

Ophir Hill

Application to Washoe County for a:

Condition Amendment

Prepared by:



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Prepared for:

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August 8, 2023

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- Washoe County Development Application
- Condition Amendment Checklist
- Condition Amendment – Supplemental Information
- Records Action Order – July 7, 2023
- Photos of tree inventory (7 pages)

Project Request

This application contains a request for a **Condition Amendment** for a SUP that was approved by the WC Board of Adjustment on July 6, 2023.

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. Current access to the site is via Ophir Hill Road.



Figure 1 – Vicinity Map

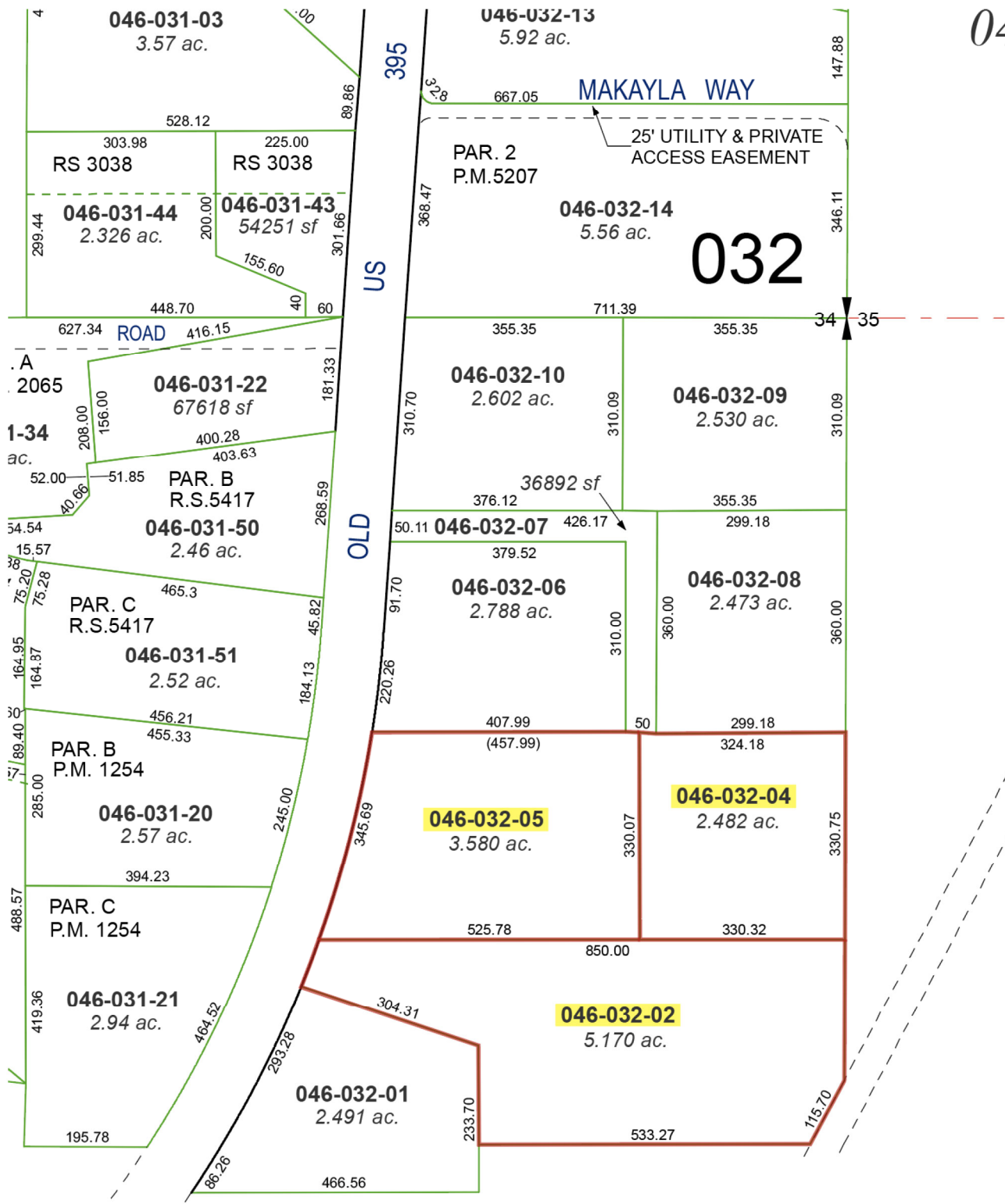


Figure 2 – Existing Parcel Map

Zoning

The site is adjacent to vacant BLM land to the east and south, and large lot residential to the west and north. The regulatory zoning is High Density Rural (HDR) (See Figure 3 below). The site is adjacent to HDR zoning to the north and west and GR zoning to the east and south along the shared border with BLM land. It is located in the South Valleys Area Plan.

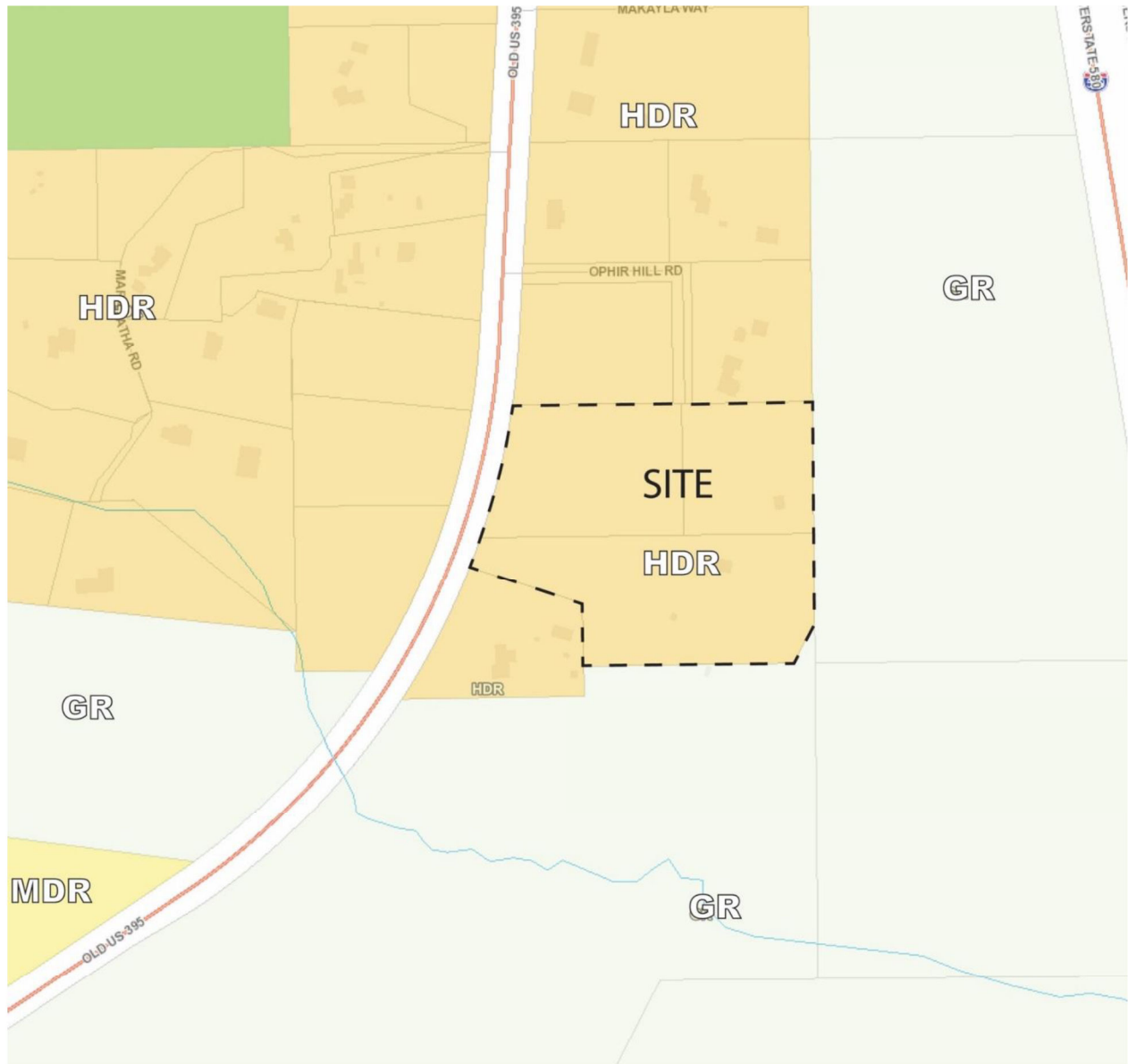


Figure 3 – Washoe County Zoning Map

Rationale for the Condition Amendment

This is to amend the following WC Board of Adjustment approved Condition (a).

Condition (a). as Approved:

The applicant shall provide 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.

Proposed Condition as Amended:

The applicant shall provide ~~8~~ 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.

Following are the reasons and justification for the request:

- a) The revised landscape plan submitted with the revised SUP (May 8, 2023) application date was not considered in the project review. It shows 80 trees on the plan to be preserved and specifically states that no trees will be added.
- b) The condition proposed and accepted by the applicant at the Board of Adjustment hearing happened without knowledge that the revised landscape plan was not evaluated by staff.
- c) The proposed project results in HDR lots next to HDR lots to the north. There is no requirement or purpose to screen with trees along that property line for an identical land use.
- d) The proposed project results in HDR lots next to GR zoning and vacant BLM land to the south and east. There is no requirement or purpose to screen with trees along the south property line adjacent to an open space land use and GR zoning.
- e) All applicable sections of the Landscaping Article in the WC Development Code are satisfied prior to adding the condition. We understand this to be a mistake and not to be considered as a Variance or Directors Modification.

Project History

Following is a timeline of events associated with recent development permits for this property:

- A 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 and in the meantime the Parcel Map expired.
- Washoe County required termination of the Burdick Excavating business operation on 10/10/22.
- A revised SUP for Grading with a new Tentative Parcel Map application submitted on 5/8/23 and approved on 7/6/23 by the Board of Adjustment that included the subject condition.



Figure 4 – Landscape Plan Submitted with May 2023 Application

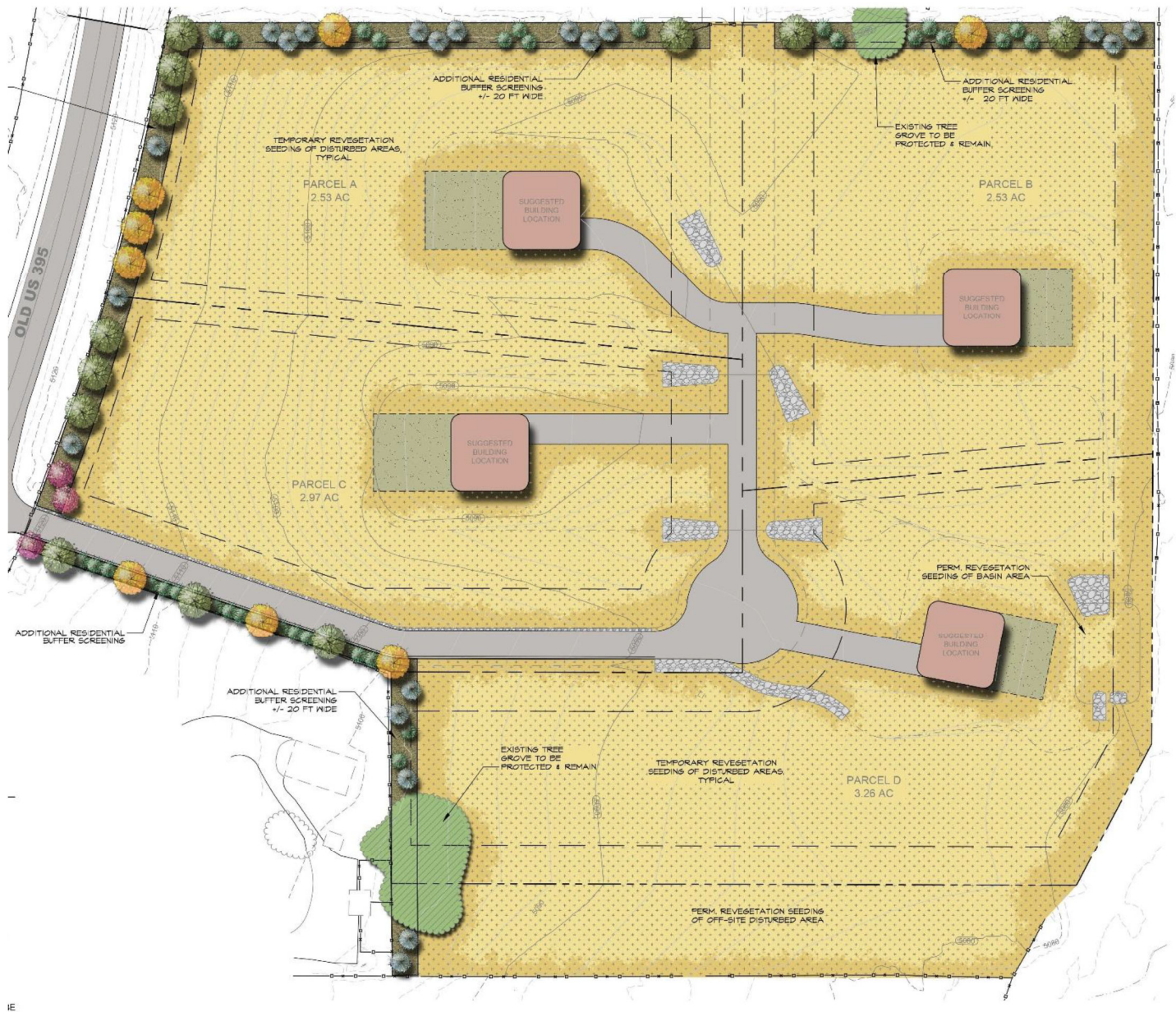


Figure 5 – Landscape Plan Submitted 9/8/22 SUP Application (72 trees along north & west p.l.)



Figure 5 – Landscape Plan Submitted for Condition Amendment (8 more trees along Highway)

Appendix A

Washoe County Development Application
Condition Amendment Checklist
Condition Amendment – Supplemental Information
Records Action Order – July 7, 2023
Photos of tree inventory (7 pages)

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Ophir Hill			
Project Description: This is to amend the following WC Board of Adjustment approved Condition a. The applicant shall provide 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.			
Project Address: 632 Old US 395, Washoe Valley, NV 89704			
Project Area (acres or square feet): 11.29 ac			
Project Location (with point of reference to major cross streets AND area locator): Old US 395. approximately 3/4 mi. south of Davis Creek Park Rd.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
046-032-02	5.29	046-032-05	3.58
046-032-04	2.48		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WTPM21-0002			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Burdick Excavating Co., Inc.		Name: KLS Planning & Design Group	
Address: P.O. Box 22330		Address: 201 W Liberty Street Suite 300	
Carson City, NV	Zip: 89721	Reno, NV	Zip: 89501
Phone: 775-297-4566	Fax:	Phone: 775-852-7606	Fax:
Email: lburdick@burdickexc.com		Email: johnk@klsdesigngroup.com	
Cell: 530-362-1095	Other:	Cell: 775-857-7710	Other:
Contact Person: Linda Burdick		Contact Person: John Krmpotic	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application Supplemental Information

(All required information may be separately attached)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

Washoe County Board of Adjustment

Approved: a. The applicant shall provide 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.

Proposed: a. The applicant shall provide 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.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

The amendment does not affect the required findings. All sections of code are met and exceeded with the proposed condition as amended. There is no impact to the public health safety or welfare that can be conceived by this amendment. There are more trees existing and to be preserved than would be provided by satisfying the original condition. Specifically, this means 80 trees in the landscape plan as part of the SUP, plus 8 proposed along the highway for a total of 88 trees. The condition requires 72 trees.



Board of Adjustment Action Order Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)

Decision: **Approval with Conditions**
Decision Date: July 6, 2023
Mailing/Filing Date: July 7, 2023
Property Owner: Burdick Excavating Co. Inc.
Staff Planner: Chris Bronczyk, Senior Planner
Phone: 775.328.3612
E-Mail: cbronczyk@washoecounty.gov

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

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, Special Use Permits. 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 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. The action was based on the following findings in accordance with Washoe County Code Section 110.810.30:

- (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

To: Burdick Excavating Co. Inc.
Subject: WSUP22-0027
Mailing Date: July 7, 2023
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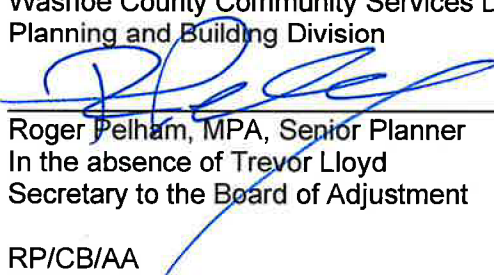
properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

- (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.

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, MPA, Senior Planner
In the absence of Trevor Lloyd
Secretary to the Board of Adjustment

RP/CB/AA

Attachments: Conditions of Approval

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

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Rob Wimer, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District.



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. Within 60 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and 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 APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying 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. Applicants shall submit sufficient documentation from BLM to Washoe County Planning and Washoe County Engineering and Capital Projects to restoration of the BLM parcel,

APN 046-022-06, prior to the issuance of building and grading permits associated with the Phase 2 grading.

- j. Construction plans shall include, and the applicant shall provide, revegetation for all previously disturbed areas. All previously disturbed areas shall be provided with irrigation for a period of not less than three years and for as long as necessary until vegetation in the previously disturbed areas is at least 70% the density of the vegetation in the adjacent undisturbed areas. The applicant shall provide financial assurances to the Planning and Building Division in an amount equal to 120% of the total estimated cost of reclamation of all previously disturbed areas to be held until all previously disturbed areas are successfully revegetated.
- k. All business operations shall cease. No sub-surface or pit mining shall occur on the site.
- l. Crushing of rock is prohibited. Any activities resulting in substantial dust generation shall include dust mitigation measures.
- m. All loads of material exiting the site shall be tarped and/or treated for dust or loose material.
- n. 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. Within 60 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and 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 APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying 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

- I. 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.

Washoe County Board of Adjustment

- a. The applicant shall provide 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.
- b. The applicant shall preserve any trees on site with greater than 6” Diameter at Breast Height (DBH)
- c. Submitted plans shall include restoration of the disturbed portion of the Bureau of Land Management parcel (APN 046-022-06) and is to the satisfaction of the Bureau of Land Management.

*** End of Conditions ***

Along 395



Along BLM (South) Property line



Along BLM (East) Property Line



On Parcel D (of the new Parcel Map)



On Parcel B (of the new Parcel Map)



Along East Property Line (facing NE)



Along North property line



More Trees along North Property Line

