkway area around the Lazy River accessible and free from obstruction
  5. The petitioner agrees to adhere to all other applicable requirements of the Public Bathing Places Public Spa Regulations, NAC 444
  6. 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
  7. 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

JRC

Attachments:

- A. Nevada Secretary of State Corporate Information
- B. Variance Application Letter
- C. Variance Application
- D. Assessor's Parcel Information
- E. Assessor's Map
- F. Affidavit of Public Notice

Attachment A: Nevada Secretary of State Corporate Information

Entity Details - Secretary of State, Nevada

## HENDERSON WATER PARK, LLC

Business Entity Information			
Status:	Active	File Date:	8/8/2013
Type:	Domestic Limited-Liability Company	Entity Number:	E0387792013-8
Qualifying State:	NV	List of Officers Due:	8/31/2014
Managed By:	Managing Members	Expiration Date:	
NV Business ID:	NV20131474862	Business License Exp:	8/31/2014

Additional Information	
Central Index Key:	

Registered Agent Information			
Name:	ELLIS & GORDON, A PROFESSIONAL CORPORATION	Address 1:	510 S NINTH ST
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89101
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

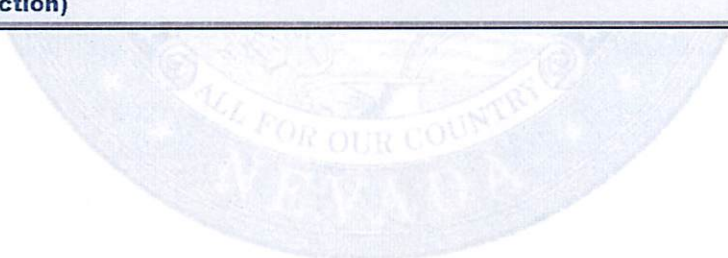
Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0
<b>No stock records found for this company</b>			

Officers	
	<input type="checkbox"/> Include Inactive Officers

Entity Details - Secretary of State, Nevada

<b>Managing Member - DOUBLE OTT WATER HOLDINGS, LLC</b>			
Address 1:	<b>C/O ORLUFF OPHEIKENS 1025 E. 2100 N.</b>	Address 2:	
City:	<b>NORTH OGDEN</b>	State:	<b>UT</b>
Zip Code:	<b>84414</b>	Country:	<b>USA</b>
Status:	<b>Active</b>	Email:	
<b>Managing Member - WEST COAST WATER PARKS, LLC</b>			
Address 1:	<b>C/O SCOTT HUISSH 7300 FUN CENTER WAY</b>	Address 2:	
City:	<b>TUKWILA</b>	State:	<b>WA</b>
Zip Code:	<b>98188</b>	Country:	<b>USA</b>
Status:	<b>Active</b>	Email:	

<b>Actions\Amendments</b>			
Action Type:	<b>Articles of Organization</b>		
Document Number:	<b>20130524479-67</b>	# of Pages:	<b>2</b>
File Date:	<b>8/8/2013</b>	Effective Date:	
<b>(No notes for this action)</b>			
Action Type:	<b>Initial List</b>		
Document Number:	<b>20130610482-47</b>	# of Pages:	<b>1</b>
File Date:	<b>9/18/2013</b>	Effective Date:	
<b>(No notes for this action)</b>			
Action Type:	<b>Registered Agent Change</b>		
Document Number:	<b>20130771725-85</b>	# of Pages:	<b>1</b>
File Date:	<b>11/25/2013</b>	Effective Date:	
<b>(No notes for this action)</b>			



B. Variance Letter



January 15, 2014

Jacqueline Reszetar

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

Re: Henderson Water Park LLC, dba Cowabunga Bay.

- I. Request for transfer of existing variance on **Bathhouses**: NAC 444.214.1, NAC 444.214.2 and NAC 444.278.
  - Wave Pool
  - Raft Slide
  - MLPS Wet
  - Lazy River
  - Kids Activity
  - Deck
  - Mat Slides
  - Pool
  - VIP Pool
  - Tube Slide
  
- II. Request for transfer of existing variance on **Unobstructed Decks & Bridges**: NAC 444.134, NAC 444.133

Dear Ms. Reszetar;

Please accept this letter as a request to transfer the existing two variances referenced above due to an ownership change.

- I. A variance on bathhouse requirements submitted on behalf of Henderson Water Park LLC, dba Cowabunga Bay. 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 Cowabunga Bay, which is not specifically address in NAC 444.

The sanitary plumbing facilities comparison matrix for Cowabunga Bay is as follows:

900 Galleria Drive, Henderson, NV 89011  
www.cowabungabay.com

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	12	11	21	28	11	21

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 bathhouse 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 Nevada Administrative Code Chapter 444 does not specifically take into account waterparks the size and scope of Cowabunga Bay, 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.

Cowabunga Bay has researched and proposed a realistic fixture count that is in line with waterpark industry standards. In addition, Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by waterpark patrons and allows 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 Henderson will each realize negative impacts if this project is not build as summarized:

- a. **Taxable Revenue:** Total Projected Taxable Revenue to the community is projected at \$10 million annually.
- b. **Community Business Revenue:** Total Operating Expenses where revenue generated into the community for services rendered are anticipated to be \$10-12 million annually.
- c. **Construction Revenue:** Total Economic Impact on the region during the construction phase is projected to be approximately \$30 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 (standards are established by the World Water Park Association, located at 8826 Santa Fe Drive, Suite 310 Overland Park, KS 66212 Phone: 913.599.0300. Cowabunga Bay is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathhouse facilities to use.

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PROPOSED FIXTURE COUNT

Fixtures	Men's				Women's			Family		
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Secondary Restrooms	4	4	2	-	8	2	-	2	2	1
Ancillary Restrooms	1	2	1	-	3	1	-	-	-	-

- I. A variance on the "Unobstructed Deck" and "Bridge" requirements submitted on behalf of Henderson Water Park, LLC dba Cowabunga Bay. The owner specifically requests a variance from NAC 444.133 and 444.134 for the above referenced bodies of water.

The requested variance is for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degrees requirements.

The section of the Nevada Administration Code that applies to the request for a variance is:

**NAC 444.134 Decks. (NRS 439.200, 444.070)**

1. Except as otherwise provided in this subsection and in NAC 444.196 and 444.1995, a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool if:
  - (a) The design of the obstruction does not endanger the health or safety of persons using the pool;
  - (b) An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool; and
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900 Galleria Drive, Henderson, NV 89011  
 www.cowabungabay.com

3. *The surface of the paved deck must not drain into the pool or the overflow gutter. Drainage must be conducted from the deck in a manner that will not create muddy, hazardous or objectionable conditions. Decks must slope on a minimum slope of 1/4 inch per foot (2 percent) to the drains to points at which the water will have a free, unobstructed flow to points of disposal at all times. If deck drains are provided, they must be spaced or arranged so that not more than 400 square feet (37.2 square meters) of area is tributary to each drain and drains must not be more than 25 feet (7.6 meters) apart. Drainage from the decks must not be returned to the recirculation system.*
4. *The deck must have a slip-resistant surface that can be cleaned by hosing and causes no discomfort to bare feet.*
5. *Provision must be made to prevent the drainage of materials from lawns or landscaped areas onto the pool decks or into the pool.*

The unique design of the waterpark requires a bridges over the lazy river to provide access to its patrons to access the inside area of the lazy river. This includes access by handicap patrons over an ADA ramps that have been incorporated into the bridge design. The length of the bridge was designed to meet ADA requirements and to accommodate grade differences. The bridge is also designed to be wide enough to accommodate maintenance vehicles and food service carts. In order for the proposed bridge to meet NAC 444, ADA requirements and to accommodate reasonable maintenance and operational needs, Cowabunga Bay is requesting a variance for the ability to eliminate the required 4 foot wide path around the ADA ramps. The bridges are also designed to be slightly skewed from the 90 degrees to accommodate the necessary grade differences. The bridges still meet other code requirements for the height from the water elevation and pool bottom, and does not pose a threat to anyone's safety.

Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons. In addition the slightly angled bridge designs will not pose a threat to anyone's safety.

Compliance with NAC 444.1333 Bridge requirements, NAC 444.134 Decks, ADA requirements and reasonable maintenance and operation needs of the facility pose a significant hardship on the business. The bridges and ramps are design to meet both ADA compliance to accommodate vehicles for reasonable maintenance and operations of the facility. Therefore, the design does not allow for a 4 foot wide unobstructed deck within 15 feet from the edge of the pool. This variance is requested in order for the facility to achieve ADA compliance.

Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will requires excessive cost and affecting reasonable functionality for both its patrons, maintenance and operations crews. The cost to construct a bridge and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.

900 Galleria Drive, Henderson, NV 89011  
www.cowabungabay.com



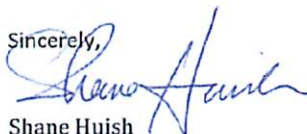
The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the waterpark causing a potential safety hazard.

In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.

Cowabunga Bay is committed to providing a fun and safe facilities that can be enjoyed by all patrons including those that are handicap.

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

Sincerely,



Shane Huish  
Owner/General Manager  
Henderson Water Park, LLC

Attachment C: Variance Application

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

PART I

Name of Facility/Establishment: Henderson Water Park, LLC dba Cowabunga Bay Water Park, Wave Pool, Lazy River, Mat Slides, Tube Slide, Raft Slide, Kids Activity Pool, MLPS Wet Deck, VIP Pool.

Health Permit No.: **INSERT HERE** Date of Inquiry: January 15, 2014

Name of Operator/Agent: Henderson Water Park, LLC

Address of Operator/Agent: 900 Galleria Dr. Henderson, NV 89011

Phone Nos. of Operator/Agent: Shane Huish

Office: 801-865-6294 Email: Shanelhuish@cowabungabay.com

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

Name: Shane Huish

Title: Owner/Manager

Name of Property Owner: Henderson Water Park, LLC

Address of Property Owner: 900 Galleria Drive, Henderson, NV 89011

Phone Nos. of Property Owner: Scott Huish / Shane Huish

Cell (Scott): 503-381-9590 Cell (Shane): 801-865-6294

Property Address: 900 Galleria Drive, Henderson, NV 89011

Assessor's Parcel Number (APN): 161-35-402-014, 161-35-402-015

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

1. The bathhouse and restrooms are located throughout the waterpark complex
  - a. Main Bathhouse to provide showers for all park patrons and restrooms to serve the southeast portion of the waterpark
  - b. Secondary Restrooms to serve the west portion of the waterpark
  - c. Ancillary Restrooms to serve the northeast portion of the waterpark
2. The Lazy River Bridges located along the north property line within the waterpark complex

**(Attach labeled map/site/floor plan with north arrow and engineering or architectural scale)**

Describe Variance issue(s):

- I. **Bathhouse Requirements:** A request for a variance on "Bathhouse" requirements submitted on behalf of Henderson Water Park, LLC dba Cowabunga Bay. 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	12	11	21	28	11	21

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 bathhouse 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.*

- II. **Unobstructed Deck and Bridge Requirements:** A request for a variance on the "Unobstructed Deck" and "Bridge" requirements submitted on behalf of Henderson Water Park, LLC dba Cowabunga Bay. The owner specifically

requests a variance from NAC 444.133 and 444.134 for the above referenced bodies of water.

The requested variance is for the ability to eliminate the required 4 foot wide path around an obstruction on the decks to accommodate ADA requirements and to allow bridges to be slightly skewed from the 90 degrees requirements.

The section of the Nevada Administration Code that applies to the request for a variance is:

**NAC 444.134 Decks. (NRS 439.200, 444.070)**

1. *Except as otherwise provided in this subsection and in NAC 444.196 and 444.1995, a clear, unobstructed deck must be provided around the entire perimeter of a pool. In no case may the width of the deck be less than 4 feet (1.2 meters). A deck may be obstructed for a distance equal to not more than 10 percent of the perimeter of the pool if:*
  - (a) *The design of the obstruction does not endanger the health or safety of persons using the pool;*
  - (b) *An unobstructed area of deck not less than 4 feet wide is provided around or through the obstruction not more than 15 feet (4.55 meters) from the edge of the pool; and*
  - (c) *Written approval for the obstruction is obtained from the health authority before construction or installation of the obstruction.*
2. *The paved area of the deck must extend not less than 4 feet (1.2 meters) from both sides and rear of any diving board or its appurtenances.*
3. *The surface of the paved deck must not drain into the pool or the overflow gutter. Drainage must be conducted from the deck in a manner that will not create muddy, hazardous or objectionable conditions. Decks must slope on a minimum slope of 1/4 inch per foot (2 percent) to the drains to points at which the water will have a free, unobstructed flow to points of disposal at all times. If deck drains are provided, they must be spaced or arranged so that not more than 400 square feet (37.2 square meters) of area is tributary to each drain and drains must not be more than 25 feet (7.6 meters) apart. Drainage from the decks must not be returned to the recirculation system.*
4. *The deck must have a slip-resistant surface that can be cleaned by hosing and causes no discomfort to bare feet.*
5. *Provision must be made to prevent the drainage of materials from lawns or landscaped areas onto the pool decks or into the pool.*

**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:

- I. **Bathroom Requirements:** Because Nevada Administrative Code Chapter 444 does not specifically take into account waterparks the size and scope of Cowabunga Bay, 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.
- II. **Unobstructed Deck/Bridges:** The unique design of the waterpark requires a bridges over the lazy river to provide access to its patrons to access the inside area of the lazy river. This includes access by handicap patrons over an ADA ramps that have been incorporated into the bridge design. The length of the bridge was designed to meet ADA requirements and to accommodate grade differences. The bridge is also designed to be wide enough to accommodate maintenance vehicles and food service carts. In order for the proposed bridge to meet NAC 444, ADA requirements and to accommodate reasonable maintenance and operational needs, Cowabunga Bay Las Vegas is requesting a variance for the ability to eliminate the required 4 foot wide path around the ADA ramps. The bridges are also designed to be slightly skewed from the 90 degrees to accommodate the necessary grade differences. The bridges meet other code requirements for the height from the water elevation and pool bottom, and does not pose a threat to anyone's safety.

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):

I. 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 \$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.
- 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 built as summarized:
  - i. Taxable Revenue: Total Projected Taxable Revenue to the community is projected at \$10 million annually.
  - 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 \$30 million with contractors, hotels, food services, suppliers, banks and vendors contracting their services to the project.

II. Unobstructed Deck/Bridge Hardships:

- A. Compliance with NAC 444.1333 Bridge requirements, NAC 444.134 Decks, ADA requirements and reasonable maintenance and operation needs of the facility pose a significant hardship on the business. The bridges and ramps are design to meet both ADA compliance to accommodate vehicles for reasonable maintenance and operations of the facility. Therefore, the design does not allow for a 4 foot wide unobstructed deck within 15 feet from the edge of the pool. This variance is requested in order for the facility to achieve ADA compliance.
- B. Compliance with NAC 444.133, 444.134, ADA requirements and for reasonable maintenance and operations of the facility will require excessive cost and affecting reasonable functionality for both its patrons, maintenance and operations crews. The cost to construct a bridge and ramps to accommodate these needs would cost hundreds of thousands of dollars making it unworkable.
- C. The required space to construct the ADA ramps and to meet the requirements of both NAC 444.134 Decks and NAC 444.1333 Bridges is not possible because of the amount of space required that will impact the flow of patron traffic within the waterpark causing a potential safety hazard.
- D. In order to access the inside area of the Lazy River and to meet the NAC height requirements from water and pool floor elevations, the bridges are designed at a slight angle from the perpendicular edge requirements of NAC 444.133 2(c). The proposed angles are not to exceed +/- 20 degrees off the perpendicular edge of the pool.

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. Cowabunga Bay is providing three (3) separate restroom facilities, strategically placed throughout the park to make restrooms easily accessible to all patrons throughout the park. Included in the requested variance, Cowabunga Bay is providing six (6) unisex family restrooms, which are highly favored by waterpark patrons and allows parents with small children to more conveniently utilize the facilities.
- b. The proposed bathroom fixture counts are in line with waterpark industry standards. Cowabunga Bay is committed to provide adequate facilities to ensure its patrons are safe and have sanitary bathroom facilities to use.

PROPOSED FIXTURE COUNT										
Fixtures	Men's				Women's			Family		
	Toilets	Urinals	Lavatories	Showers	Toilets	Lavatories	Showers	Toilets	Lavatorie	Showers
Bathhouse	5	5	5	19	12	5	19	8	4	4
Secondary Restrooms	4	4	2	-	8	2	-	2	2	1
Ancillary Restrooms	1	2	1	-	3	1	-	-	-	-

II. Unobstructed Decks / Bridges:

- a. Cowabunga Bay will use a third party safety compliance consultant to regularly evaluate and determine how to safely operate and staff the Lazy River with life guards to ensure the variance will not cause harm or safety issues to its patrons.
- b. The slightly angled bridge designs will not pose a threat to anyone's safety.

NAC 439.240 Approved by board.

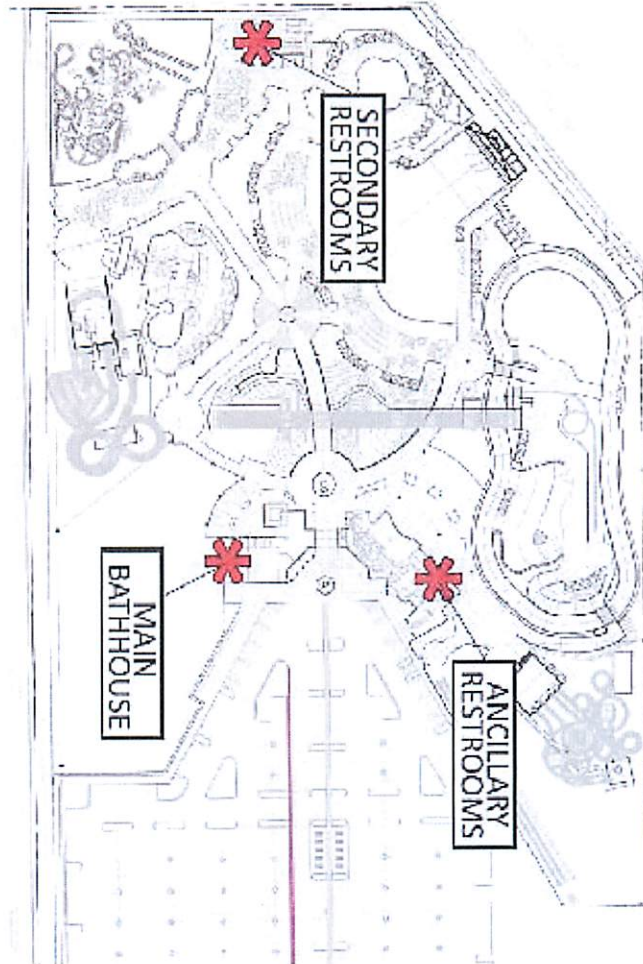
1. The state board of health will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:
  - (a) There are circumstances or conditions which:
    - (1) Are unique to the applicant
    - (2) Do not generally affect other persons subject to the regulation;
    - (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:

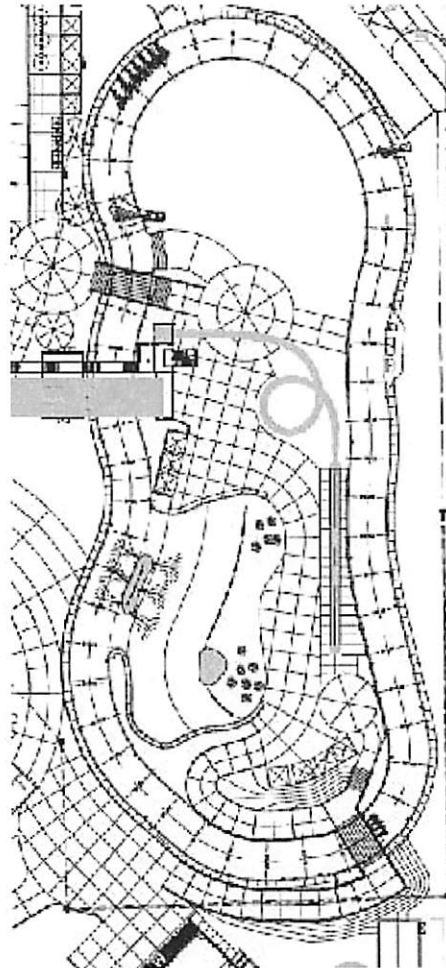
A Variance Application Letter, which includes all information provided by the applicant on his worksheet, must be submitted in writing to Jacqueline Reszetar, Environmental Health Division (EHD) Director no later than six (6) weeks before the monthly Board of Health Meeting on the 4th Thursday except 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).

I. Site Plan



II. Unobstructed Decks / Bridges



VARIANCE PROCEDURE

WORKSHEET STEPS:

1. If the Assigned Plan Reviewer (APR) or District Environmental Health Specialist (DEHS), after reviewing a Plan Review Application or learning about an operational situation that is in apparent conflict with existing regulation(s), respectively, finds in the process of pursuing compliance that the owner/operator/agent claims circumstances or conditions described in NAC 439.240 that may support approval by the Board of Health for a Variance from said regulation(s) then the APR or DEHS first discusses the possible Variance with his Supervisor.



2. If the Supervisor, after exploring any other feasible possibilities to achieve compliance, fails to persuade the owner/operator/agent that at least one (1) of the possibilities is feasible due to the circumstances and conditions noted in Step 1, then the Supervisor completes all applicable information on the "... VARIANCE CANDIDATE WORKSHEET" from existing file(s) and conference call(s) or meeting(s) with the Variance candidate's representative(s), and forwards the completed WORKSHEET to the Department Manager. A Variance Candidate Worksheet Meeting fee will be required prior to completing the VARIANCE CANDIDATE WORKSHEET.

3. If after the Manager reviews the WORKSHEET and researches any possible questions of policy and law with the Division Director and District Legal Counsel, respectively, he then signs and dates the WORKSHEET and either faxes it with confirmation or arranges to have in person owner/operator/agent sign and date for receipt of WORKSHEET.

4. After the WORKSHEET fax confirmation is received or is signed received in person, one (1) copy of each is sent to Permit File, Division Director, and Department Manager.

5. The Department's Administrative Secretary establishes a new Variance Candidate File as the repository for ALL documents generated by EHD staff and received from the Variance candidate's representative(s) during the Variance process.

**VARIANCE APPLICATION STEPS:**

1. When the Application for Variance as described at the bottom of the "... VARIANCE CANDIDATE WORKSHEET" is received by the Division Director and is date stamped received and the Variance Application Fee received, it should be forwarded as soon as possible to the appropriate Division Manager for determination of completeness.

2. If the Application is determined by the Manager to be incomplete, then the Manager must document communication of necessary additions and/or corrections to the Variance applicant's representative(s) in a timely enough manner to allow for the possibility of a second submittal prior to the published "Closing Date" for the earliest available Board of Health Meeting date.

3. Once the Application for Variance is determined by the Department Manager to be complete, the Department's Administrative Secretary prepares, on a blank sheet of paper, the letter petitioning the District Board of Health of Clark County, as drafted by the Manager for signature by the property owner/corporate officer or authorized operator/agent. (Operator/agent may sign this document only if written authorization on letterhead signed by property owner/corporate officer has been received.)

Attachment D: Assessor's Parcel Information

Clark County Real Property

Page 1 of 2

GENERAL INFORMATION	
<u>PARCEL NO.</u>	161-35-402-021
<u>OWNER AND MAILING ADDRESS</u>	HENDERSON WATER PARK L L C P O BOX 982193 PARK CITY UT 84098
<u>LOCATION ADDRESS</u> <u>CITY/UNINCORPORATED TOWN</u>	900 W GALLERIA DR HENDERSON
<u>ASSESSOR DESCRIPTION</u>	<u>PARCEL MAP FILE 118 PAGE 94</u> LOT 1
<u>RECORDED DOCUMENT NO.</u>	* <a href="#">20130823:02054</a>
<u>RECORDED DATE</u>	Aug 23 2013
<u>VESTING</u>	NS

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

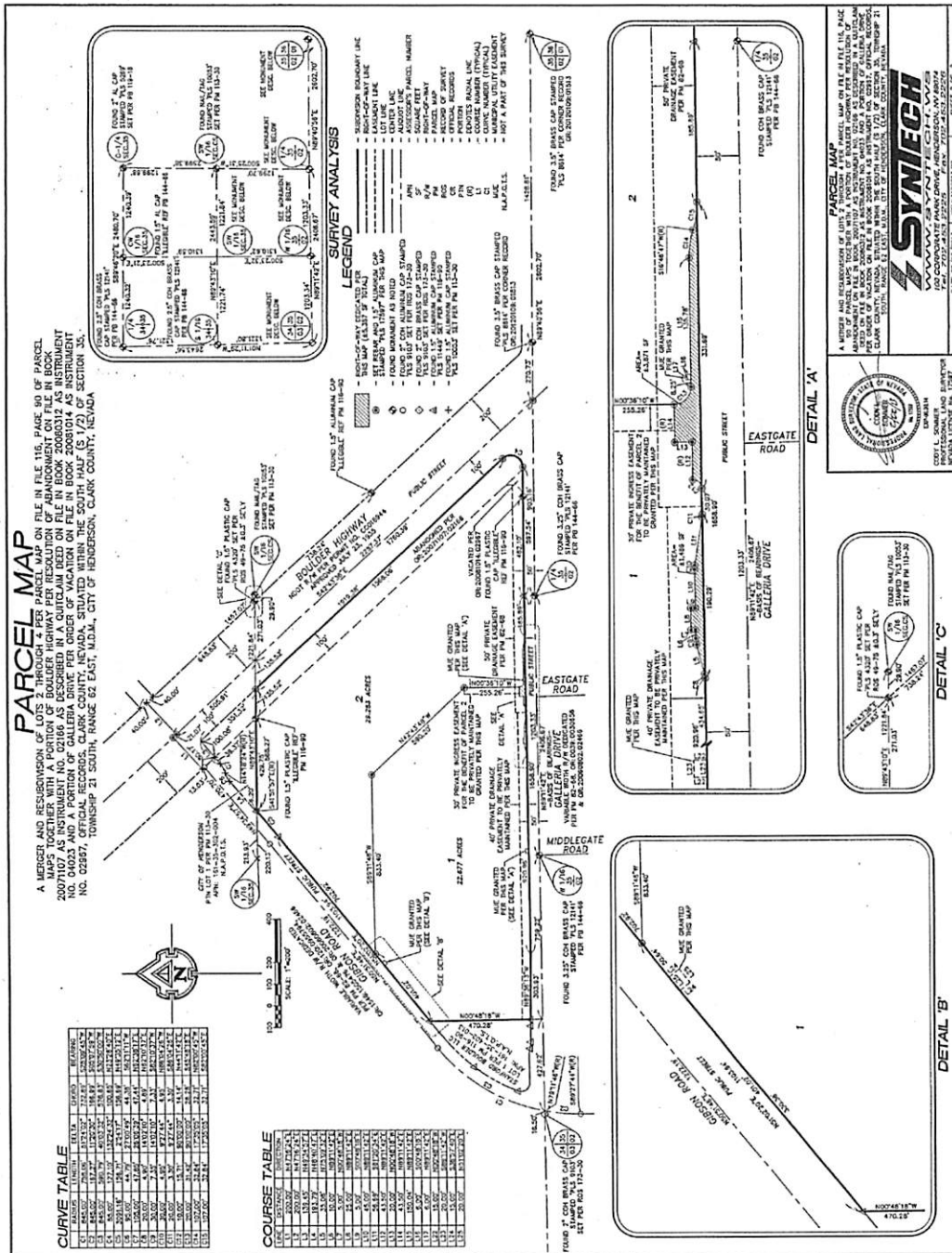
ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE	
<u>TAX DISTRICT</u>	523
<u>APPRAISAL YEAR</u>	2013
<u>FISCAL YEAR</u>	2014-15
<u>SUPPLEMENTAL IMPROVEMENT VALUE</u>	0
<u>SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER</u>	N/A

REAL PROPERTY ASSESSED VALUE		
<u>FISCAL YEAR</u>	2013-14	2014-15
<u>LAND</u>	1037338	1037338
<u>IMPROVEMENTS</u>	0	0
<u>PERSONAL PROPERTY</u>	0	0
<u>EXEMPT</u>	0	0
<u>GROSS ASSESSED (SUBTOTAL)</u>	1037338	1037338
<u>TAXABLE LAND+IMP (SUBTOTAL)</u>	2963823	2963823
<u>COMMON ELEMENT ALLOCATION ASSD</u>	0	0
<u>TOTAL ASSESSED VALUE</u>	1037338	1037338
<u>TOTAL TAXABLE VALUE</u>	2963823	2963823

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
<u>ESTIMATED SIZE</u>	22.68 Acres
<u>ORIGINAL CONST. YEAR</u>	0
<u>LAST SALE PRICE</u> <u>MONTH/YEAR</u>	2736000 8/2013
<u>LAND USE</u>	000 - Vacant
<u>DWELLING UNITS</u>	0

PRIMARY RESIDENTIAL STRUCTURE					
TOTAL LIVING SQ. FT.	0	CARPORT SQ. FT.	0	ADDN/CONV	
1ST FLOOR SQ. FT.	0	STORIES		POOL	NO
2ND FLOOR SQ. FT.	0	BEDROOMS	0	SPA	NO
BASEMENT SQ. FT.	0	BATHROOMS	0.00	TYPE OF CONSTRUCTION	
GARAGE SQ. FT.	0	FIREPLACE	0	ROOF TYPE	
CASITA SQ. FT.	0				





Attachment F: Affidavit of publication

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

SOUTHERN NEVADA HEALTH DIST
PO BOX 3902
LAS VEGAS NV 89127-3902

Account # 22345
Ad Number 0000094450

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, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/19/2014 to 02/19/2014, on the following days:

02 / 19 / 14

SNHD Southern Nevada Health District PUBLIC NOTICE
The Southern Nevada Health District Board of Health will conduct a PUBLIC HEARING on March 27, 2014 at 8:30 a.m. during its monthly meeting held at 330 S. VALLEY VIEW BOULEVARD, LAS VEGAS, NEVADA 89127 to approve or deny a variance request to operate a public bathing place not in compliance for HENDERSON WATER PARK LLC, DBA COWABUNGA BAY, located at 500 Galleria Drive, Henderson, Nevada 89011, APN 161-35-402-014 and 161-35-402-015. Note, if this application is not presented at the March 27, 2014 meeting, it will be presented at the April 20, 2014 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 444.214 Minimum sanitary plumbing facilities; NAC 444.278 Capacity; NAC 444.133 Bridge requirements; and NAC 444.134 Decks.
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 Jacquelyn Curt, Environmental Health Supervisor, Southern Nevada Health District, P.O. Box 3902, Las Vegas, Nevada 89127-3902, no later than March 10, 2014. 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 Korie Maxfield 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.
/s/ Jacqueline Reszetar, Environmental Health Director Southern Nevada Health District
PUB: February 19, 2014 LV Review-Journal

Stacey M. Lewis
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 19th day of February, 2014

Mary Lee
Notary

