



Board of Adjustment Staff Report

Meeting Date: July 6, 2023

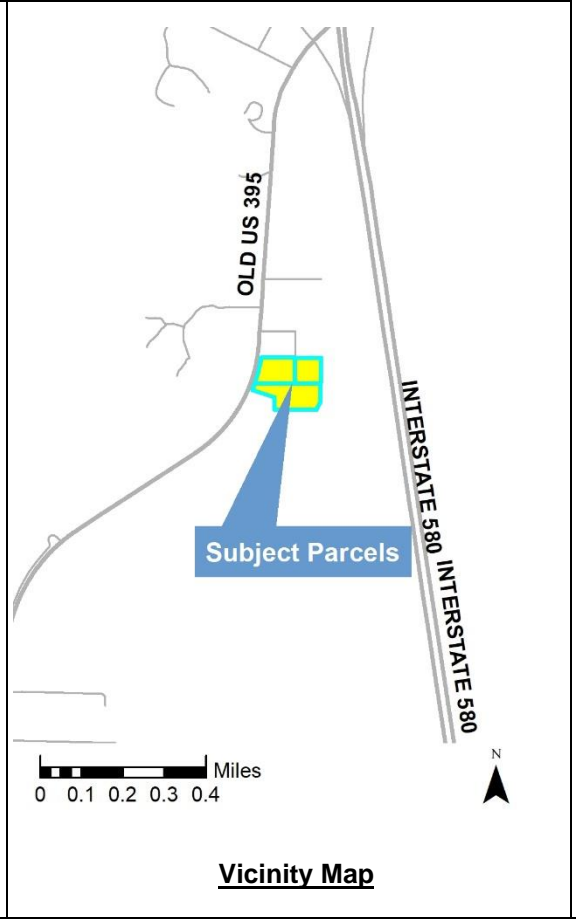
Agenda Item: 9A

SPECIAL USE PERMIT CASE NUMBER:	WSUP22-0027 (Ophir Hill Grading)
BRIEF SUMMARY OF REQUEST:	A Special Use Permit for Major Grading.
STAFF PLANNER:	Chris Bronczyk, Senior Planner Phone Number: 775.328.3612 E-mail: cbronczyk@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a special use permit for major grading in excess of the 5,000 cubic yards of excavation threshold established in Washoe County Code Section 110.438.35. To grade a total of 491,792 square feet (or 11.29 acres); and to grade an additional 35,719 square feet (or 0.82 acres) located on Federal Lands. The proposal includes 22,050 cubic yards of cut, 16,750 cubic yards of fill.

Applicant / Property Owner:	Burdick Excavating Co. Inc
Location:	632 Old US 395
APN:	046-032-02; 046-032-04; 046-032-05
Parcel Size:	5.29 Ac; 2.48 Ac; 3.58 Ac
Master Plan:	Rural Residential (RR)
Regulatory Zone:	High Density Rural (HDR)
Area Plan:	South Valleys
Development Code:	Authorized in Article 810, Special Use Permits
Commission District:	2 – Commissioner Clark



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0027 for Burdick Excavating, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and South Valleys Area Plan Policy SV.2.16 and SV.18.3

(Motion with Findings on Page 13)

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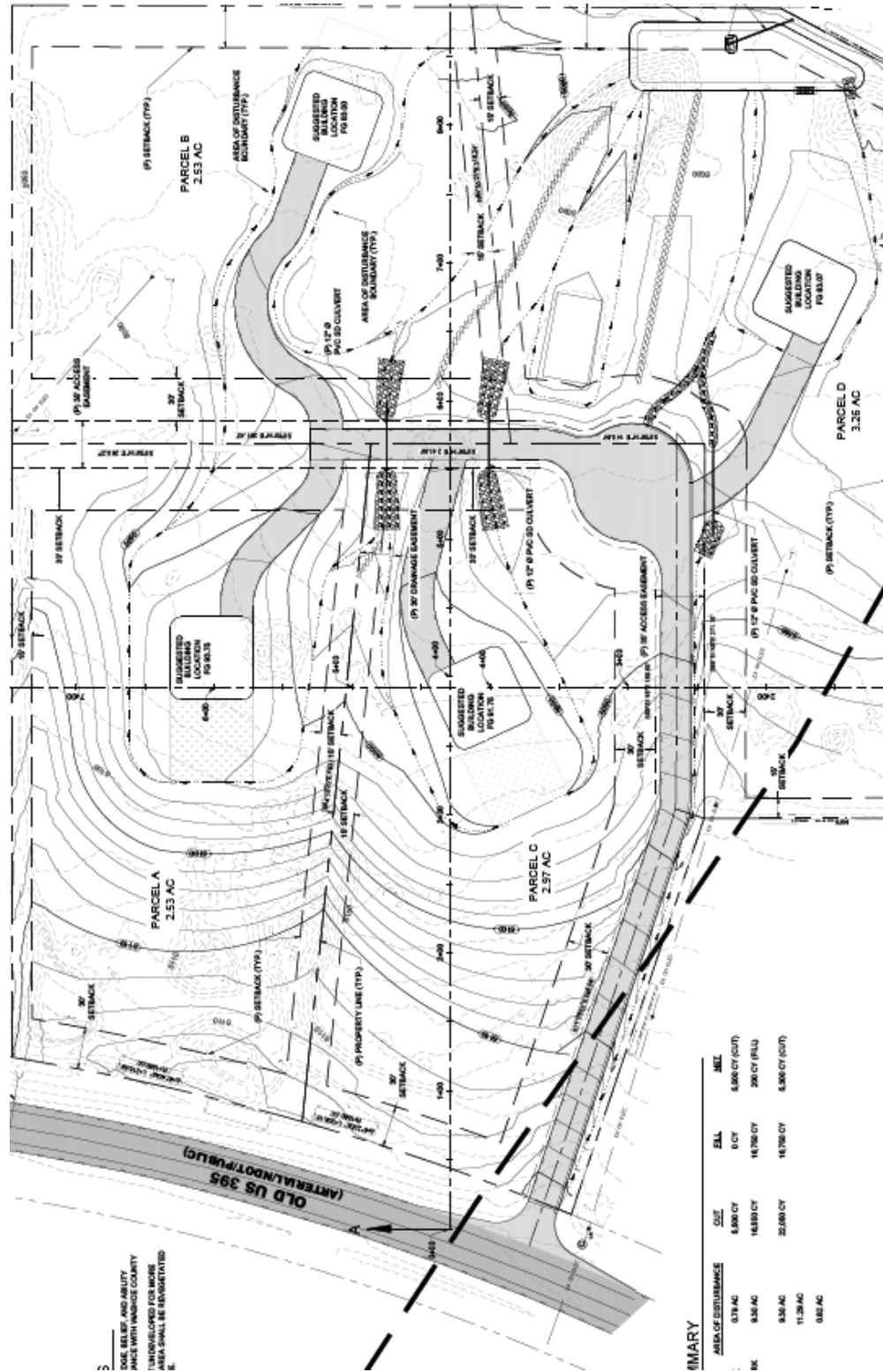
Appendix B and Plan Sets Exhibit J

Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e. a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as “operational conditions.” These conditions must be continually complied with for the life of the business or project.

The conditions of approval for Special Use Permit Case Number WSUP22-0027 are attached to this staff report and will be included with the action order.



Site Plan

Note to Board of Adjustment Regarding Submitted Special Use Permit:

The Board of Adjustment is not being asked to authorize the existing illegal aggregate use, but instead, to approve a special use permit for major grading that will result in the termination of the illegal aggregate use, and the restoration of the subject parcels to accommodate legal residential use types.

Background

The subject parcels are located in the northern portion of West Washoe Valley, between Interstate 580 and Old HWY. US 395. All three of the subject parcels are zoned High Density Rural (HDR) within the South Valleys Area Plan. The parcel owned by the Bureau of Land Management has a regulatory zone of General Rural (GR). Surrounding land use includes single family residential to the north, west, and south, and Bureau of Land Management open space land to the south and east. The parcel contains an existing commercial rock quarry that is currently operating on the site that resulted in the construction of a 2,000 square foot shop building along with other ancillary uses such as a truck scale, a storage yard area, piles of rock, sheds, and gravel access roads. There is also a 768 square foot single family residence constructed in 1944 on the site.

The site is currently utilized as a commercial rock quarry for large boulders, no sub-surface excavation or mining occurs on site. In previous discretionary applications the applicant indicated that many of the onsite boulders are used by Burdick Excavation in Lake Tahoe basin water quality management and restoration projects, as well as other projects in the region. The onsite material was deposited across the subject properties as a result of the Slide Mountain landslide that occurred in 1983. For over the past 30 years, the property owners have operated an aggregate facility to clear the property of the landslide debris through commercial sale of material. An aggregate facility is classified as an Industrial (I) use type, which is not an allowed use in the HDR residential regulatory zone and is therefore an illegal use on the property.

In 2016, Washoe County received a code enforcement complaint regarding the use of the property which resulted in code enforcement action by the county. The property owner (Linda Burdick doing business as Boulder Creek Enterprises) was verbally issued an administrative warning (Enforcement Case Number AE-16-0205) in early July of 2016. Because the use had been occurring unabated since the Slide Mountain avalanche in late May of 1983, staff in 2016 was under the impression that the proposed use may be nearing "completion". On November 15, 2016, the property owner submitted a special use permit application (WSUP16-0001) which was intended to establish a code compliance plan to phase out the existing illegal use on the property.

The County's Administrative Enforcement Code (WCC Chapter 125) provides a process for property owners in violation of County Code (in this case, WCC Chapter 110) additional time to come into compliance with County Codes through an approved code compliance plan. With the submittal of WSUP16-0001, elements of the code compliance plan were developed and included as part of the submittal for the major grading special use permit approval process and implemented as conditions of approval. As part of the code compliance plan, the applicant had proposed to re-grade and re-contour the site to its original pre-disturbance (and pre-landslide) condition. Due to the size of the properties involved and the amount of grading disturbance proposed to return the site to its original condition, the requirements for major grading were triggered.

As a result of the special use permit submittal, and the code compliance plan, staff worked out an agreement with the applicant and her legal counsel to bring the property into code compliance (i.e. cease all commercial rock quarry activities on all three properties) by ending the illegal use through a phased code compliance plan. The compliance plan included the removal of all landslide debris and processed rock (i.e. large boulders, sorted rock, etc.) and the re-grading/re-

contouring of the site to its original pre-disturbance (and pre-landslide) condition. Washoe County staff understood that the removal of such a large amount of material, and the resultant re-grading, would take some time. Staff agreed to a phased compliance plan through WSUP16-0001 which lasted a maximum of 4-years in duration, during that 4-year duration no progress was made toward restoration of the site, or meeting the requirements laid out within the compliance plan.

The original request for WSUP16-0001 was for a 10-year compliance time frame, but staff at the time felt it was too significant of a time frame to allow for the illegal aggregate use to continue without coming into code compliance. The applicant requested a 7-year time frame as a counter, but staff still felt this was too lengthy. Staff ultimately determined that a 4-year compliance timeframe was appropriate, and this time frame was further agreed upon. When WSUP16-0001 was approved on February 2, 2017, it was anticipated that Burdick Excavating would continue to operate the site as usual, with the requirements that no new improvements associated with the commercial use or expansion of operations would be allowed, with the exception of the proposed grading that had been approved. The proposed grading plans submitted with WSUP16-0001 met the requirements of WCC Chapter 110, Article 438, *Grading Standards*. The applicant also submitted a revegetation plan with the special use permit which proposed native vegetation such as sagebrush and rabbit brush. It was anticipated that while operations continued, and material was being removed from the site that the overall re-grading plan that had been submitted would be implemented on a phased basis, with the ultimate goal of having the site be fully restored to a natural state, and to be re-graded in such a way that future legal conforming single-family residential uses could exist on the property, and all commercial operations having ceased at the end of the 4-year approval period.

The special use permit (WSUP16-0001) had conditions from Washoe County Planning that were intended to strictly enforce timelines and act as a mechanism to ensure that the compliance plan was completed. Some notable conditions are outlined below:

1. *This special use permit shall remain **in effect until March 1, 2021** (unless it is otherwise revoked prior to that date) after which time it shall expire. **No extension of this timeframe**, either through an Amendment of Conditions or other means, shall be allowed.*
2. ***By no later than March 1, 2021**, the entire project site (i.e. APN's 046-032-02, 04, and 05) shall be restored to a natural state (per approved grading plans) and **all commercial operations shall cease** (to include the removal of equipment used for commercial purposes). Any remaining large boulders will be strategically placed within the parcels to achieve a natural appearance. The finished grade of all parcels shall be designed to adequately accommodate future residential use.*

A tentative parcel map was submitted to Washoe County on February 10, 2021, to request a merger and re-subdivision of three (3) parcels that are 2.48 acres, 5.29 acres, and 3.58 acres in order to create four (4) parcels that were 2.53 acres, 2.53 acres, 2.69 acres, and 3.54 acres. The intent of the parcel map that as submitted was to allow for single-family residential use types to take over the subject parcels.

The approved special use permit (WSUP16-0001) was the initial attempt at gaining compliance from the applicant, which gave the applicant 4 years to clear the site and comply with the approved grading plans. The applicant did not accomplish this, nor did they ever fully comply. Washoe County allowed the applicant to submit a parcel map as a compromise solution, and in effect an extension of their approved special use permit. The parcel map contained a number of conditions of approval that effectively gave the applicant an additional 22 months to come into compliance with the approved grading plan. The applicant has until February 9, 2023, to comply with the conditions issued under WTPM21-0002 (Boulder Creek).

The primary conditions outlined in WTPM21-0002 (Boulder Creek) to ensure further compliance with the special use permit are listed below (It should be noted that WBLD16-100255 expired on March 1, 2021).

- a. *The previously approved grading plans and grading permit (WBLD16-100255) shall be completed, or if expired shall be resubmitted, and then completed prior to final map recordation.*
- b. *As an alternative to conditioning above, the property owner may submit new grading plans showing how the property will be regraded to adequately accommodate future residential use. The use and construction of rockery walls, retaining walls, or other similar design techniques may be utilized. All restorative grading shall be completed prior to final map recordation.*
- c. *The subject property shall be restored to a natural state (per approved grading plans, and to the extent possible) and all commercial aggregate operations shall cease (to include the removal of equipment used for commercial purposes). Any remaining large boulders will be strategically placed within the parcels to achieve a natural appearance. The finished grade of all parcels shall be designed to adequately accommodate future residential use.*

Code enforcement staff photographed the three (3) parcels (APN: 046-032-02; 046-032-04; and 046-032-05) associated with the operation from November 20, 2020, through October 4, 2022, seven different times. Over the course of two (2) years, the code enforcement officer states that they saw little to no change in the property's appearance, and that no grading appears to have been performed to bring the properties into conformance with the approved special use permit or the approved parcel map. The only regular activity during this time appeared to be palletizing rock and removing it from the property. Large piles of rock, gravel, and dirt still remain. Some equipment has come and gone from the site, but overall, not removed.

Code enforcement has not pursued enforcement action due to the remaining time of the Parcel Map plan. Code Enforcement has since issued a Stop Activity Order (Exhibit D) to stop all commercial activity on the properties until the correct permits are obtained.

September 2022 and May 2023 Application Submittal

The application submitted to Washoe County in September 2022 was intended to comply with conditions of approval from Parcel Map Case Number WTPM21-0002. Per WCC Section 110.438.35, Major Grading is triggered when grading of more than four (4) acres occurs on a parcel of any size, or more than 5,000 cubic yards of material is excavated. A total of 491,792 square feet (or 11.29 acres) of grading disturbance is proposed on the subject parcels owned by the applicant. There is an additional 35,719 square feet (or 0.82 acres) of grading proposed that is located on Federal Lands. In addition, a total of 29,600 cubic yards of excavation is proposed as part of the September 2022 SUP submittal.

The applicants, their consultant, and staff met on numerous occasions to discuss the submittal, and avenues toward a staff recommendation of approval. The parcel map (WTPM21-0002) expired in February 2023, and the applicant has come back with an amended special use permit submittal, as well as a parcel map application which replicates the previous request.

The applicant submitted an amended special use permit on May 8, 2023. The amended submittal is intended to show how the property will be regraded to adequately accommodate future residential uses and to cease current business operations. The applicant also submitted a new tentative parcel map (WTPM23-0006 – Ophir Hill) to be reviewed concurrently with the SUP.

Grading Request

The site is composed of three parcels (APN: 046-032-02, 04, and 05), totaling 11.29 acres. The 0.82-acre area to the south of the subject properties extends from the southern property line to an existing ranch fence.

This parcel is located on BLM land and was cleared as part of the illegal aggregate operation. The applicant has submitted a signed affidavit from BLM (Page 21, Exhibit I) allowing for the proposed grading to move forward and restore the 0.82 acres. The applicants have been in contact with BLM regarding the project since September. The application states that the BLM area will be re-graded and re-vegetated as part of the overall Ophir Hill restoration effort and that the 0.82-acre portion is not part of the proposed subdivision. BLM provided a native seed mix which can be found in Appendix A of the project application. The applicant states there are several stands of mature trees located throughout the project area, and the proposed design is intended to preserve the trees.

The major grading includes 22,050 cubic yards of cut, 16,750 cubic yards of fill, and a net cut of 5,300 cubic yards. The proposed grading is for the creation of proposed driveways, elevate building pads, and route runoff to a stormwater basin. The proposal does not have any slopes greater than 3:1.

EARTHWORK SUMMARY				
	<u>AREA OF DISTURBANCE</u>	<u>CUT</u>	<u>FILL</u>	<u>NET</u>
ROCK PILE REMOVAL EARTHWORK	0.79 AC	5,500 CY	0 CY	5,500 CY (CUT)
PRELIMINARY GRADING EARTHWORK (AFTER REMOVAL OF ROCK PILES)	9.30 AC	16,550 CY	16,750 CY	200 CY (FILL)
TOTAL EARTHWORK	9.30 AC	22,050 CY	16,750 CY	5,300 CY (CUT)
ONSITE PARCEL AREA	11.29 AC			
OFFSITE AREA (BLM)	0.82 AC			

The applicants submitted an intermediate grading plan as part of the May 2023 submittal which is specific to the removal of the existing stockpiles. The existing rock piles will be hauled to Mound House, Nevada, and the total earthwork required to remove the stockpiles is 5,500 cubic yards, which the application notes as cut. The 5,500 cubic yards of cut is specific to removal of the rock piles and does not involve cutting native material. A final grading plan is also provided which includes the quantity of materials being moved off site, quantity of earthwork moved (cut/fill) after the haul-off effort completes, and the total earthwork (haul-off and final combined).

The application includes a landscape plan which shows a 0.68-acre landscaped buffer to reduce noise and traffic impacts from Old US 395. In addition, the applicant is also proposing 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage. The applicant also states that any trees on site with greater than 6” Diameter at Breast Height (DBH) will be preserved. The application includes a native seed mix, and noxious weed management program, and staff was forwarded conversations between the applicant and BLM regarding additional seed mix requirements (Exhibit G).

Phasing

Phase 1: Removal of Excess Materials: The applicant has volunteered a 4-month time frame to complete this phase. This phase includes hauling off the rock stockpiles, excess materials, old equipment, palletized rocks, and any other bulk items necessary for removal. The amount of material to be removed is roughly 5,500 cubic yards, and any rock not utilized on the finished

proposal will be relocated to a commercial property in Lyon County. The commercial property is at 5 Brown Drive, Mound House, NV and non-palletized materials will be stored on a contiguous parcel owned by Richdel, Inc located at 23 Industrial Parkway in Mound House, NV. 23 Industrial Parkway has direct ingress and egress to 5 Brown Drive. The application states that the applicant owns the property, and the property is zoned to allow for the activity to take place. The applicant states that operations times will take place from 7am to 7pm, Monday through Saturday.

Phase 2: Final Grading: The applicant has volunteered a 6-month time frame to complete this phase. This phase includes grading for building pads, the roadway, installing utilities, paving, and complete restoration of BLM land, with temporary irrigation included for revegetation. BLM provided the applicant with a seed mix which will be utilized on BLM land as part of the revegetation plan. Riprap is proposed in drainage areas, driveways and building pads will be shown with aggregate base, and all other areas will be revegetated.

Neighborhood Meeting

The applicants held a neighborhood meeting on August 8, 2022. The primary concern was related to roadway safety, house positioning, setbacks, legal access; and disruptions to it.

The applicants held a second neighborhood meeting on February 20, 2023. There were 2 citizens present at the neighborhood meeting. The primary concerns were related to the rock piles and if they would remain on site, trees along old highway 395, and the project timeline.

Area Plan Evaluation

The subject parcel is located within the South Valleys Area Plan. The following are the pertinent policies from the Area Plan:

Relevant South Valleys Area Plan Policies Reviewed

- SV.2.2** Whenever possible, grading for residential purposes after the date of final adoption of this plan will:
- a. Minimize disruption to natural topography.
 - b. Utilize natural contours and slopes.
 - c. Complement the natural characteristics of the landscape.
 - d. Preserve existing vegetation and ground coverage to minimize erosion.
 - e. Minimize cuts and fills.

Staff Comment: *The applicant states that all physical characteristics were considered in the project design and engineering. Since this is a grading specific project to bring the site into conformance for residential use types – the applicant states that attention was given specifically to slopes and soil conditions on the site. The applicant provided a geotechnical study as part of the submittal. The applicant states that slope treatment with revegetation will be used to restore slopes and limit erosion and sedimentation within adjacent storm-water conveyances.*

- SV.2.16** The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: *The proposed major grading SUP will not negatively impact the surrounding parcel owners or the community character. The proposed grading is to bring the existing site back into conformance and create graded areas for four residential lots. Staff is able to make this finding.*

SV.12.2 The Washoe County Departments of Community Development and Public Works will establish and oversee compliance and enforcement of design standards for grading that minimize the visual impact of all residential and non-residential hillside development, including road cuts and driveways.

Staff Comment: *All grading standards and design standards are required to be met. The applicant agrees to adhere to this standard within the submitted application.*

SV.12.3 The grading design standards referred to in Policy SV.12.2 will, at a minimum, ensure that disturbed areas shall be finished, and fill slopes will not exceed a 3:1 slope, and that hillside grading will establish an undulating naturalistic appearance by creating varying curvilinear contours.

Staff Comment: *All fill slopes shown on the grading plans meet the 3:1 slope requirement. All disturbed areas on the parcels will be required to be finished, and any hillside grading proposed will establish undulating naturalistic appearances.*

SV.18.3 The granting of special use permits in the South Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Staff Comment: *The proposed major grading SUP was routed to Washoe County Air Quality and conditions were received and can be found in Exhibit B. No significant degradation of air quality will occur as a result of the proposed special use permit. Staff is able to make this finding.*

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NDOW (Wildlife)	X			
Washoe County Building & Safety	X			
Washoe County Parks & Open Space	X	X	X	Faye-Marie Pekar, fpekar@washoecounty.gov
Washoe County Traffic	X	X	X	Mitch Fink, MFink@washoecounty.gov
Washoe County Water Rights Manager (All Apps)	X	X		
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov;
WCHD Air Quality	X	X	X	Genine Rosa, grosa@washoecounty.gov;
WCHD EMS	X	X		
WCHD Environmental Health	X	X	X	Jim English, jenglish@washoecounty.gov;
TMFPD	X	X	X	Dale Way, dway@tmfpd.us;
Washoe-Storey Conservation District	X	X		
Regional Transportation Commission	X			

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan.

Staff Comment: Although the existing use and condition of the property is not consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan, implementation of this SUP will bring the subject parcels into conformance with the Master Plan. The resulting end state of the properties will enable conforming residential use as envisioned by the Master Plan and the South Valleys Area Plan.

- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: Based on agency review, comments received to date, and proposed conditions of approval, it appears that adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities are either available or have been provided.

- (c) Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development.

Staff Comment: While the rock debris left in the aftermath of the Slide Mountain landslide resulted in the site being physically suitable for the type of development that is currently occurring (i.e. an aggregate facility), the subject property and all surrounding properties are not zoned for such a use and are not suitable for the intensity of such a development. Implementation of this SUP will mitigate the non-conforming current use and bring the properties into conformance with applicable codes and plans.

- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: Issuance and implementation of the SUP will correct existing detrimental uses and ensure that the future use and future condition of the property will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation within the vicinity. Therefore, this finding is not applicable.

South Valleys Area Plan Policy SV.2.16

SV.2.16: The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: *The proposed major grading SUP will not negatively impact the surrounding parcel owners or the community character. The proposed grading is to bring the existing site back into conformance and create graded areas for four residential lots. Staff is able to make this finding.*

South Valleys Area Plan Policy SV.18.3

SV.18.3: The granting of special use permits in the South Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Staff Comment: *The proposed major grading SUP was routed to Washoe County Air Quality and conditions were received and can be found in Exhibit B. No significant degradation of air quality will occur as a result of the proposed special use permit. Staff is able to make this finding.*

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP22-0027 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0027 for Burdick Excavating, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and the South Valleys Area Plan Policy SV.2.16 and SV.18.3:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development.
- (d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

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

Applicant / Owner: Burdick Excavating Co. Inc., Attn: Linda Burdick
lburdick@burdickexc.com

Representatives: KLS Planning and Design Group., Attn: John Krmpotic
Johnk@klsdesigngroup.com

Lumos Engineering., Attn: Ed Thomas
ethomas@lumosinc.com



Conditions of Approval

Special Use Permit Case Number WSUP22-0027

The project approved under Special Use Permit Case Number WSUP22-0027 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on July 6, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “conditions of approval” are referred to as “operational conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact Name – Chris Bronczyk, Senior Planner, 775.328.3612, cbronczyk@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- c. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- d. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.
- e. The applicant shall complete phase 1 of the Special Use Permit within 6 months of the date of approval.
- f. The applicant shall complete phase 2 within 1 year and 6 months of the date approval. **No extension of this timeframe**, either through an Amendment of Conditions or other means, shall be allowed.
- g. A grading and full land restoration bond estimate, based on an acceptable design from a licensed engineer or landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to both APN 046-032-02 as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. Washoe County will submit the grading and restoration design to the appropriate BLM representatives for their review and approval. The approved design and accompanying bond or acceptable financial assurance shall be provided to the Engineering Division prior to the issuance of any grading or building permits.'
- h. The grading and full land restoration bond shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.
- i. All business operations shall cease. No sub-surface or pit mining shall occur on the site.
- j. Crushing of rock is prohibited. Any activities resulting in substantial dust generation shall include dust mitigation measures.

- k. All loads of material exiting the site shall be tarped and/or treated for dust or loose material.
- l. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.

Washoe County Parks and Open Space

- 2. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

**Contact Name – Faye-Marie Pekar, Parks Planner, 775.328.3623,
fpekar@washoecounty.gov**

- a. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
- b. The project shall comply with Washoe County Code Section 110.412.67, Revegetation

Washoe County Engineering and Capital Projects

- 3. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP’s) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site if the site is within Washoe County’s jurisdiction.
- e. Exported materials shall not be sold without the proper business license.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- g. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

- h. A grading and full land restoration bond estimate, based on an acceptable design from a licensed engineer or landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to both APN 046-032-02 as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. Washoe County will submit the grading and restoration design to the appropriate BLM representatives for their review and approval. The approved design and accompanying bond or acceptable financial assurance shall be provided to the Engineering Division prior to the issuance of any grading or building permits.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

- i. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
- j. The following note shall be added to the construction drawings; “All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties.”

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

- k. An Occupancy Permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from or under roads and highways maintained by NDOT, and a copy of said permit shall be submitted to the County Engineer prior to approval of the grading permit.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

- l. No utilities related conditions.

Truckee Meadows Fire Protection District

- 4. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Brittany Lemon, Fire Captain, 775.326.6079, blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>
- b. All parcels are located in High Hazard WUI Zones.

Washoe County Air Quality Management

5. The following conditions are requirements of the Washoe County Air Quality Management Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Genine Rosa, grosa@washoecounty.us

- a. Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.
- b. If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

Washoe County Health District- Environmental

6. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name: James English, Environmental Health Specialist Supervisor, 775.328.2610, jenglish@washoecounty.gov

- a. The application is for grading associated with a previously approved parcel map. The subsequent work and future development will be on individual domestic wells and onsite sewage disposal systems
- b. The WCHD has no concerns or conditions for the approval of the application as submitted
- c. The WCHD notes that approval of the application does not in any manner constitute approval of the various building pads as depicted in the application documents. Placement of future residences will be based on the ability to properly set and place domestic wells and onsite sewage disposal systems on each parcel.

*** End of Conditions ***



Date: May 25, 2023

To: Chris Bronczyk, Senior Planner

From: Robert Wimer, P.E., Licensed Engineer

Re: Special Use Permit for ***Ophir Hill Grading WSUP22-0027***
APN 046-032-02, 046-032-04, 046-032-05

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of a four-lot residential subdivision and is located on approximately 11.29 acres at the east side of Old US 395, approximately 0.75 miles south of Davis Creek Park Road. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by KLS Planning & Design Group. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact name provided.

GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.

4. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site if the site is within Washoe County's jurisdiction.
5. Exported materials shall not be sold without the proper business license.
6. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
7. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
8. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

1. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
2. The following note shall be added to the construction drawings; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

1. An Occupancy Permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from or under roads and highways maintained by NDOT, and a copy of said permit shall be submitted to the County Engineer prior to approval of the grading permit.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

1. No utilities related conditions.

From: [Rosa, Genine](#)
To: [Bronczyk, Christopher](#)
Subject: September Agency Review Memo II
Date: Thursday, September 15, 2022 2:37:03 PM

Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)

Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.

If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

P.S. – Please be sure to click the link below and sign up to receive air quality news, updates, public notices and more via e-mail.

Genine Rosa

Senior Air Quality Specialist | Air Quality Management Division | Washoe County Health District
grosa@washoecounty.gov | O: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

From: [Way, Dale](#)
To: [Bronczyk, Christopher](#)
Cc: [Lemon, Brittany](#)
Subject: WSUP22-0027 (Ophir Hill Grading) - Conditions of Approval
Date: Monday, May 15, 2023 9:06:34 AM

Chris,

“This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply.”

<https://tmfpd.us/fire-code/>.

All parcels are located in High Hazard WUI Zones.

Thank you.

Dale Way

Deputy Fire Chief – Fire Prevention | Truckee Meadows Fire & Rescue

dway@tmfpd.us | Office: 775.326.6000

3663 Barron Wy, Reno, NV 89511



“Committed to excellence, service, and the protection of life and property in our community”

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

September 18, 2022

Washoe County Community Services
Planning and Development Division

RE: Ophir Hill Grading; 046-032-02, 04 & 05
Special Use Permit; WSUP22-0027

Dear Washoe County Staff:

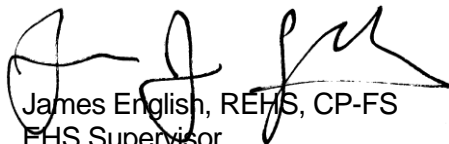
The following conditions are requirements of the Washoe County Health District, Environmental Health Division, which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The application is for grading associated with a previously approved parcel map. The subsequent work and future development will be on individual domestic wells and onsite sewage disposal systems.
- b) Condition #2: The WCHD has no concerns or conditions for the approval of the application as submitted.
- c) Condition #3: The WCHD notes that approval of the application does not in any manner constitute approval of the various building pads as depicted in the application documents. Placement of future residences will be based on the ability to properly set and place domestic wells and onsite sewage disposal systems on each parcel.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Washoe County Health District



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Regional Parks and Open Space

1001 EAST 9TH STREET
 RENO, NEVADA 89520-0027
 PHONE (775) 328-3600
 FAX (775) 328.3699

TO: Chris Bronczyk, Planner

FROM: Faye-Marie Pekar, Park Planner

DATE: June 5, 2023

SUBJECT: Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)



I have reviewed the application for case number WSUP22-0027 on behalf of the Washoe County Regional Parks and Open Space Program (Parks Program) and prepared the following comments:

If approved, this special use permit would allow for major grading to facilitate the development of a four-lot residential subdivision. The proposal includes 22,050 cubic yards of cut earthen materials and 16,750 cubic yards of fill material. The earthen materials are anticipated to create a net of 5,300 cubic yards that will require exportation of the material. The proposal indicates that 100% of the 11.29-acre site will be graded. The site is bordered on two sides by public lands administered by the Bureau of Land Management.

Given these considerations, the Parks Program requires the following conditions of approval:

1. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
2. The project shall comply with Washoe County Code Section 110.412.67, Revegetation.





WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

May 24, 2023

TO: Chris Bronczyk, Senior Planner, CSD, Planning & Development Division

FROM: Timber Weiss, Engineer, CSD

SUBJECT: Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)

Project description:

The applicant is proposing to approve a special use permit for major grading. The proposal includes 22,050 cy of cut, 16,750 cy of fill, and a net of 5,300 cy, where exportation of the material will be required. The total area of disturbance is 11.29 acres.

The property is located at 632 Old US Highway 395, Assessor's Parcel Numbers: 046-032-02, 046-032-04, & 046-032-05.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No water rights comments for the grading under this permit.



Washoe-Storey Conservation District

Bret Tyler Chairmen
Jim Shaffer Treasurer
Cathy Canfield Storey app
Jean Herman Washoe app

1365 Corporate Blvd.
Reno NV 89502
775 857-8500 ext. 131
nevadaconservation.com

May 25, 2023

Washoe County Community Services Department

C/O Chris Bronczyk, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

Re: WSUP22-00127 Ophir Hill Grading

Dear Chris,

In reviewing the special use permit for grading, the Conservation District has the following comment on the project.

The District supports the proposed seed mix that includes temporary irrigation and requests a one year follow up to obtain an 80 to 85% germination rate of the proposed three species seed mix. We request photos that achieves the germination rate.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources and any comments call us at (775) 750-8272.

Sincerely,

Jim Shaffer



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Enforcement

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-6106
FAX (775) 328-6133

CASE SUMMARY

10/07/2022

Case Number: WVIO-PLA22-0224

Subject Property: 632 Old US 395

Parcel Number: 046-032-02, 046-032-04, 046-032-05

On or about November 20, 2022, Planning Manager Chad Giesinger requested that I take photographs of the operations located at 632 Old US Hwy 395 to document the progress of the Special Use Permit and Parcel Map plan.

I photographed the 3 parcels (046-032-02, 046-032-04, 046-032-05) associated with the operation from November 20, 2020 to October 04, 2022, seven different times.

Over the course of two years, I have seen little to no change in the property's appearance. No grading appears to have been performed to bring the properties into conformance with the SUP or proposed Parcel Map. The only regular activity appears to be palletizing rock and removing it from the property. Large piles of rock, gravel, and dirt remain. Some equipment has come and gone, but overall, not removed.

Code Enforcement has not pursued enforcement action due to the remaining time of the Parcel Map plan. It has come to my attention that the properties may be being used for commercial aggregate operations. The SUP had allowed this use but expired in March of 2021. I have now issued a Stop Activity Order to stop all commercial activity on the properties until the correct permits are obtained.

Shawn Latshaw
Code Enforcement Officer II
SLATSHAW@washoecounty.gov
O: (775) 328-3630
C: (775) 276-2836



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Enforcement

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6106
 FAX (775) 328-6133

****STOP ACTIVITY ORDER****

10/07/2022

Appeal by Date: 11/07/2022

Name of Respondent(s):	BURDICK EXCAVATING COMPANY INC BOULDER CREEK ENTERPRISE LINDA BURDICK
Location of Violation:	632 OLD US 395 AND 3230 OPHIR HILL RD APNs: 046-032-05 / 046-032-04 / 046-032-02
Case Number:	WVIO-PLA22-0224

Investigations by Washoe County reveal that you are violating provisions of the Washoe County Code as follows and, under the provisions of Washoe County Code Section 125.157, you are hereby ordered to stop the following described activities.

Description of Violation:	Operating a commercial aggregate facility in a Regulatory Zone (HDR) where Industrial uses are prohibited. Conducting grading without an issued grading permit. Previous SUP WSUP16-0001 and grading permit WBLD16-100255 expired on March 1, 2021
Code Reference:	WCC section 110.302.05.4 Table of Uses, Aggregate Facilities, Permanent. WCC section 110.438.10 – Permit required for grading WCC section 110.438.35(a) – Special Use Permit required for Major Grading.
Activities which must be stopped and corrective actions:	All grading and any associated work and movement of rock, gravel, sand, dirt, or earth must cease. No materials, to include rock, gravel, sand, dirt, and earth, shall leave the property. All equipment to include excavator, front loader, material conveyor, material crusher, tank truck or any commercial vehicle, pallets(empty), drums, or tools may be removed from the property, but must not be brought on. Before this Stop Activity Order is lifted, you must obtain an ISSUED Washoe County grading permit, and SUP if major grading will be triggered, for these activities if they are to be continued in the future. This Stop Activity Order does not affect the residential dwelling, residents of that dwelling, or activities that would be associated with typical residential areas, for parcel 046-032-04.
Deadline for corrective actions:	IMMEDIATE
Enforcement Official:	Shawn Latshaw, Code Enforcement Officer II Email: SLATSHAW@washoecounty.gov Phone: (775)328-3630



QUALITY
PUBLIC SERVICE



INTEGRITY



EFFECTIVE
COMMUNICATION

Memo to: BURDICK EXCAVATING COMPANY INC
BOULDER CREEK ENTERPRISE
LINDA BURDICK
Subject: Stop Activity Order
Date: 10/07/2022
Page: 2

This Stop Activity Order remains in effect until lifted by me, as the Enforcement Official, or through an Administrative Order issued by an administrative hearing officer.

IF YOU FAIL TO OBEY THIS STOP ACTIVITY ORDER, YOU MAY BE SUBJECT TO ANY ONE OR COMBINATION OF THE FOLLOWING:

- Administrative enforcement proceedings which could result in administrative penalties ranging from \$100 to \$400 for each notice issued for uncorrected code violation(s), and other administrative fees and costs;
- Civil court proceedings against you seeking injunctive relief and penalties;
- Criminal court proceedings which could result in the issuance of a misdemeanor criminal citation against you and, if you are convicted, could result in fines ranging from \$500 to \$2,500 and possible incarceration in the County jail of up to six months;
- Abatement, including Summary Abatement by the County; and/or,
- Any other relief authorized by law.

YOU HAVE A RIGHT TO APPEAL THIS ORDER as described on the following pages.



Shawn Latshaw
Code Enforcement Officer II
SLatshaw@washoecounty.gov
(775) 328-3630 Office
(775) 276-2836 Mobile



Memo to: BURDICK EXCAVATING COMPANY INC
BOULDER CREEK ENTERPRISE
LINDA BURDICK
Subject: Stop Activity Order
Date: 10/07/2022
Page: 3

RIGHT TO APPEAL STOP ACTIVITY ORDER

You may appeal this Stop Activity Order by requesting an administrative hearing.

To request an administrative hearing, contact the Administrative Hearing Office located at Reno Justice Court by email at aho@washoecounty.gov, or by phone at (775) 328 – 2001 or (775) 325 – 6500. You will need to provide a copy of this Stop Activity Order to the Hearing Office.

You must file your appeal on or before the appeal date stated in your Stop Activity Order.

Fees and Costs: The fee to request an administrative hearing is \$50.00. This fee must be paid if you are found in violation of County Codes at the conclusion of the appeal hearing. The hearing officer may also impose additional administrative penalties and/or administrative action fees. Any outstanding penalties and fees must be paid at the conclusion of the appeal hearing.

Hearing Officer and Hearing Date: An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date, which will be scheduled within 30 calendar days of the date you file your appeal. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal hearing.

Impact on this Order: **This Stop Activity Order remains in effect until the appeal hearing date.** Any actions and/or remedies included in this Stop Activity Order will be placed on hold until your appeal is concluded.

If you fail to request an administrative hearing by the Appeal Date shown on this Stop Activity Order, the Order and its remedies **are final and will take effect as outlined in the Order.**

Contact Information:

Administrative Hearing Office
(Located at Reno Justice Court)
1 S. Sierra St.,
Reno, NV 89501
Administrative Hearing Office: (775) 328 – 2001
Reno Justice Court: (775) 325 – 6500
aho@washoecounty.gov

Steps to File Your Appeal:

1. Contact the Administrative Hearing Office by email and/or phone on or before the appeal date shown on your Stop Activity Order.
2. Email a copy of this Stop Activity Order to the Administrative Hearing Office.





WASHOE COUNTY
Planning and Development
 INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
 P.O. Box 11130
 Reno, Nevada 89520-0027
 Phone: (775) 328-6100
 Fax: (775) 328-6133

Board of Adjustment Action Order
Special Use Permit Case Number WSUP16-0001

Decision: Approval with Conditions
 Decision Date: February 2, 2017
 Mailing/Filing Date: February 6, 2017
 Property Owners: Burdick Excavating Co., Inc. and Boulder Creek Enterprises
 Assigned Planner: Chad Giesinger, AICP, Senior Planner
 Washoe County Community Services Department
 Planning and Development Division
 Phone: 775.328.3626
 E-Mail: cgiesinger@washoecounty.us

Special Use Permit Case Number WSUP16-0001 (Ophir Hill) – Hearing, discussion, and possible action to approve a Special Use Permit for major grading in excess of the 5,000 cubic yards of excavation threshold established in Washoe County Code Section 110.438.35, to grade a total of 416,580 square feet (or 9.56 acres) and excavate a total of 38,834 cubic yards of material, and to provide for an overall code compliance plan pursuant to Washoe County Code Section 125.160 to terminate operation of the existing unlawful commercial rock quarry.

- Applicant/Property Owner: Burdick Excavating Co., Inc. and Boulder Creek Enterprises
- Location: 3270 Old US Highway 395, Washoe Valley
- Assessor’s Parcel Numbers: 046-032-02, 046-032-04, 046-032-05
- Parcel Size: 5.29 acres, 2.48 acres, 3.58 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valley
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438 (Grading) and Article 810 (Special Use Permits)
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 34, T17N, R19E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810. If no appeals have been filed within 10 calendar days after the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.



To: Linda Burdick
Subject: WSUP16-0001 Ophir Hill
Date: February 6, 2017
Page: 2

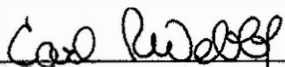
The action was based on the following findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division



Carl R. Webb, Jr.
Secretary to the Board of Adjustment

CW/CG/df

Attachments: Conditions of Approval

Applicant/Property Owner: Burdick Excavation, Inc.
PO Box 22330
Carson City, NV 89721

Representatives: Rubicon Design Group, LLC
100 California Ave. Suite 202
Reno, NV 89509

To: Linda Burdick
Subject: WSUP16-0001 Ophir Hill
Date: February 6, 2017
Page: 3

Lumos and Associates, Inc.
800 E. College Pkwy.
Carson City, NV 89706

Action Order xc: Nathan Edwards, District Attorney's Office; Leo Vesely, Engineering
Division; Wes Rubio, Environmental Health; South Truckee
Meadows/Washoe Valley Citizen Advisory Board, Chair



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Parcel Map Review Committee Action Order
Tentative Parcel Map Case Number WTPM21-0002

Decision: Approval with Conditions
 Decision Date: April 8, 2021
 Mailing/Filing Date: April 9, 2021
 Applicant: Boulder Creek Enterprises
 Assigned Planner: Julee Olander, Senior Planner
 Washoe County Community Services Department
 Planning and Building Division
 Phone: 775.328.3627
 E-Mail: jolander@washoecounty.us

Tentative Parcel Map Case Number WTPM21-0002 (Boulder Creek) – For hearing, discussion and possible action to approve a tentative parcel map to allow the merger and subsequent re-division of three existing parcels of land into four parcels of land. The existing parcels are 2.48 acres, 5.29 acres and 3.58 acres in size, and the resulting parcels will be 2.69 acres, 3.54 acres and two parcels of 2.53 acres in size.

Applicant: Boulder Creek Enterprises
 Property Owner: Burdick Excavating Company & Boulder Creek Enterprises
 Location: 632 Old US 395
 APN: 046-032-02, 04 & 05
 Parcel Size: 2.48, 5.29 & 3.58 acres
 Master Plan: Rural Residential (RR)
 Regulatory Zone: High Density Rural (HDR)
 Area Plan: South Valleys
 Citizen Advisory Board: South Truckee Meadows/Washoe Valley
 Development Code: Authorized in Article 606, Parcel Maps
 Commission District: 2 – Commissioner Lucey

Notice is hereby given that the Washoe County Parcel Map Review Committee granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 606, Parcel Maps. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Parcel Map Review Committee is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the Committee’s review of the following criteria in accordance with Washoe County Code, Section 110.606.30(i):


To: Boulder Creek Enterprises
Subject: Tentative Parcel Map Case WTPM21-0002 (Boulder Creek)
Date: April 9, 2021
Page: Page 2 of 3

- 1) General improvement considerations for all parcel maps including, but not limited to:
 - a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
 - b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
 - c) The availability and accessibility of utilities;
 - d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
 - e) Conformity with the zoning ordinances and master plan;
 - f) General conformity with the governing body's master plan of streets and highways;
 - g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
 - h) Physical characteristics of the land such as floodplain, slope and soil;
 - i) The recommendations and comments of those entities reviewing the tentative parcel map pursuant to NRS 278.330 and 278.348, inclusive;
 - j) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands;
 - k) Community antenna television (CATV) conduit and pull wire; and
 - l) Recreation and trail easements.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.

Washoe County Community Services Department
Planning and Building Division



Roger Pelham, Parcel Map Review Committee Chair
Senior Planner, Planning and Building Division

RP/JO/LK

To: Boulder Creek Enterprises
Subject: Tentative Parcel Map Case WTPM21-0002 (Boulder Creek)
Date: April 9, 2021
Page: Page 3 of 3

Attachments: Conditions of Approval

Applicant/Property Owner: Boulder Creek Enterprises
P.O. Box 22330
Carson City, NV 89721

Representatives: Lumos & Associates
9222 Prototype Drive
Reno, NV 89521
jgomez@lumosinc.com

Action Order xc: Jen Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Wayne Handrock, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; James English, Washoe County Health District; and Vahid Behmaram, Washoe County Planning and Building Division- Water Resources



Conditions of Approval

Tentative Parcel Map Case Number WTPM21-0002

The tentative parcel map approved under Parcel Map Case Number WTPM21-0002 shall be carried out in accordance with the conditions of approval granted by the Washoe County Parcel Map Review Committee on April 8, 2021. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this tentative parcel map shall be met or financial assurance must be provided to satisfy the conditions of approval prior to the recordation of a final parcel map. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this tentative parcel map is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the tentative parcel map may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this tentative parcel map should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “conditions of approval” are referred to as “operational conditions.” These conditions must be continually complied with for the life of the project.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact: Julee Olander, 775.328.3627, jolander@washoecounty.us

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this tentative parcel map.**
- b. The final map shall be in substantial compliance with all plans and documents submitted as part of this tentative parcel map application, and with any amendments imposed by the Parcel Map Review Committee. All documentation necessary to satisfy the conditions noted below shall accompany the final map when submitted to the County Engineer and the Planning and Building Division.
- c. The applicant shall comply with all the conditions of approval and shall submit a final map for signature by the Director of the Planning and Building Division within 22 months from the date of approval by the Parcel Map Review Committee. Each agency responsible for imposing conditions may determine whether its conditions must be fully completed or whether the applicant shall be offered the option of providing financial assurances as a means of assuring compliance.
- d. The final map shall contain the following jurat:

DIRECTOR OF PLANNING AND BUILDING CERTIFICATE

THE FINAL PARCEL MAP CASE NO. WTPM21-0002 MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS; IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP. THE OFFER(S) OF DEDICATION IS (ARE) REJECTED AT THIS TIME BUT WILL REMAIN OPEN IN ACCORDANCE WITH NEVADA REVISED STATUTES CHAPTER 278.

THIS FINAL MAP IS APPROVED AND ACCEPTED THIS _____ DAY OF _____, 20_____, BY THE DIRECTOR OF PLANNING AND BUILDING OF WASHOE COUNTY, NEVADA, IN ACCORDANCE WITH NEVADA REVISED STATUTES 278.471 THROUGH 278.4725.

MOJRA HAUENSTEIN, DIRECTOR, PLANNING AND BUILDING DIVISION

- e. The applicant has indicated that the proposed improvements will not exceed the major grading thresholds that require a special use permit. If the final construction drawings for the map include grading that exceeds the *Major Grading Permit Thresholds* listed in Article 438 Grading Standards, the applicant shall apply for a special use permit for grading; this approval may take up to three months to process. In addition, all related standards within the Washoe County Development Code shall be met on the construction drawings.

- f. The approval for this tentative parcel map does not include improvements for driveways to building pads. Grading for access to building pads, if they exceed the criteria stated in the previous condition, shall require a special use permit.
- g. The previously approved grading plans and grading permit (WBLD16-100255) shall be completed, or if expired shall be resubmitted, and then completed prior to final map recordation.
- h. As an alternative to conditioning above, the property owner may submit new grading plans showing how the property will be regraded to adequately accommodate future residential use. The use and construction of rockery walls, retaining walls, or other similar design techniques may be utilized. All restorative grading shall be completed prior to final map recordation.
- i. The subject property shall be restored to a natural state (per approved grading plans, and to the extent possible) and all commercial aggregate operations shall cease (to include the removal of equipment used for commercial purposes). Any remaining large boulders will be strategically placed within the parcels to achieve a natural appearance. The finished grade of all parcels shall be designed to adequately accommodate future residential use.
- j. The applicant shall submit a plan for the control of noxious weeds as part of the grading permit approval. All revegetation of disturbed areas must be accomplished utilizing native shrubs, grasses, and forbs.
- k. The existing "shop" may remain as an accessory use to an established primary residential use but shall not be used for commercial purposes unless subsequently legally permitted for such use. Parcels may not be created that result in a non-conforming use, such as an accessory structure on vacant property.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

Contact: Wayne Handrock, 775.328.2315, whandrock@washoecounty.us

- a. Comply with the conditions of the Washoe County technical check for this map.
- b. Remove contours, structures, trees, poles and hydrants from the map.
- c. Add the FEMA floodplains to the map.
- d. Add the following note to the map: Any structures within a FEMA flood zone must comply with the Washoe County Development Code Article 416.
- e. All boundary corners must be set.
- f. Add a note to the map stating: No habitable structures shall be located on a fault that was active during the Holocene Epoch of geological time.
- g. Provide evidence of documented access to all parcels.
- h. Add a Security Interest Holder's Certificate to the map if applicable.
- i. Add the following note to the map; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

- j. A financial assurance acceptable to the Engineering department in an amount sufficient to re-grade the site to a condition suitable for residential development shall be provided. In the event the applicant fails to comply with the conditions of approval or let the parcel map expire, said financial assurance shall be called by Washoe County to complete the required grading.

Washoe County Health District Environmental Health Services (EHS)

3. The following conditions are requirements of Environment Health Services, which shall be responsible for determining compliance with these conditions.

Contact: James English, 775.328.2610, jenglish@washoecounty.us

- a. Parcels 046-032-02 and 04 must locate their septic systems for EHS field verification to ensure that the systems are code compliant and that adequate space is available for a code compliant repair area, meeting all required setbacks. In all instances, the lot must allow sufficient space for two complete disposal systems, including all applicable and required setbacks. In the event that the septic is located off of the property, the system will need to be relocated to meet all setbacks prior to the signing of parcel map.
- b. EHS accepts third party locating with a receipt or uncovering of the tank and each end of the leach fields. EHS must be contacted to field inspect and verify the location.
- c. Newly proposed parcel boundary lines must be surveyed and staked in field at the time of field verification of the septic by EHS.
- d. After location and field verification of the septic locations, a plot must be provided to EHS showing the existing parcels, the verified septic and repair locations for each, and the proposed boundary lines. This will be entered into the property record as a verified septic location and must be completed prior to final approval of the parcel map.
- e. Washoe County Health District (WCHD) requires a test trench to be completed on each proposed parcel that does not currently have a septic system. If test trenches have been previously done, they will be accepted. Test trench reports must be provided prior to signing of parcel map. Test trench permit(s) require an application with WCHD prior to excavation and inspection.
- f. No known public water system is available to serve the new parcels. Applicant should consult with State of Nevada Division of Water Resources to ensure that all water rights issues associated with water provision for the new parcels are resolved.

Washoe County Planning and Building Division - Water Resources

4. The following conditions are requirements of the Water Resources Coordinator Manager, who shall be responsible for determining compliance with these conditions.

Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us

- a. The subject parcel is not near any municipal, quasi-municipal or private water delivery infrastructure; therefore, resulting parcels will rely on Individual Domestic wells as their source of domestic water supply.
- b. Washoe County code requires that the applicant for a parcel map with parcels served by an individual domestic well, bring forth an approved and recorded "Affidavit of Relinquishment for Domestic Wells" by the Nevada State Engineer's office. The applicant shall complete the relinquishment process with the State Engineer's office and record the approved form with the County Recorder's office and submit a recorded copy to Washoe County as a pre-requisite to approval of their parcel map.

- c. The relinquishment form is available at the following site:
<http://water.nv.gov/forms/forms09/Relinquishment09.pdf>
- d. Washoe County retains the authority to impose its own review and reject water rights which do not comply with Washoe County code and area plans. Therefore, a preview of water rights intended to support the project (prior to relinquishment process) will be helpful for both the applicant and Washoe County staff.
- e. The ground water rights subject to relinquishment MAY NOT be supplemental ground water which supplement primary surface water rights.
- f. The amount of water rights necessary is 2.00 acre-feet of ground water rights per newly created parcel. The original parcel is deemed exempt from the relinquishment process. In the way of an example, if one parcel is subdivided into a total of 4, there are 3 newly created parcels and one existing or remains thereof. This parcel map will create only 1 newly created parcel which will require the relinquishment of 2.00 acre-feet of ground water rights.
- g. The water rights must be in good standing with the State of Nevada, with current title. The water rights must be from the same hydrographic basin as the lands subject to the parcel map and comply with the appropriate area plan.

Truckee Meadows Fire Protection District (TMFPD)

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

Any future development of a single, multiple, or all parcels will be subject to currently adopted Fire and Wildland-Urban Interface Codes at the time of development on the specific parcel.

Contact Name – Dale Way / Brittany Lemon, 775.326.6000, dway@tmfpd.us / blemon@tmfpd.us

- a. The Truckee Meadows Fire Protection District (TMFPD) will require that this project meet the requirements of Washoe County Code 60 to include infrastructure, access, and water for fire suppression.

*** End of Conditions ***

Project Name: Ophir Hill
Acreage: 1

Date: 10/3/2022
Application Rate (seed/sqft): 30

Location: Township 17 N, Range 19E, Section 34
 Washoe Co.

Application Method (drill or broadcast): broadcast

Desired Species for Seed Mix (All seed must be certified as "weed-free")

Common Name	Scientific Name	USDA Symbol	Mix Ratio (%)	Purity	Germination	PLS	Seeds/lb ¹	Cost/lb ¹
Great Basin Wild Rye	Leymus cinereus	LECI4	20	0.9	0.85	0.765	120000	\$14.74
Wyoming big sagebrush	Artemisia tridentata wyomingensis	ARTRW8	40	0.14	0.8	0.112	2500000	\$7.17
Antelope bitterbrush	Purshia tridentata	PUTR	40	0.95	0.8	0.855	15000	\$6.78

¹Estimated, actual seeds/lb and cost vary by supplier

If you are drill, or broadcast seeding, please use the appropriate information columns below.

Species	Bulk lbs needed per species		Cost per species	
	Drill	Broadcast	Drill	Broadcast
LECI4	2.85	5.69	\$41.97	\$83.93
ARTRW8	1.87	3.73	\$27.52	\$55.03
PUTR	40.76	81.52	\$600.77	\$1,201.54

Weight and Cost Requirements

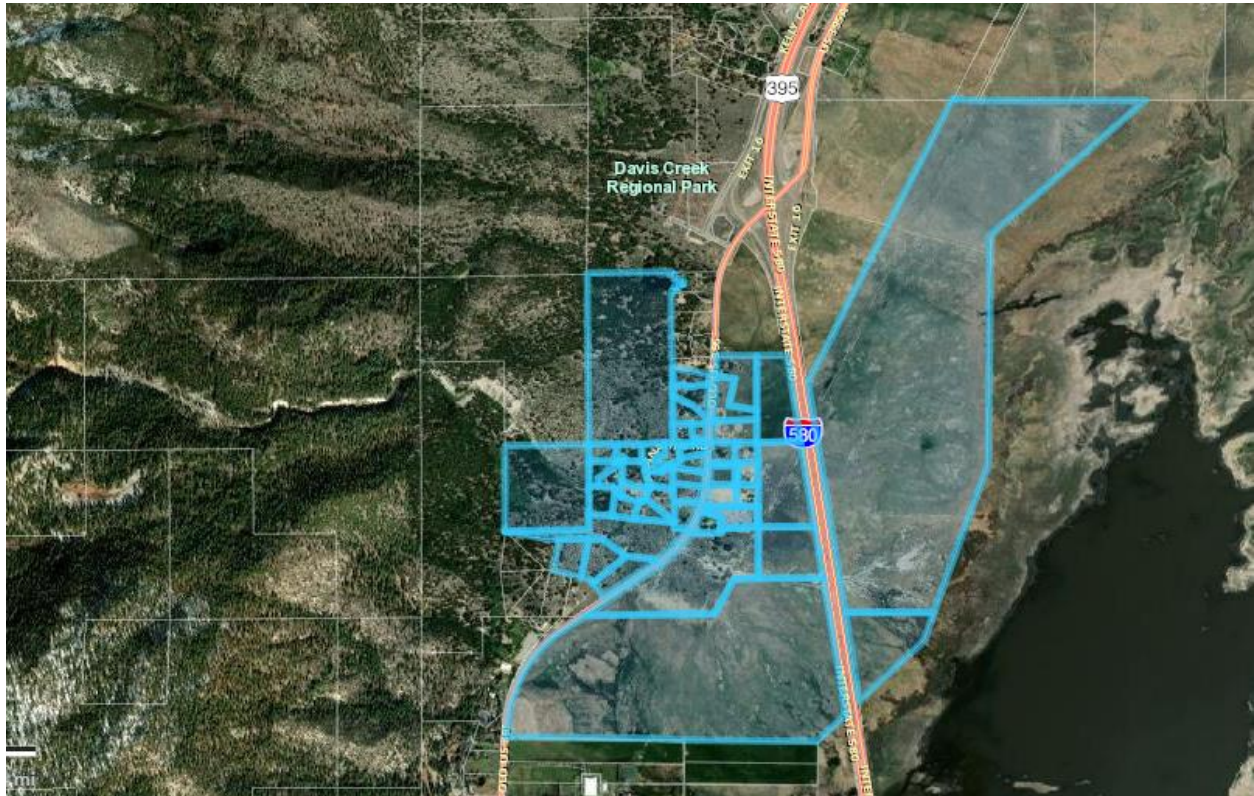
	Drill	Broadcast	
² Total Cost:	\$642.74	\$1,285.47	² Varies depending on supplier

Plant and Seeding Information

Species	Link to USDA Fact Sheet	Seeding Information
LECI4	https://plants.usda.gov/factsheet/pdf/fs_pose.pdf	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.
ARTRW8	https://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idp_mcp6294.pdf	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.
PUTR	https://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/co_pmcpg6658.pdf	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.

Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 2000-foot radius of the subject property. A total of 39 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Ophir Hill

Application to Washoe County for a:

Special Use Permit

Prepared by:



John F. Krmpotic, AICP
KLS Planning & Design Group
201 W Liberty Street, Suite 300
Reno, Nevada 89501
(775) 852-7606



Edward Thomas, P.E., LEED AP
Lumos & Associates
9222 Prototype Drive
Reno, NV 89523
(775) 827-6111

Prepared for:

Linda Burdick
Burdick Excavating Co., Inc.
PO Box 22330
Carson City, NV 89721
(775) 297-4566

May 8, 2023

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Appendix A

Application Materials

- Washoe County Development Application
- Special Use Permit – Supplemental Information
- Special Use Permit for Grading – Supplemental Information
- Integrated Noxious Weed Management Plan
- Native Seed List

Appendix B

Civil Reports/Studies

[Conceptual Drainage Report](#)

https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_two/2023/Files/WSUP22-0027_OphirHill_Appendix%20B-CivilReports_Reduce.pdf

[Geotechnical Investigation Report](#)

https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_two/2023/Files/WSUP22-0027_OphirHill_Appendix%20B-CivilReports_Reduce.pdf

Civil & Landscape Plan Set (full size sheets - 24" x 36")

- C1 Existing Conditions
- C2 Rock Removal Grading Plan
- C3 Preliminary Grading Plan
- C4 Preliminary Cross Sections
- CS Slope Analysis Map
- C6 Cut Fill Map
- L1 Preliminary Landscape Plan

Project Request

This application contains a request for a **Special Use Permit** for grading meeting the thresholds defined in Washoe County Development Code Section 110.438.35(a).

Project Location

The site is composed of three parcels (APN: 046-032-02, -04, -05) totaling 11.29 acres and is located adjacent to Old US 395 near Ophir Hill Road in Washoe Valley, about .75 miles south of Davis Creek Park Road. The site currently contains a single-family residence and one building for storage. Current primary access to the site is via Ophir Hill Road.



Figure 1 – Vicinity Map

Land Use and Zoning

The site is adjacent to vacant land to the east and south, and residential to the west and north. Rural Residential (RR) was established for the site's land use in the Washoe County Master Plan, and regulatory zoning is High Density Rural (HDR) (See Figures 3 and 4 below). The site is adjacent to similar rural or rural residential land uses on all sides. The site is part of the South Valleys Area Plan within its West Washoe Valley Rural Character Management Area.



Figure 3 – Washoe County Master Plan

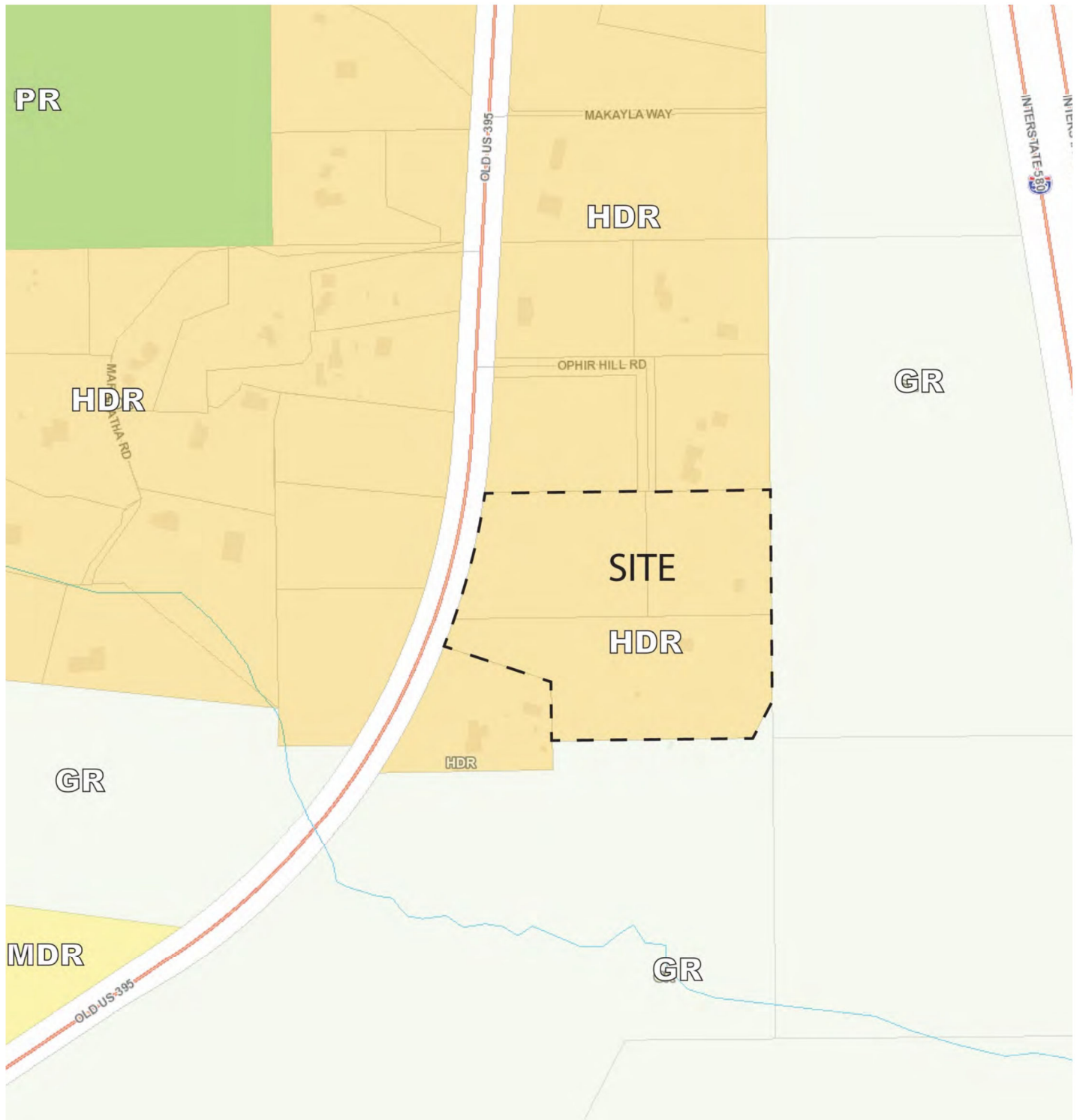


Figure 4 – Washoe County Zoning Map

Project Description

The primary purpose of this SUP application is to terminate all commercial use of the site and restore the site from the prior grading operation that has occurred over past years. This is a ceased excavation operation transitioning to material haul off program coupled with an SUP for restoration of an excavated site along with preparing for subdivision improvements.

This is also referenced as a restoration project that involves a grading request for 22,050 cubic yards of cut, 16,750 yds of fill and a net cut of 5,300 yds. There is the net export needed per the grading plan.

The total project area of 11.29 acres will include a four-lot subdivision with a shared driveway to serve them (see Figure 5 below). The parcels range from 2.5 to 3.26 acres in size. Graded material will be used to create the proposed driveway and elevate building pads, as well as to route runoff to a stormwater basin.

On April 8, 2021, the Washoe County Parcel Map Review Committee approved a tentative parcel map (now expired) for the property described by assessor's parcel numbers (APN's) 046-032-02, 04, and 05. The tentative parcel map (WTM21-0002) divided the property into four parcels. The tentative parcel map conditions of approval included one to submit new grading plans showing how the property will be regraded to adequately accommodate future residential use. That is the primary purpose of this SUP application.

The 0.82-acre area to the south of the property line for APN 046-032-02 extends from the south property line to an existing ranch fence. This area is BLM land south of the project site and was previously cleared as a part of the aggregate operation. This area will be re-graded and re-vegetated as a part of the Ophir Hill restoration effort, but is not a part of the subdivision boundary or developed project area.

As a residential use, landscape area is not required for the project per Washoe County Code Article 412. However, there are several stands of mature trees located throughout the property as shown on the site plan and civil plan sets. This was a significant and intentional issue in the design process to maximize efforts and preserve the trees, many of which are greater than 6" DBH. A native seed mix has been provided by BLM (in Appendix A) and will be used for revegetation, and a Noxious Weed Management program is provided in Appendix A as well.

Property & Project History

Following is a brief timeline of events associate with development permits for this property:

- SUP for Grading was approved by Board of Adjustment on 2/2/17.
- SUP Extension request was granted in a letter by staff on 12/17/20, extending SUP expiration to 3/1/21.
- A Tentative Parcel Map was approved on 4/8/21 to create the 4 parcels.
- A Revised SUP for Grading was submitted on 9/8/22 to meet a condition of approval of the prior Parcel Map approval. That SUP application was placed on hold.
- Washoe County required termination of the Burdick Excavating business operation on 10/10/22.
- This SUP is another revised version with a new Tentative Parcel Map application submitted on 5/8/23.



Figure 5 – Conceptual Site Plan

Slope Analysis

The manmade slopes are identified as such (road cut, excavation, stockpile, etc.). The Slope Map (see Figure 6) shows that majority of the site is flat, and the only steep areas are stockpiles (in red) as a result of the aggregate processing activities that took place on the site. The natural grade of site is of modest slopes (in green) that averages about 5% east to west and about 2% from north to south.

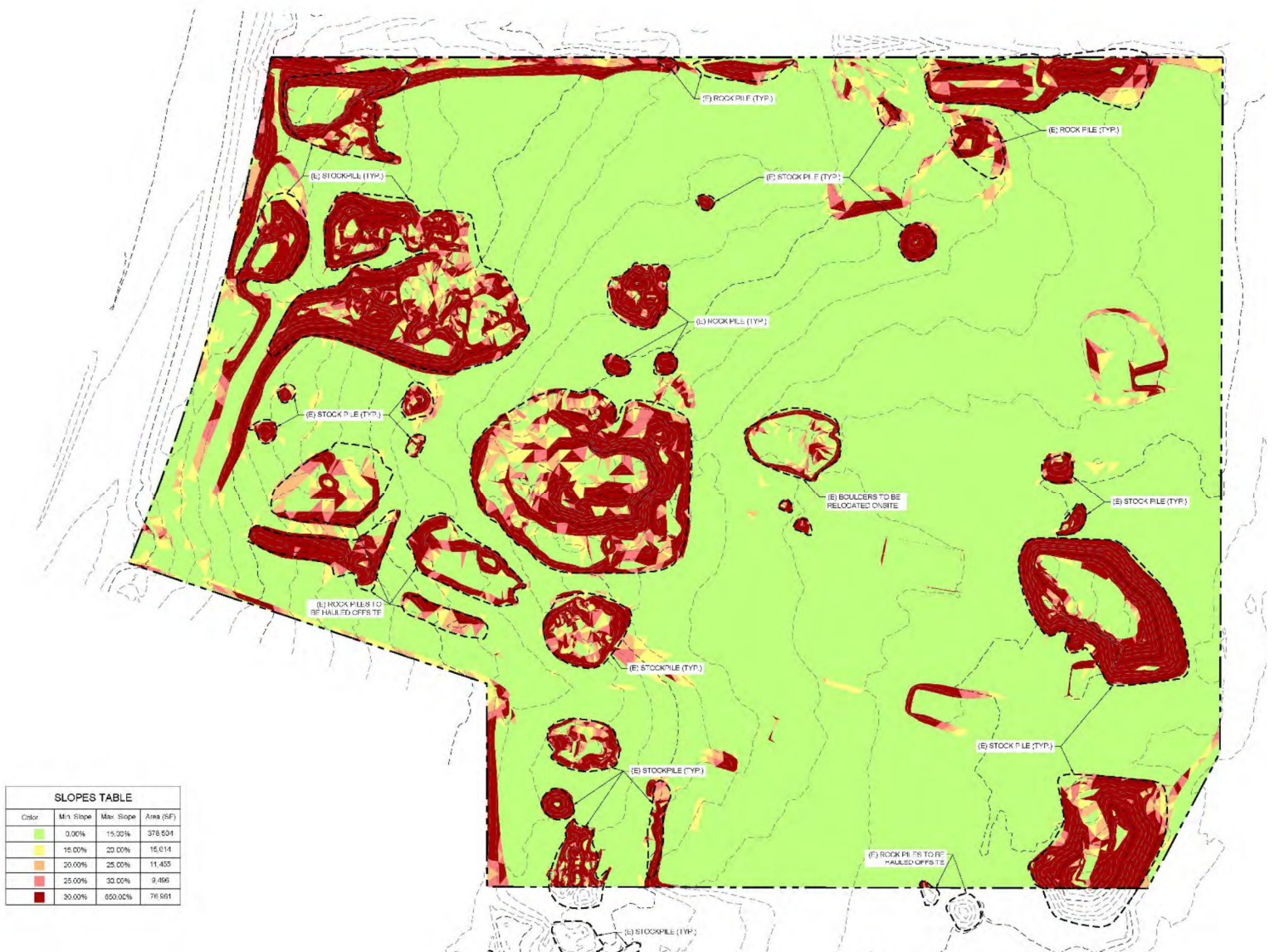


Figure 6 – Slope Analysis Map (with Stockpiles)

Hillside Development Analysis

Per Washoe County Development Code Section 110.424.05(a)(1), properties with 15 percent or greater slope on 20 percent or more of the site is subject to hillside development. This generally would apply to this project as more than 20% of the site exceeds 15% slope (see Table 1 below) As a result of the man-made slopes, this is not a hillside project as the mounds of rock created from the excavation company operation artificially alter the slope map. The intent of hillside development is not applicable to man-made piles of material and does not constitute slopes per se.

Number	Min. Slope	Max. Slope	Area (SF)	Percent of Site	Color
1	0.00%	15.00%	378,504	79.33%	Green
2	15.00%	20.00%	15,614	3.17%	Yellow
3	20.00%	25.00%	11,455	2.33%	Orange
4	25.00%	30.00%	9,496	1.93%	Red
5	30.00%	100.00%	76,961	15.64%	Brown

Site Development Standards for hillside development per WDC 110.424.30 are all met with the proposed project. In addition to those standards, the grading on the site subjects the project to additional standards of the Washoe County Development Code as stated below. Responses to the standards are written in *italics* below each code section beginning on page 11.

Grading Narrative

Figure 7 below shows 6 feet of fill in a small area within the setback along Old US 395 on the west side of proposed Parcel A. These areas are remnant roads between stockpiles that were used by loaders and trucks when moving material around on the site. When the grade is softened from Old US 395 to the back yards of the proposed houses, stockpiles will be removed and the roads will be filled in. The net result is that there is fill greater than 6 feet when those grades are smoothed-out.

It is our understanding that the intent about restricting fill in the setback area is not to prevent grading by way of smoothing out grades. Rather, the intent is to prevent obstructive berming. By removing the stockpiles and using the stockpiled material to fill in the access roads, we are actually improving the grade situation along Old US 395. See exhibit below showing this grading element.

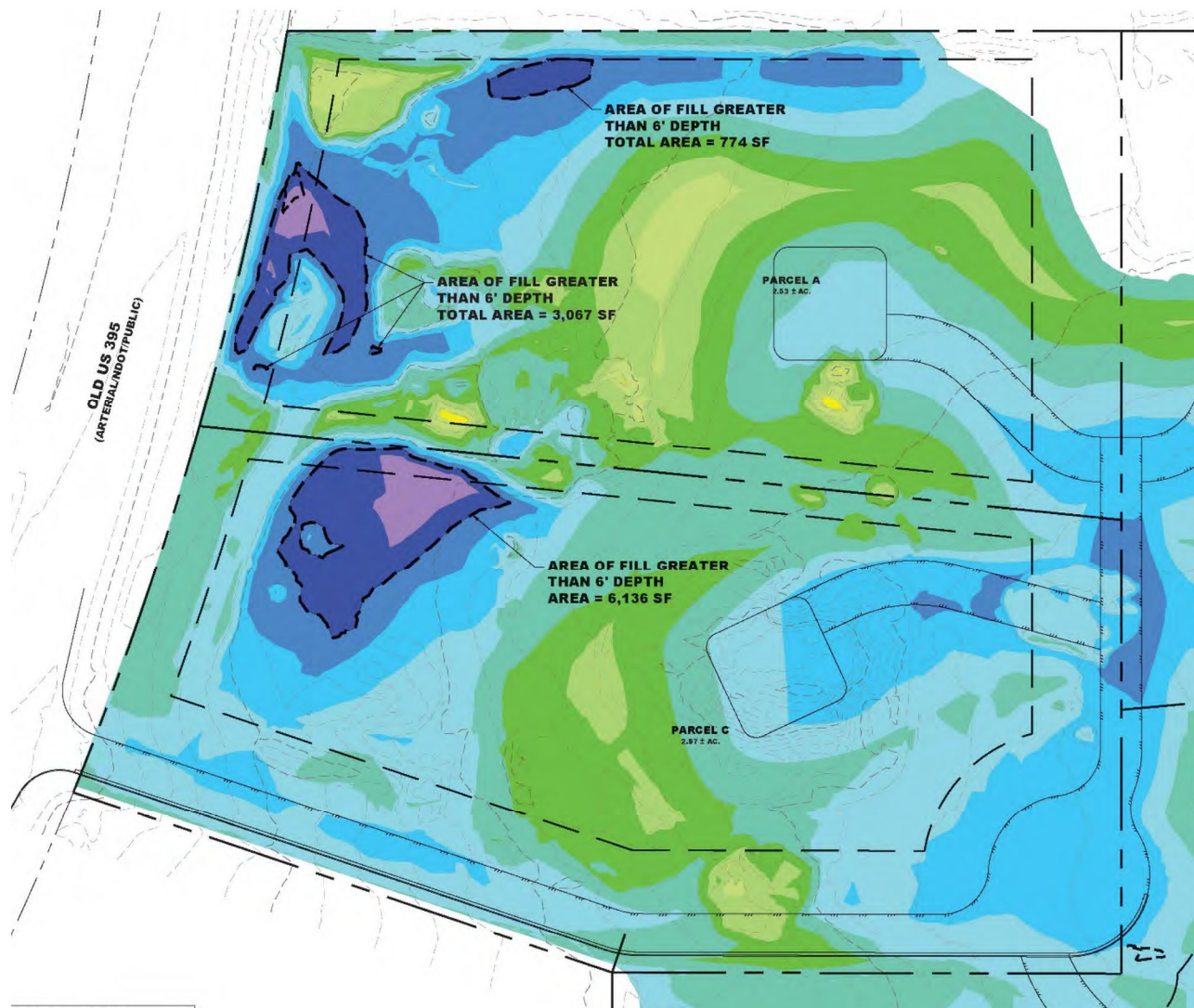


Figure 7 – Cut & Fill Map

As discussed with County staff in 2/6/23 meeting, we have added an intermediate grading plan. The intermediate grading plan is called “Rock Removal Grading Plan” in the civil plan set. It shows the rock piles that will be hauled to Mound House, the relocation of the boulders (to remain on site for landscaping) and the aggregate crushing/processing area. The plan shows the quantity of earthwork required to haul off the rock at 5,500 yds, noted as cut. That is more precisely the removal of piles of rock and not cutting native material

A final grading plan shows the site in its final graded state. That plan includes a) the quantity of materials being hauled off site, b) the quantity of earthwork moved (cut/fil) after the off-haul effort is complete, and c) the total earthwork (off-haul and final combined).

Project Phasing for the SUP

Phase 1: Removal of excess material: 4 months to complete upon authorization to proceed

This will include off haul of excess rock/stockpiles, old equipment, palletized rock, and any other bulk items to be removed. It is roughly 5,500 yds per the civil sheet C2 (the Rock Removal Plan). This effort will be completed within 4 months of the SUP approval. All rock not utilized on the finished project will be relocated to a commercial property at 5 Brown Drive in Mound house and Lyon County. The palletized material will remain at 5 Brown Drive, the loose material would be stored on a contiguous parcel owned by Richdel, Inc. located at 23 Industrial Parkway in Mound House Nevada with ingress and egress provided to this storage through 5 Brown Drive parcel. The applicant owns this property and has zoning to allow for such activity without further discretion. Times of operation for grading will be restricted to 7am to 7pm, Monday thru Saturday.

Phase 2: Final grading: 6 months to complete upon authorization to proceed

This will include grading for pads, the roadway, installing utilities, paving, and complete restoration of BLM land with temporary irrigation for revegetation. The reveg seed mix provided by the BLM is shown on the grading plan. The applicant is aware that any grading of pads/driveways will have to be stabilized/revegetated due to timing of the parcel map submittal and conditions of approval associated with the Parcel Map prior to final map. Riprap is only used in the drainage areas where the culvert is crossing under the road and/or driveway as shown on the grading plan. Also, driveways and the building pads will be shown as aggregate base. All other areas will be revegetated

Typically phasing is referenced in terms of traditional phasing of improvements and infrastructure to serve lots, which will be a single phase for this project.

Grading Standards

Section 110.424.35 Grading and Drainage Standards. This section sets forth development standards for grading and drainage of hillside and ridgeline properties.

- (a) Grading. These grading standards are applicable to hillside and ridgeline development only if a special use permit for grading is required pursuant to Washoe County Ordinance 811. The following standards are intended to preserve natural topographic features, foster resource preservation and minimize degradation of the visual character of hillsides:

- (1) Grading shall relate to the natural topography with the natural topography maintained to the greatest extent possible;

This standard has been met with grading as proposed and is really intended to get the site closer to its natural condition. We are moving from disturbance to revegetation and restoration.

- (2) Where alteration to the natural topography is necessary, graded slopes shall be contoured to provide a smooth and gradual transition of grading and natural slopes, while maintaining the basic character of the terrain;

All grading (whether in cut or fill areas) is counter graded to provided smooth and gradual transitions. There are no slopes resulting from the grading plan. In addition, restoration of graded areas with revegetation, and planting will help with mitigation.

- (3) Standard pad grading or terracing which results in grading outside the building footprint and access area shall be discouraged;

This has been accomplished as there is no terracing of the pads. There are raised pads for placement of the home footprints to ensure proper drainage is provided around the homes. However, grading outside of the building footprint is 100 percent imperative for a project like this.

- (4) Grading of knolls, ridgelines or toes of slopes shall be rounded to conform with the natural grade and to provide a smooth transition to the natural slope;

The notion of grading of knolls or ridgelines being proposed in the grading plan is not relevant to anything in this grading scenario. The predominant land form characteristic of this site is essentially flat land near the bottom on Washoe Valley that has been previously graded. All finished slopes are designed with a smooth transition to the natural slope.

- (5) Grading shall create varying gradients in order to avoid a “manufactured” appearance;

Similar to above, our approach to vary gradients is to avoid a manufactured appearance in the proposed contours. This will be largely accomplished with the revegetation and planting.

- (6) Grading in environmentally sensitive habitat areas shall occur only when necessary to protect, maintain, enhance or restore the habitat; and

There are no environmentally sensitive areas on the site. This grading SUP is intended to simulate a more native condition of the site. This is the key point in the overall grading discussion given there are no significant water ways, drainageways, vegetation including trees and shrubs, wildlife or rock outcroppings on the property.

- (7) A slope stability and scarring mitigation plan, certificated by the project engineer, shall be reviewed and approved by the Director of Community Development and the Public Works Department prior to initiation of grading.

There is no issue of slope stability and scarring from this grading plan. The applicant agrees with this requirement.

- (b) Drainage and Erosion Control. All hillside development shall satisfy current Washoe County Code for drainage and erosion control.

The project will satisfy code requirements for drainage and erosion control. We accept that preventive measures on drainage and erosion control that satisfy the applicable articles of the development code can and will be met.

Section 110.438.45 Grading of Slopes. The standards in this section shall apply to all grading for subdivision improvements, special use permits, or other discretionary permits. The standards in this section shall also apply to all grading for building and grading permits upon or adjacent to lots less than or equal to five (5) acres in size, and to all grading within one hundred (100) feet of all property lines on parcels greater than five (5) acres in size.

- (a) Grading shall not result in slopes in excess of, or steeper than, three horizontal to one vertical (3:1) except as provided below:
 - (1) Storm drainage improvements.
 - (2) Cut and fill slopes less than thirty (30) inches in height.
 - (3) Cut slopes proposed to be located behind civic, commercial and industrial buildings, when the cut slope is shorter than and substantially screened by the proposed building. Such slopes are subject to approval of a Director's Modification of Standards by the Director of Community Development.
 - (4) The County Engineer may waive this requirement for up to fifteen (15) percent of the length of the cut and/or fill where the presence of rock or, in his determination, other practical hardships exists.

This project does not propose any slopes greater than 3:1, thus meeting this standard.

- (b) Within the required yard setbacks fills shall not differ from the natural or existing grade by more than forty-eight (48) inches (see Figure 110.438.45.1).

The standard is met with current project design, as the setback fills do not differ from the existing grade by more than 48 inches.

- (c) Finish grading shall not vary from the natural slope by more than ten (10) feet in elevation. Exposed finish grade slopes greater than ten (10) feet in height may be

allowed upon the approval of a director's modification of standards by the Director of Community Development upon recommendation by the County Engineer.

This is not applicable as a practical matter as the cuts and fills are due to leveling of stockpiles and not cutting hills, or knolls, or significant landforms. The project will require a maximum cut of 22' and a maximum fill of 8' in height to achieve a uniform finished grade for the building pad locations.

Special Use Permit Findings

Section 110.810.30 Findings. Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment or a hearing examiner shall find that all of the following are true:

- (a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

The character statement of the South Valleys Area Plan emphasizes large residential parcels in West Washoe Valley, and specifically notes a density of one unit per 2.5 acres for the HDR zone in this CMA. The proposed 2.5- to 3.5-acre lots achieved with the proposed grading meet this standard. These statements make the proposed large lot residential use consistent with the plan's goals and the best fit for the intended vision for the project site.

- (b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

One common private driveway will be extended to serve the site as shown in the project site plan. That driveway will be a shared driveway for parcel access. The site will be served by private wells and sewer septic systems. Community systems are not available in the area. Any additional utility improvements needed will be provided upon construction. Drainage improvements are outlined in the attached civil plan set.

- (c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

The site is essentially flat land, but several scattered areas of manufactured steeper slopes make it impossible to propose residential developments of an appropriate size without grading. It is all residential zoned area and the typical slopes used for residential lots are flat in scale and necessitate grading as requested with this special use permit. However, the four lots in the project design are within the allowable height for the zoning district and all other intensity factors are met as described above.

- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and

Issuance of the permit has no conceivable detriment to the public health, safety, or welfare; is not injurious to the property or improvements of adjacent properties; and is not of detrimental character to the surrounding area.

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Issuance of the permit will not have a detrimental effect on the location, purpose, or mission of a military installation.

South Valleys Area Plan Analysis

Beyond its Washoe County land use designation, the project site is located in the area managed by the South Valleys Area Plan. Further, it is within the West Washoe Valleys Rural Character Management Area. The following sections discuss the themes and policies associated with the project in grading.

Grading Policies

- SV.2.2 Whenever possible, grading for residential purposes after the date of final adoption of this plan will:
 - Minimize disruption to natural topography.
 - Utilize natural contours and slopes.
 - Complement the natural characteristics of the landscape.
 - Preserve existing vegetation and ground coverage to minimize erosion.
 - Minimize cuts and fills.

All physical characteristics were considered in the project design and engineering. As a grading specific project, attention was given to the slopes and soil conditions on the site that were evaluated in the design per the geotechnical study recommendations. Slope treatment with revegetation will be utilized to restore slopes and limit erosion and subsequent sedimentation within adjacent storm-water conveyances.

- SV.12.2 The Washoe County Departments of Community Development and Public Works will establish and oversee compliance and enforcement of design standards for grading that minimize the visual impact of all residential and non-residential hillside development, including road cuts and driveways.

All design standards for grading will be met as designed and the applicant agrees with this oversight and enforcement standard.

- SV.12.3 The grading design standards referred to in Policy SV.12.2 will, at a minimum, ensure that disturbed areas shall be finished, and fill slopes will not exceed a 3:1 slope, and that hillside grading will establish an undulating naturalistic appearance by creating varying curvilinear contours.

All physical characteristics were considered in the project design and engineering. As a grading specific project, attention was given to the slopes and soil conditions on the site that were evaluated in the design per the geotechnical study recommendations. Slope treatment with revegetation will be utilized to restore slopes and limit erosion and subsequent sedimentation within adjacent storm-water conveyances.

- SV.12.7 At the time of master plan amendment and tentative subdivision map application submittal, and prior to the issuance of grading permits for final maps, an applicant should submit to the Community Development staff, for review and approval, a "developable area analysis" for all portions of a development on slopes greater than 15 percent. The developable area analysis should include the following:
 - An analysis identifying the developable area of a hillside, as evidenced by soils, geotechnical, biological and hydrological studies;
 - Areas underlain with faults that have been active during the Holocene epoch of geological time;
 - Habitat areas of known endangered or rare plant and/or animal species;
 - Significant streams, ravines and/or drainageways; and,
 - A developable area map designed in accordance with the following:
 - Identifying the location;
 - Identifying the amount of total land area suitable for development;
 - Identifying areas of landslide or potential landslide; and,
 - Drawn to a scale appropriate for the project.

The factors for analysis listed above are all included with this application. This application stems from the need to further analyze the grading associated with a conditionally approved tentative parcel map.

Appendix A

Application Materials

Washoe County Development Application

Property Owner Affidavit

Special Use Permit Checklist

Special Use Permit – Supplemental Information

Special Use Permit for Grading – Supplemental Information

Washoe County Treasurer – Tax Payment Records

Integrated Noxious Weed Management Plan

Native Seed List

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

Special Use Permit for grading that exceeds Major Grading Permit Thresholds per Article 438 of Washoe County Development Code. Grading will be for a four-unit residential subdivision

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

This is provided in the 4 lot subdivision design which is the site plan.

3. What is the intended phasing schedule for the construction and completion of the project?

This is a single phase project. Construction timeline has not been established yet.

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

Proposed project is of a similar nature to neighboring residential properties. Slopes are negligible and grading in the spirit of restoration will be required to prepare the site for development.

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

Improved visual impacts, reduction of dust, reduction of noise, reduction of truck traffic.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

There are only positive impacts created with such a project as this. This will menace livability of adjacent properties.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

No landscape plan is required, we are saving mature trees that exceed any and all landscape requirements

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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9. Utilities:

a. Sewer Service	Private
b. Electrical Service	NVE
c. Telephone Service	None
d. LPG or Natural Gas Service	None
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	Charter
g. Water Service	Private

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #	N/A	acre-feet per year	
i. Certificate #	N/A	acre-feet per year	
j. Surface Claim #	N/A	acre-feet per year	
k. Other #	N/A	acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

Not applicable at this time

10. Community Services (provided and nearest facility):

a. Fire Station	Truckee Meadows Fire Station 32
b. Health Care Facility	Saint Mary's Galena Urgent Medical Center
c. Elementary School	Pleasant Valley Elementary School
d. Middle School	Herz Middle School
e. High School	Damonte Ranch High School
f. Parks	Davis Creek Regional Park
g. Library	South Valleys Library
h. Citifare Bus Stop	Herz Boulevard / Mount Rose Highway

**Special Use Permit Application
for Grading
Supplemental Information**
(All required information may be separately attached)

1. What is the purpose of the grading?

To prepare the site for the construction of single family residences, to construct a shared-access driveway, and to route runoff to a stormwater detention basin.

2. How many cubic yards of material are you proposing to excavate on site?

There is a total of 22,050 cubic yards of earthwork being cut including the rock pile removal.

3. How many square feet of surface of the property are you disturbing?

The entire site is being graded (restored is more appropriate) which is 491,792 sq. ft. +

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

There is a net cut of 5,300 yds. There is net export needed per the grading plan.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit? (Explain fully your answer.)

No, it is not. The site is 11.29 acres in size and was previously operated as an aggregate processing facility and mass graded for that operation. The entire site must be re-graded to accommodate a residential development.

6. Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances, the year the work was done, and who completed the work.)

No.

7. Have you shown all areas on your site plan that are proposed to be disturbed by grading? (If no, explain your answer.)

Yes all areas in this case mean 100% of the site.

8. Can the disturbed area be seen from off-site? If yes, from which directions and which properties or roadways?

Yes. The disturbed area can be seen from the west from Old US 395, from the south from 3280 Old US 395. and from the north from 3220 Old US 395 and 3210 Ophir Hill Road.

9. Could neighboring properties also be served by the proposed access/grading requested (i.e. if you are creating a driveway, would it be used for access to additional neighboring properties)?

No. A shared access driveway will serve only the four proposed single family parcels that is exclusive for this project.

10. What is the slope (horizontal/vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

Cut and fill slopes are typically 5:1 maximum. Fiber rolls will be primarily employed to prevent erosion until revegetation is established.

11. Are you planning any berms?

Yes	NoX	If yes, how tall is the berm at its highest?
-----	-----	--

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e. rockery, concrete, timber, manufactured block)?

Retaining walls are not designed or needed for this project.

13. What are you proposing for visual mitigation of the work?

Landscape buffering is proposed along the Old US 395 frontage and along the boundaries with adjacent residential properties.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

No, we are preserving trees as noted in the narrative.

15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Refer to attached revegetation seed mixture.

16. How are you providing temporary irrigation to the disturbed area?

Yes thru available water sources and irrigation technology.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

We have not but expect to in this process.

18. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit the requested grading?

Yes	NoX	If yes, please attach a copy.
-----	-----	-------------------------------

July 7, 2022

TO: Washoe County Community Services, Planning & Building
RE: Burdick Excavating Company, APNs 046-032-02, -04, & 05
INTEGRATED NOXIOUS WEED MANAGEMENT PLAN OPHIR HILL SUBDIVISION

Every property owner in Nevada is responsible for removing noxious weeds from their land, according to the State Legislature. Noxious weeds are identified by the Nevada Department of Agriculture. Weed species change over time, depending on conditions in the field. The “Weed Warriors” program developed by the University of Nevada Cooperative Extension identifies most noxious weeds and the best methods for control. Weed control recommendations frequently change – it is the responsibility of the landscape management company to contact the Cooperative Extension’s Educator for updates.

Most noxious weed seeds will be carried in with the wind or in the soil after grading operations. The landscape management company for the developer will be responsible for weed management on the site.

The Cooperative Extension outlines various levels of controls. The best action is preventing weeds from becoming established by planting native species that can out-compete weeds over a period of time.

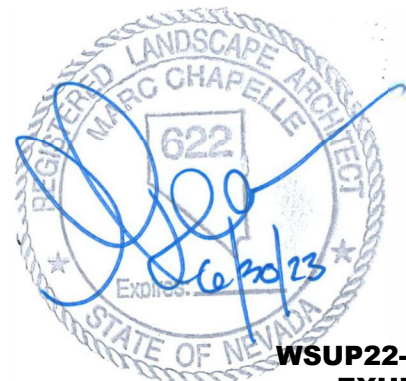
Control levels include:

1. Eradication – or the killing of an entire weed population, this control is most applicable to Military 8 and involves the removal of all weeds an area so they will not reoccur. This is only feasible for small new invasions and the area must be re-vegetated.
2. Weakening weeds.
3. Thinning weeds.
4. Eliminating seed production by damaging the top growth.

Weed removal includes the following methods:

1. Pulling weeds by uprooting with the hands (applicable for the project)
2. Mowing and cutting – this works best for large relatively flat and dry areas (applicable for the project). In some areas a weed trimmer could be used to cut down weeds such as cheatgrass before they set seed. This also reduces fire danger along roadways
3. Prescribed burning (not applicable for the project).
4. Cultural controls (applicable for the project). Controls include large restoration projects and re-establishing native plant communities on disturbed areas. This is the method used by the -- project which includes seeding native plants in areas disturbed by grading and the planting of native and adaptive native trees and shrubs in developed areas, that are then irrigated by a drip system. The intent is to out-compete the weeds before they can establish themselves.
5. Biological control by cattle grazing (not applicable for the project).
6. Herbicides, which are chemicals that kill or injure weeds (applicable to the project). These work best for eradication of certain weed species in certain situations, and are most effective on a single weed type where pulling is not effective or feasible. Timing of applications is critical to success. Drawbacks of herbicides include the potential for damaging or killing non-target plants.

Sincerely,
Marc Chapelle, PLA
Nevada Professional Landscape Architect #622
L.A. STUDIO NEVADA, LLC



Project Name: Ophir Hill
Acreage: 1

Date: 10/3/22
Application Rate (seed/sqft): 30
Application Method (drill or broadcast): broadcast

Location: Township 17 N, Range 19E, Section 34 Washoe Co.

Desired Species for Seed Mix (All seed must be certified as "weed-free")

Common Name	Scientific Name	USDA Symbol	Mix Ratio (%)	Purity	Germination	PLS	Seeds/lb ¹	Cost/lb ¹
Great Basin Wild Rye	Leymus cinereus	LECI4	20	0.9	0.85	0.765	120000	\$14.74
Wyoming big sagebrush	Artemisia tridentata wyoming	ARTRW8	40	0.14	0.8	0.112	2500000	\$7.17
Antelope bitterbrush	Purshia tridentata	PUTR	40	0.95	0.8	0.855	15000	\$6.78

¹Estimated, actual seeds/lb and cost vary by supplier

If you are drill, or broadcast seeding, please use the appropriate information columns below.

Species	Bulk lbs needed per species		Cost per species	
	Drill	Broadcast	Drill	Broadcast
LECI4	2.85	5.69	\$41.97	\$83.93
ARTRW8	1.87	3.73	\$27.52	\$55.03
PUTR	40.76	81.52	\$600.77	\$1,201.54

Weight and Cost Requirements

	Drill	Broadcast
² Total Cost:	\$642.74	\$1,285.47

²Varies depending on supplier

Plant and Seeding Information

Species	Link to USDA Fact Sheet	Seeding Information
LECI4	https://plants.usda.gov/factsheet/pdf/fs_pose.pdf	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.
ARTRW8	https://www.nrcs.usda.gov/Internet/FSE_PLANTM/	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.
PUTR	https://www.nrcs.usda.gov/Internet/FSE_PLANTM/	All seeding must be done during the period of October 1st - March 1st to maximize the potential for seeding success.

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**OPHIR HILL SUBDIVISION
 SPECIAL USE PERMIT
 EXISTING CONDITIONS**

BURDICK EXCAVATING

WASHOE COUNTY
 WASHOE VALLEY
 NEVADA

EXP. 5/27/2024

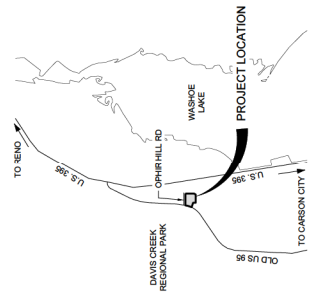
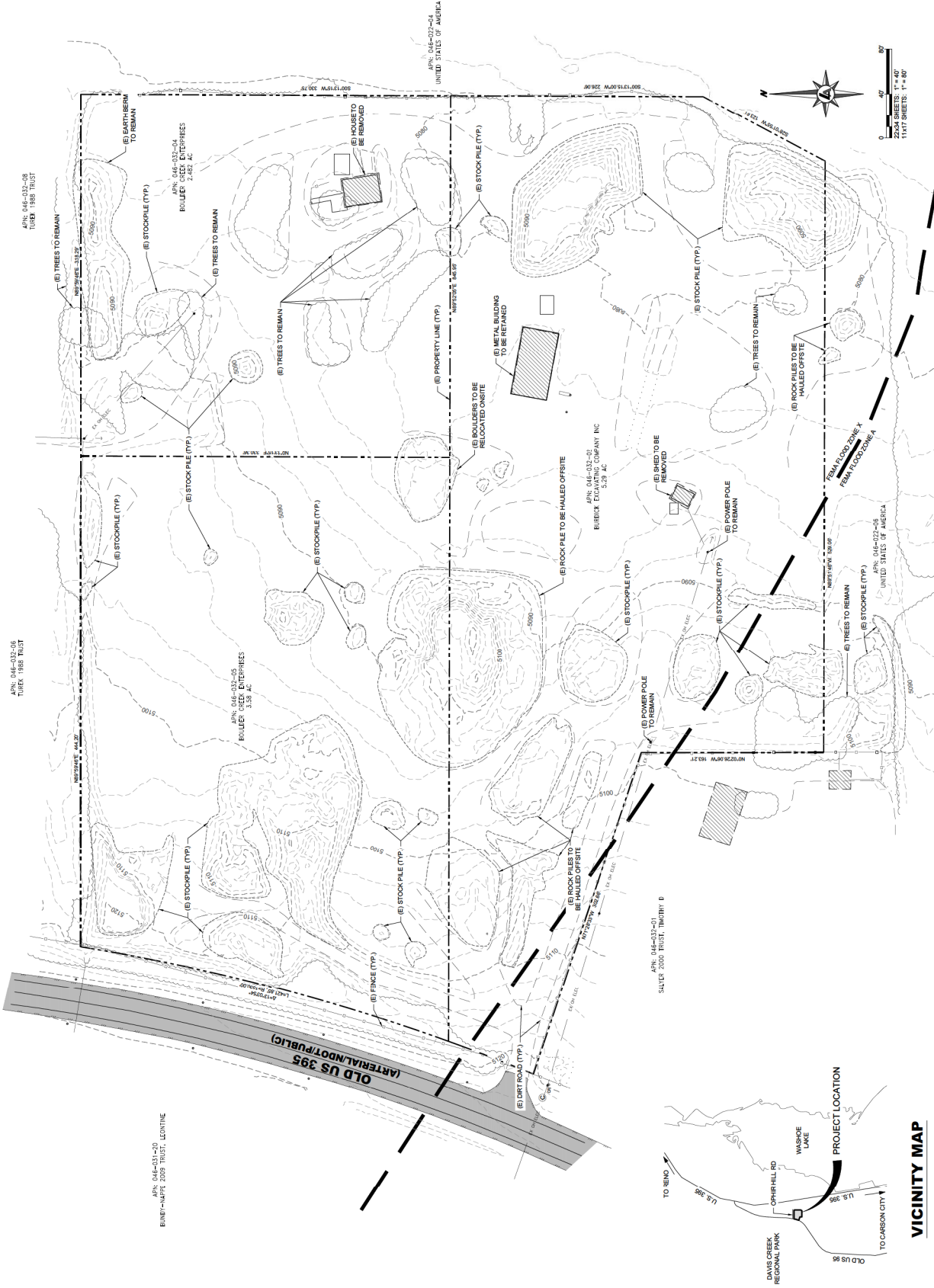
**PRELIMINARY
 FOR SUP REVIEW
 MAY 2023**

REV	DATE	DESCRIPTION	BY

SCALE: 1" = 40' ON ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET, ADAPT TO SCALE ACCORDINGLY

C1

DRAWN BY: DKC
 DESIGNED BY: DKC
 CHECKED BY: JMC
 JOB NO.: 810300



VICINITY MAP

APN: 046-032-09
 BOMBARDIER 2000 TRUST, CONTINUE

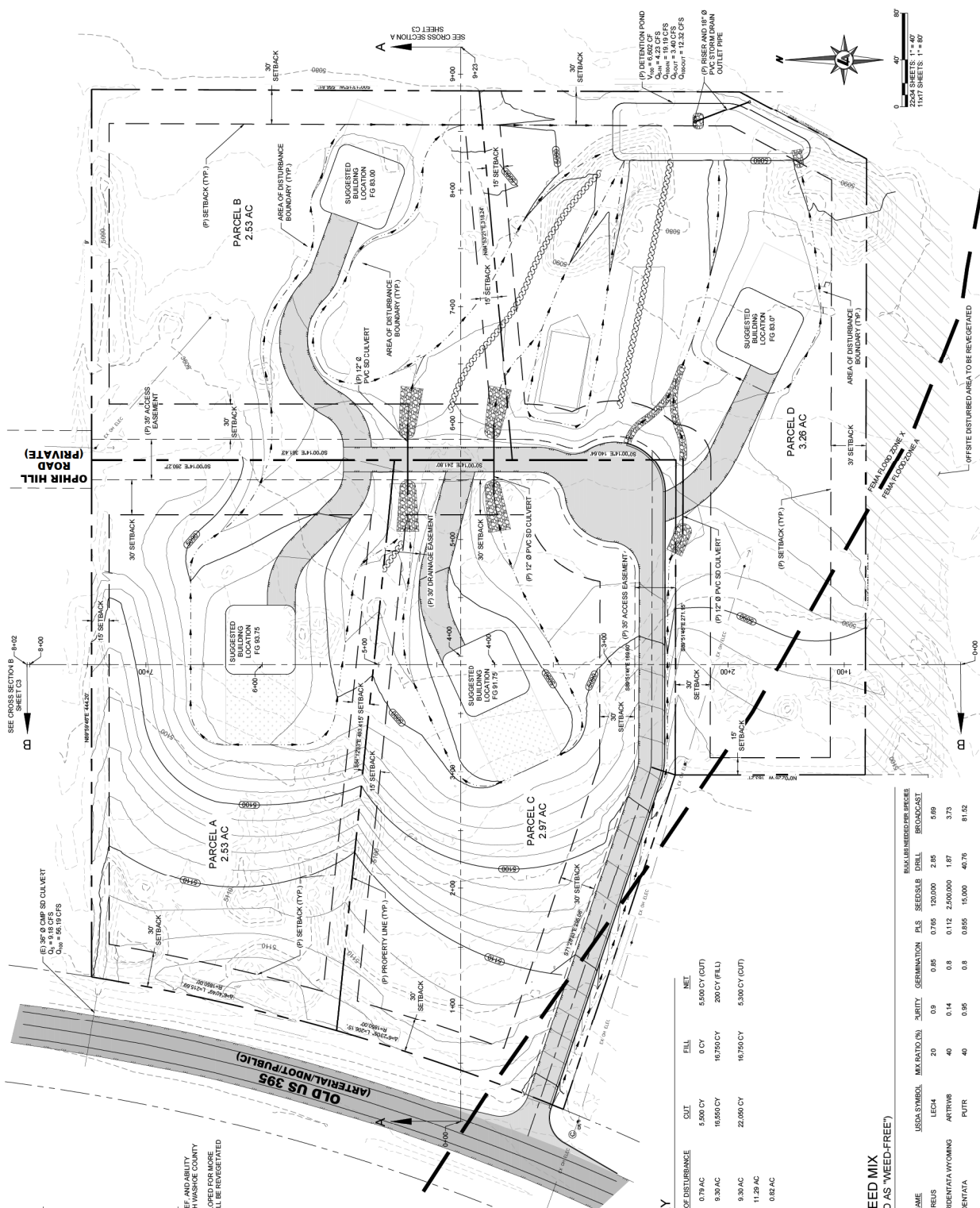


REV	DATE	DESCRIPTION	BY

PRELIMINARY
 FOR SUP REVIEW
 MAY 2023

SCALE: 1" = 40' ON ORIGINAL DRAWING
 1" = 40' ON THIS SHEET
 1" = 80' ON THIS SHEET

C3
 DRAWN BY: []
 DESIGNED BY: []
 CHECKED BY: []
 JOB NO.: 810300



LEGEND

- EXISTING AC PAVEMENT
- PROPOSED AC PAVEMENT
- LAWN
- RIP RAP
- GRADE BREAK

GENERAL NOTES

- TO THE BEST OF MY KNOWLEDGE, BELIEF, AND ABILITY, THESE PLANS ARE IN COMPLIANCE WITH WASHOE COUNTY ORDINANCES.
- IF A DISTURBED AREA IS LEFT UNDEVELOPED FOR MORE THAN THIRTY (30) DAYS, THE AREA SHALL BE REVEGETATED WITH NATIVE SEED MIXTURE.

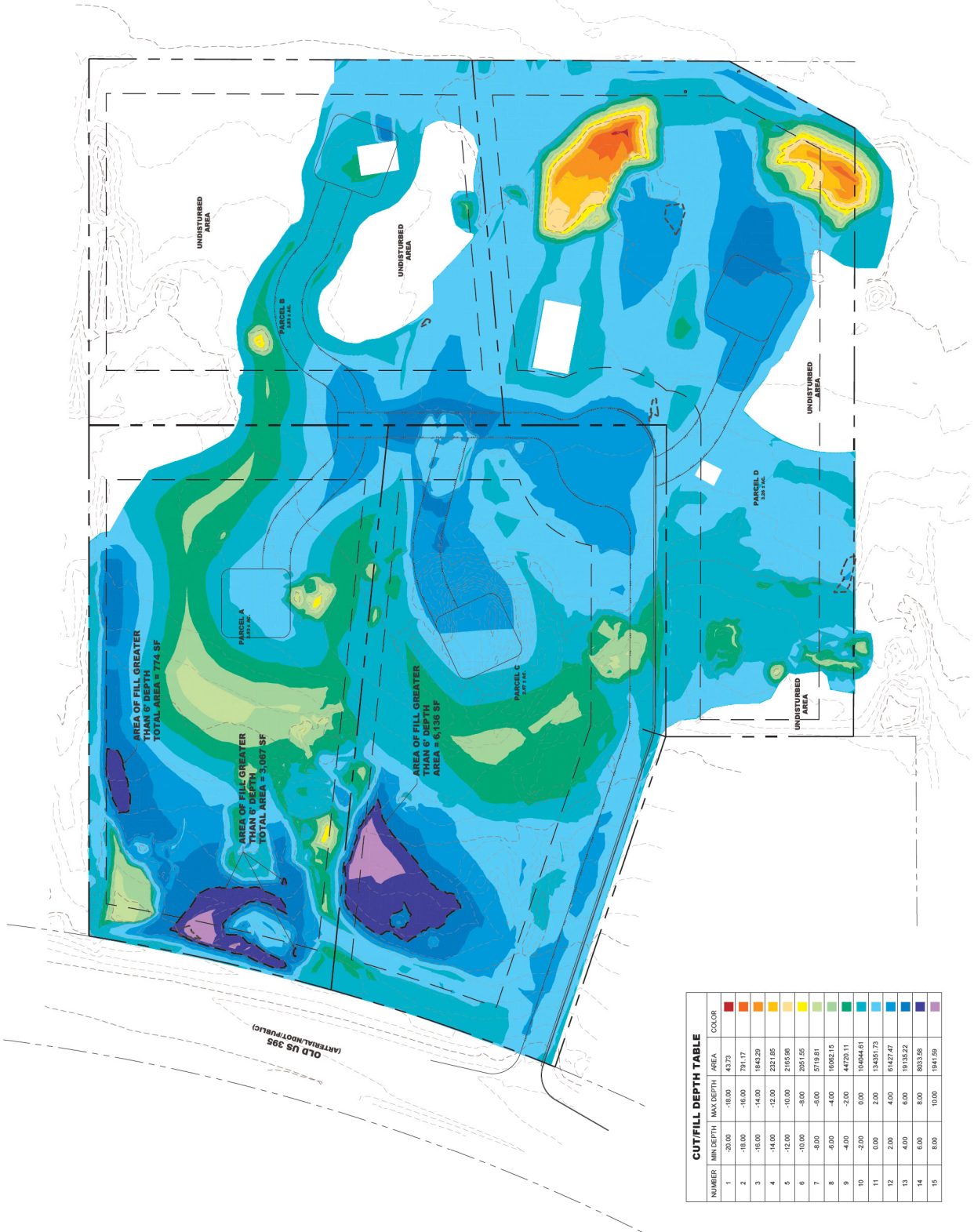
EARTHWORK SUMMARY

AREA OF DISTURBANCE	CUT	FILL	NET
ROCK PILE REMOVAL EARTHWORK	5,800 CY	0 CY	5,800 CY (CUT)
PRELIMINARY GRADING EARTHWORK (AFTER REMOVAL OF ROCK PILES)	16,550 CY	10,750 CY	200 CY (FILL)
TOTAL EARTHWORK	22,000 CY	10,750 CY	5,300 CY (CUT)
ONSITE PARCEL AREA	9.30 AC		
OFFSITE AREA (BLM)	11.28 AC		
	0.82 AC		

BLM REVEGETATION SEED MIX (ALL SEED MUST BE CERTIFIED AS "WEED-FREE")

COMMON NAME	SCIENTIFIC NAME	USDA SYMBOL	MAX. RATIO (%)	PURITY	GERMINATION	FLS	SEEDS/LB	DIREL	BROADCAST
GREAT BASIN WILD RYE	LEYMUS GENEHRUS	LEG24	20	0.9	0.85	0.765	120,000	2.85	5.69
WYOMING BIG SAGEBRUSH	ARTROSA TRIDENTATA WYOMING	ARTTRWB	40	0.14	0.8	0.112	2,500,000	1.87	3.73
ANTELOPE BITTERBRUSH	PURSHIA TRIBENIATA	POTR	40	0.85	0.8	0.855	15,000	40.76	81.52





CUT/FILL DEPTH TABLE

NUMBER	MIN DEPTH	MAX DEPTH	AREA	COLOR
1	-20.00	-16.00	43.73	Red
2	-16.00	-14.00	791.17	Orange
3	-14.00	-12.00	1643.29	Yellow-Orange
4	-12.00	-10.00	2321.85	Yellow
5	-10.00	-8.00	2165.86	Light Green
6	-8.00	-6.00	2051.55	Green
7	-6.00	-4.00	5719.81	Light Blue
8	-4.00	-2.00	16002.15	Blue
9	-2.00	0.00	44720.11	Light Blue
10	0.00	2.00	104044.81	Light Blue
11	2.00	4.00	13457.73	Light Blue
12	4.00	6.00	61427.47	Light Blue
13	6.00	8.00	19135.22	Light Blue
14	8.00	10.00	8033.56	Light Blue
15	10.00	12.00	1941.59	Light Blue

