



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director
Blaine Cartledge, Legal Counsel



Washoe County Planning Commission
William Weber, Chair
Christy Magers, Vice Chair
Neal Cobb

Roy H. Hibdon
Keith Lockard
Stephen D. Rogers
Dian A. VanderWell

AGENDA

MEETING OF

WASHOE COUNTY PLANNING COMMISSION

Washoe County Commission Chambers

1001 East Ninth Street, Reno, Nevada

Tuesday, March 4, 2008

THE FOLLOWING TIME LIMITS ARE TO BE OBSERVED:

15 minutes for staff presentation

15 minutes for applicant presentation

3 minutes for individual testimony

5 minutes for testimony from a representative of a group

At the discretion of the Chair, additional time may be provided to any party if the request is made at least 24 hours in advance of the meeting start time.

**** Please be prepared to provide a copy of exhibits displayed. ****

6:30 p.m. **DETERMINATION OF QUORUM**

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

February 5, 2008 and February 19, 2008

PUBLIC COMMENT (Limited to items not on this agenda; three-minute time limit, however the Commission reserves the right to reduce this three-minute time limit, as well as limit the total time for public comment. The same applies to public testimony on each agenda item.)

Agendas and staff reports are posted to the Washoe County website at www.washoecounty.us/comdev/, on Friday, four days prior to the meeting. To access the agenda and staff reports, choose **Boards and Commissions**, click on the **Planning Commission**, then **Agendas, Staff Reports, Minutes and Roster**.

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Commission may take action on any of the items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Community Development, at 328-3600, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda closes three (3) days prior to the meeting date. Only items of interest and not requiring Commission action may be added to the agenda within the three-day period. This agenda has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office-Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive).

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512

Telephone: 775.328.3600 – Fax: 775.328.6133

www.washoecounty.us/comdev/

"Your Community Development Department"

CONSENT ITEMS**PROJECT REVIEW ITEMS**

- 6:30 p.m. 1. **PUBLIC HEARING: AMENDMENT OF CONDITIONS CASE NO. AC08-001 (VERIZON WIRELESS-STEAMBOAT CELL SITE)** – To amend Condition No. 1 of Special Use Permit Case No. SPW2-7-99 to modify the original site plan to allow the placement of a 30kW diesel generator with a 135-gallon fuel tank within the existing fenced area as authorized in Article 810 of the Washoe County Development Code. **The project is located next to two existing water storage tanks off Cheryl Lane and Hot Springs Road.** The ±30-acre parcel is designated Open Space (OS) in the Southeast Truckee Meadows Area Plan, and is situated in a portion of Section 34, T18N, R20E, MDM, Washoe County, Nevada. The property is located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 017-150-01)
Staff Representative: Trevor Lloyd, Senior Planner, 775.328.3620
2. **PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SW08-001 (HOBEY'S CASINO)** – To allow for a 14,110–square-foot expansion of Hobey's Casino and the construction of a 64,320-square-foot two-story parking structure as authorized in Article 302 of the Washoe County Development Code. **The project is located at 5195 Sun Valley Boulevard, on the southwest quadrant of the Sun Valley Boulevard/2nd Avenue intersection.** The project site is situated on three parcels, with two parcels consisting of ±2.206 acres and ±1.702 acres designated as Tourist Commercial (TC) and one parcel consisting of ±0.517 acres designated as General Commercial (GC) within the Downtown Character Management Area of the Sun Valley Area Plan, and is situated in a portion of Section 19, T20N, R20E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs 085-090-55, 085-090-57 and 085-090-58)
Staff Representative: Grace Jensen, Planner, 775.328.3771
3. **PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SW08-002 (COSMOS LLC)** – To construct a driveway that crosses Dry Creek, a Significant Hydrologic Resource, as authorized in Article 418 of the Washoe County Development Code. The project involves approximately 16,500 cubic yards of grading. **The property is located at the southern terminus of Schellbourne Street, approximately 200 feet south of its intersection with Brunswick Mill Road, and approximately 700 feet south of the terminus of the paved portion of Bellhaven Road.** The ±158.5-acre parcel is designated General Rural (GR) and Medium Density Rural (MDR) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 11, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission Districts No. 1 and 2. (APN 041-140-05)
Staff Representative: Kelly Mullin, Planner, 775.328.6187

DEFERRED

4. **PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SW08-003 (HIDDEN HILLS)** – To develop one ±620,000-gallon water storage tank, one associated booster pump station and eight pressure reducing stations for provision of domestic water to the proposed Hidden Hills residential subdivision development, as authorized in Article 810 of the Washoe County Development Code. **The properties are located approximately 2 miles east of the intersection of McCarran Boulevard and Pembroke Drive and approximately ¼ mile north of the intersection of Pembroke and Man of War Drive. Clean Water Way borders the northwestern corner of the project. The project abuts Storey County on the east. Portions of the parcels are within the Truckee Meadows Service Area, and within the area of interest of the City of Sparks, as identified by the 2007 Truckee Meadows Regional Plan.** The eight parcels comprise a total of ±394.03 acres and are designated a mixture of Medium Density Suburban (MDS, 3 dwellings per acre), Medium Density Rural (MDR, 1 dwelling per 5 acres) and Open Space (OS, no dwellings allowed) in the Southeast Truckee Meadows Area Plan. The parcels are located within Sections 23 and 24, T19N, R20E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District No. 2 and within the Southeast Truckee Meadows Citizen Advisory Board boundary. (APNs 051-010-04, 05, 06, 07, 09, 10, 41 and 021-030-07)
 Staff Representative: Roger Pelham, Senior Planner, 775.328.3622

PLANNING ITEMS

OTHER ITEMS

CHAIR AND COMMISSION ITEMS (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- a. Report on Previous Planning Commission Items

DIRECTOR’S ITEMS (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

ADJOURNMENT

Most decisions rendered by the Planning Commission are appealable to the Board of County Commissioners. If you disagree with the decision of the Planning Commission and you want to appeal its action, call the Planning staff immediately, at 328-6100. You will be informed of the appeal procedure, application fee, and the time in which you must act. Appeal periods vary from seven (7) to fifteen (15) days, depending on the type of application.



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 1

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Amendment of Conditions Case No. AC08-001; for Special Use Permit Case No. SPW2-7-99.

Date: February 25, 2008

Prepared By: Trevor Lloyd, Senior Planner

GENERAL INFORMATION SUMMARY

Applicant: Verizon Wireless

Requested Action: To amend condition no. 1 of special use permit case no. SPW2-7-99 to modify the original site plan to allow the placement of a 30kw diesel generator with a 135 gallon fuel tank within the existing fenced area as authorized in Section 110.810 of the Washoe County Development Code. **The project is located next to two existing water storage tanks off Cheryl Lane and Hot Springs Road.** The ±30-acre parcel is designated Open Space (OS) in the Southeast Truckee Meadows Area Plan, and is situated in a portion of Section 34, T18N, R20E, MDM, Washoe County, Nevada. The property is located in the Galena Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 017-150-01).

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission approve with conditions Amendment of Conditions Case No. AC08-001 to allow the placement of a 30kw diesel generator with a 135 gallon fuel tank within the existing fenced area, having made the following findings in accordance with Washoe County Development Code Section 110.810.30:

To: Washoe County Planning Commission
Re: AC08-001 (Amendment of Conditions to SPW2-7-99)
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1. Consistency. That the proposed request is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southeast Truckee Meadows area plan;
2. Improvements. That the project will provide improved wireless communication coverage for Verizon Wireless, Inc., 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 cell site improvements and related works;
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; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

This is a request to amend condition number one of the approved Special Use Permit Case No. SPW2-7-99 to include a slight modification to the original site plan for Verizon Wireless. The request will involve the placement of a ± 25 square foot backup diesel generator. The generator will be located within an existing equipment area enclosed within an existing 6-foot tall slatted chain link fence. The proposal will provide emergency backup power for the Verizon Wireless communication coverage within the Steamboat Springs area.

Site Analysis:

The site is located along the hillside above the Steamboat Hot Springs adjacent to two 24 foot tall water storage tanks. The site contains several other wireless facilities including an adjoining tower and antennas located on smaller poles and on the water tank(s).

Impacts:

The proposed amendment will not create any noticeable impacts to the public health, safety or welfare. Noise associated with the backup generator will be very minimal. The

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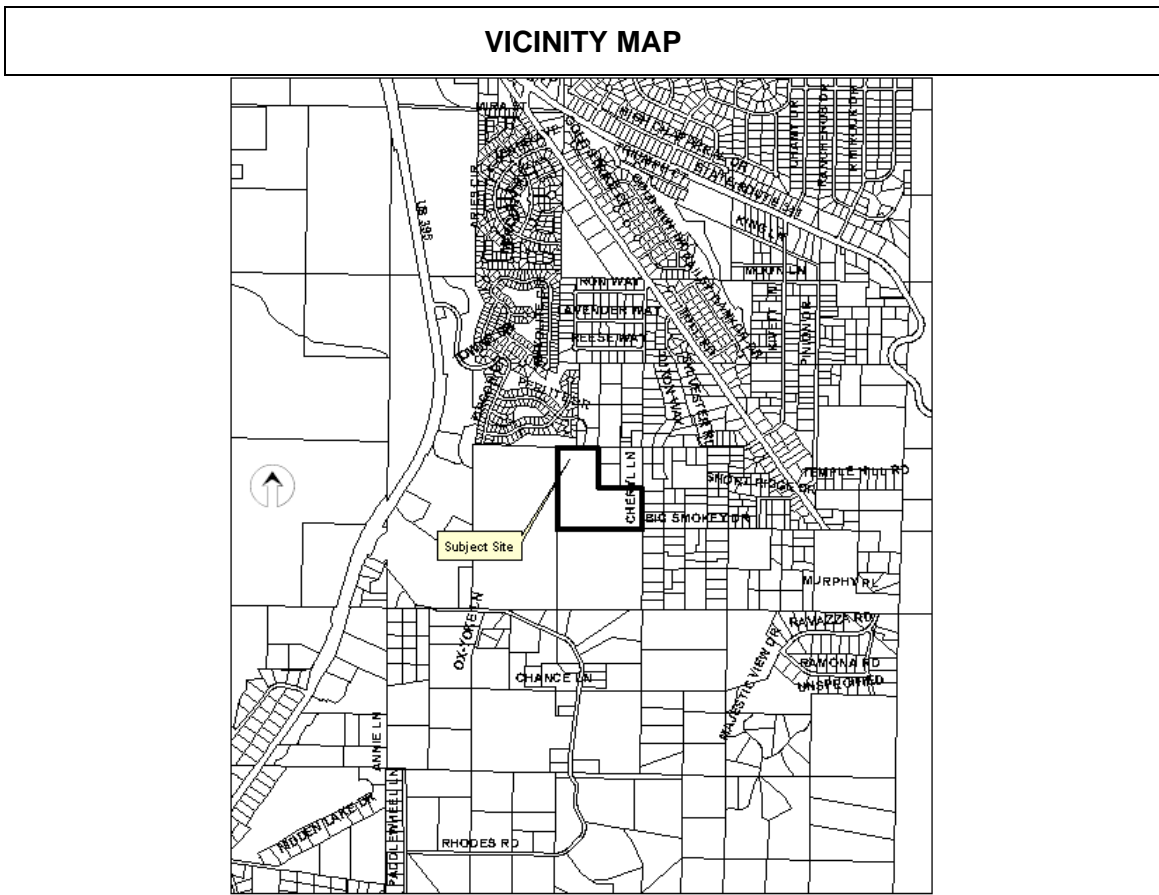
generator will only run sparingly, once per week for a period of approximately ± 20 minutes between the hours of 8:00am and 7:00pm and during periods of power outages. According to the applicant, the noise level will be approximately 65 Ldn within 32 feet from the generator. The development code restricts sound levels to 65 Ldn at the shared property line with residential properties. The nearest residential property line is approximately 515 feet away and the nearest residential structure is located more than 600 feet from the proposed generator site.

Landscaping:

No landscaping or irrigation are being proposed with this amendment. Due to the location of the facility and the small size of the generator (± 25 square feet), the applicants are asking for a modification of the landscaping standards.

Development Suitability Constraints:

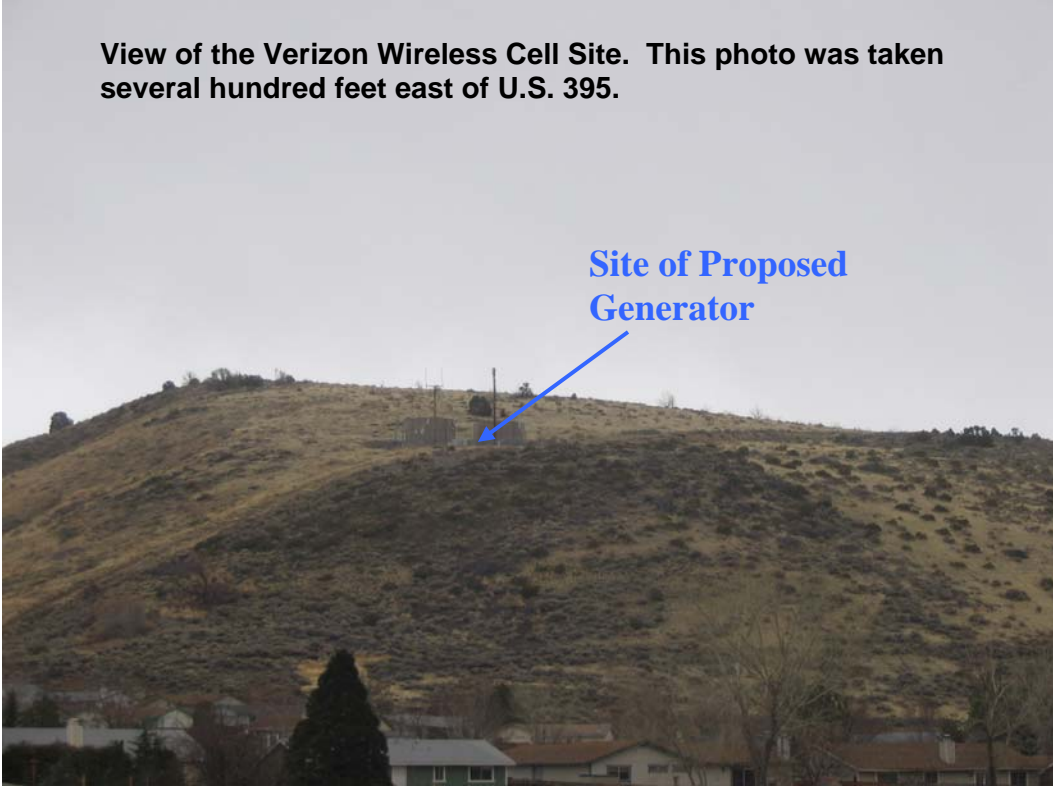
The Development Suitability Map identifies that the project site contains "Slopes Greater than 15%."



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Re: AC08-001 (Amendment of Conditions to SPW2-7-99)
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PHOTOS

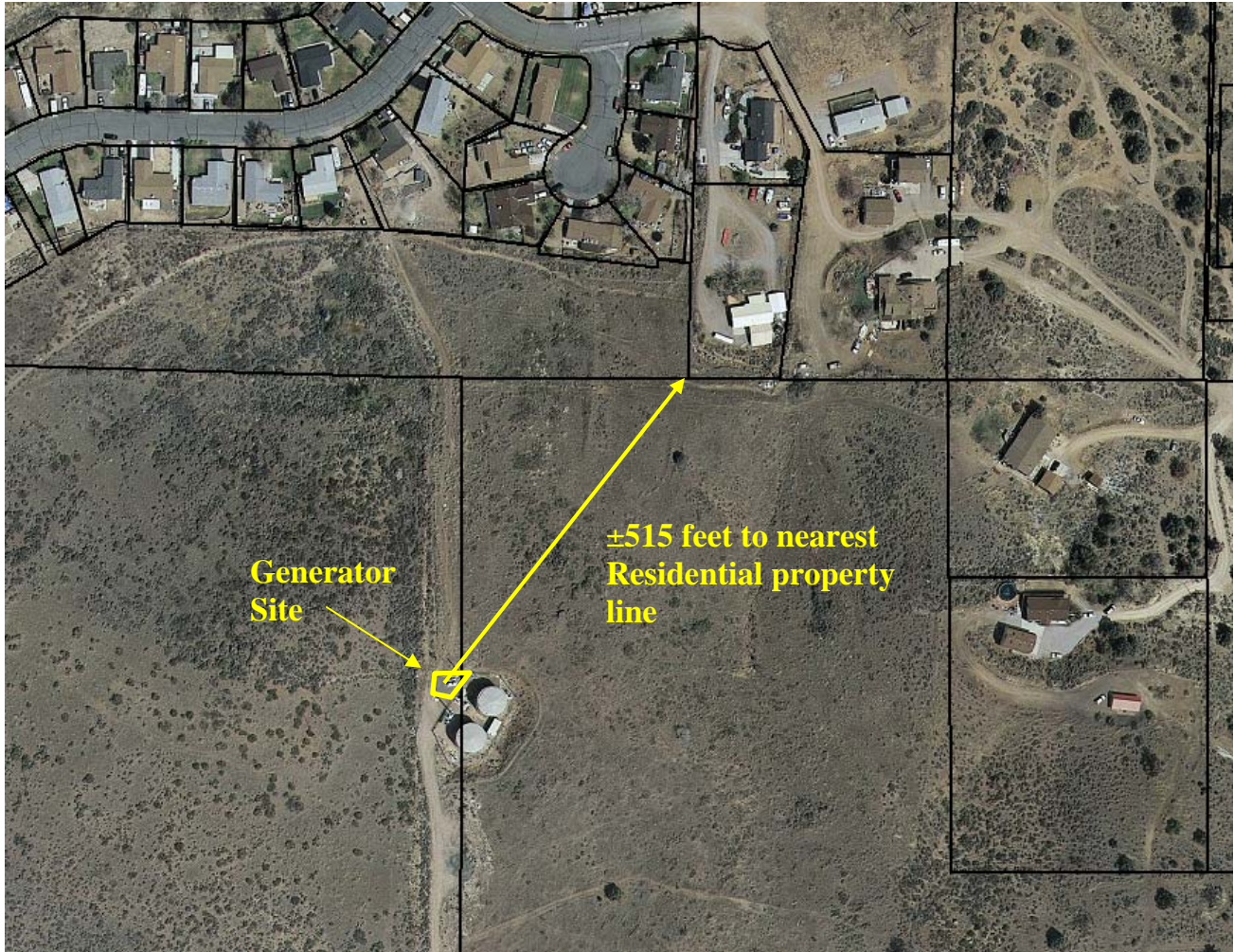
View of the Verizon Wireless Cell Site. This photo was taken several hundred feet east of U.S. 395.



View of cell site from neighboring residences to the north.



Aerial Photo



LAND USE SUMMARY

Land Use Designations:

The project site for the proposed amendment has a land use designation of Open Space (OS). This regulatory zones allow for the placement of Wireless Communication Facilities with the approval of a special use permit by the Washoe County Planning Commission. The section of the Washoe County Development that applies: 110.324.50.

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Re: AC08-001 (Amendment of Conditions to SPW2-7-99)
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AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments nor conditions were received.

No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Galena-Steamboat Citizen Advisory Board and were discussed during the February 14, 2008 meeting. The CAB raised several concerns relating to the noise and the potential for the fuel to leak and supported the idea of alternative sources of energy for the backup generator. The CAB also questioned why a backup generator was required. The applicant was not available to answer these questions and therefore the Galena-Steamboat CAB recommended denial of the proposed amendment request. The concerns raised by the CAB are addressed in the staff report and the applicant will be available at the March 4, 2008 Planning Commission meeting to further address these concerns.

SOUTHEAST TRUCKEE MEADOWS AREA PLAN MODIFIERS

There are no Southeast Truckee Meadows Area Plan (Article 212 of the Washoe County Development Code) modifiers pertinent to the proposed amendment to the special use permit.

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| APPLICABLE REGULATIONS |
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

TL (AC08-001S)

Attachments: Conditions, Site Plan, Elevations.

xc:

Applicant: Verizon Wireless, Attn: Tom Krohn, 2785 Mitchell Drive, Walnut Creek, CA, 94598.

Property Owner: Bureau of Land Management, Attn: Ken Nelson, 5665 Morgan Mill Road, Carson City, NV 89701.

Representatives: Epic Wireless, Attn: Josh Jordan, 381 S. Lexington Drive, Suite 103, Folsom, CA, 95630.

Agencies: Southeast Truckee Meadows Citizen Advisory Board, Chair.

To: Washoe County Planning Commission
Re: AC08-001 (Amendment of Conditions to SPW2-7-99)
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**CONDITIONS FOR
AMENDMENT OF CONDITIONS CASE NO. AC08-001
To Amend Conditions of Special Use Permit Case No. SW2-7-99**
(As recommended by Department of Community Development
and attached to Staff Report dated February 26, 2007.)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES.

ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE 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 THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

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Re: AC08-001 (Amendment of Conditions to SPW2-7-99)
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GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this amendment to Special Use Permit Case No. SW2-7-99. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within two (2) years from the date of approval by the Washoe County Planning Commission.
3. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

6. The applicant shall operate the backup generator a maximum of one day per week and only between the hours of 8 AM to 7 PM, except during times of power outages. The Department of Community Development shall determine compliance with this condition.

GALENA-STEAMBOAT CITIZEN ADVISORY BOARD



MEMORANDUM

TO: Trevor Lloyd, Staff Representative
FROM: Allayne Everett, Recording Secretary
DATE: February 22, 2008
SUBJECT: Amendment of Conditions AC08-001 Verizon Wireless Steamboat Cell Site

The following is a portion of the draft minutes of the Galena-Steamboat Citizen Advisory Board meeting held February 14, 2008.

Amendment of Conditions AC08-001 (Verizon Wireless Steamboat Cell Site) – A representative of the applicant was not available to present the request to amend Condition No. 1 of Special Use Permit Case No. SPW2-7-99 to modify the original site plan to allow the placement of a 30kW diesel generator with a 135-gallon fuel tank within the existing fenced area on the project is located next to two existing water storage tanks off Cheryl Lane and Hot Springs Road. The ±30-acre parcel is designated Open Space (OS) in the Southeast Truckee Meadows Area Plan. Trevor Lloyd, Staff Representative, 775.328.3620; Property Owner: Bureau of Land Management, Attn: Ken Nelson; Applicant/Developer: Verizon Wireless, Attn: Tom Krohn, Professional Consultant: Epic Wireless, Attn: Josh Jordan **MOTION:** John McLelland moved to recommend denial of the amendment of conditions AC08-001 Verizon Wireless Steamboat Cell Site. Ginger Pierce seconded the motion. The motion carried with Dennis Wilson abstained.

Comments and Concerns

- Opposition was stated to the noise of a generator and the potential of fuels contamination should there be any leak.
- Support was stated for the applicant looking at alternate sources of power.
- Questions were raised as to why a back-up source of power would be needed.

c: David Humke, Commissioner
John McLelland, Acting Chair.
Bob Webb, Planning Manager
Sarah Tone, Community Outreach Coordinator



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



Agenda Item No: **2 (03/04/2008)**

Staff Recommendation: **APPROVAL WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Special Use Permit Case No. SW08-001

Date: February 11, 2008

Prepared By: Grace Jensen, Planner

GENERAL INFORMATION SUMMARY

Applicant: Hobey's Inc. (Hobey's Casino)

Requested Action: SPECIAL USE PERMIT CASE NO. SW08-001 (HOBEY'S CASINO) – To allow for a 14,110 sq ft expansion of Hobey's Casino and the construction of a 64,320 sq ft two-story parking structure as authorized in Section 110.302.05.3 of the Washoe County Development Code. **The project is located at 5195 Sun Valley Boulevard, on the southwest quadrant of the Sun Valley Boulevard/2nd Avenue intersection.** The project site is situated on three parcels, with two parcels consisting of ±2.206 acres and ±1.702 acres designated as Tourist Commercial (TC) and one parcel consisting of ±0.517 acres designated as General Commercial (GC) within the Downtown Character Management Area of the Sun Valley Area Plan, and is situated in a portion of Section 19, T20N, R20E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs: 085-090-55, 085-090-57 and 085-090-58)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission conditionally approve Special Use Permit Case No. SW08-001 for Hobey's Inc., having made 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 Comprehensive Plan and the Sun Valley Area Plan;

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Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
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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 expansion of an existing casino and administrative offices, construction of a two story parking structure, and for the intensity of such development;
4. Issuance Not Detrimental. That issuance of the Special Use 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; and
6. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting

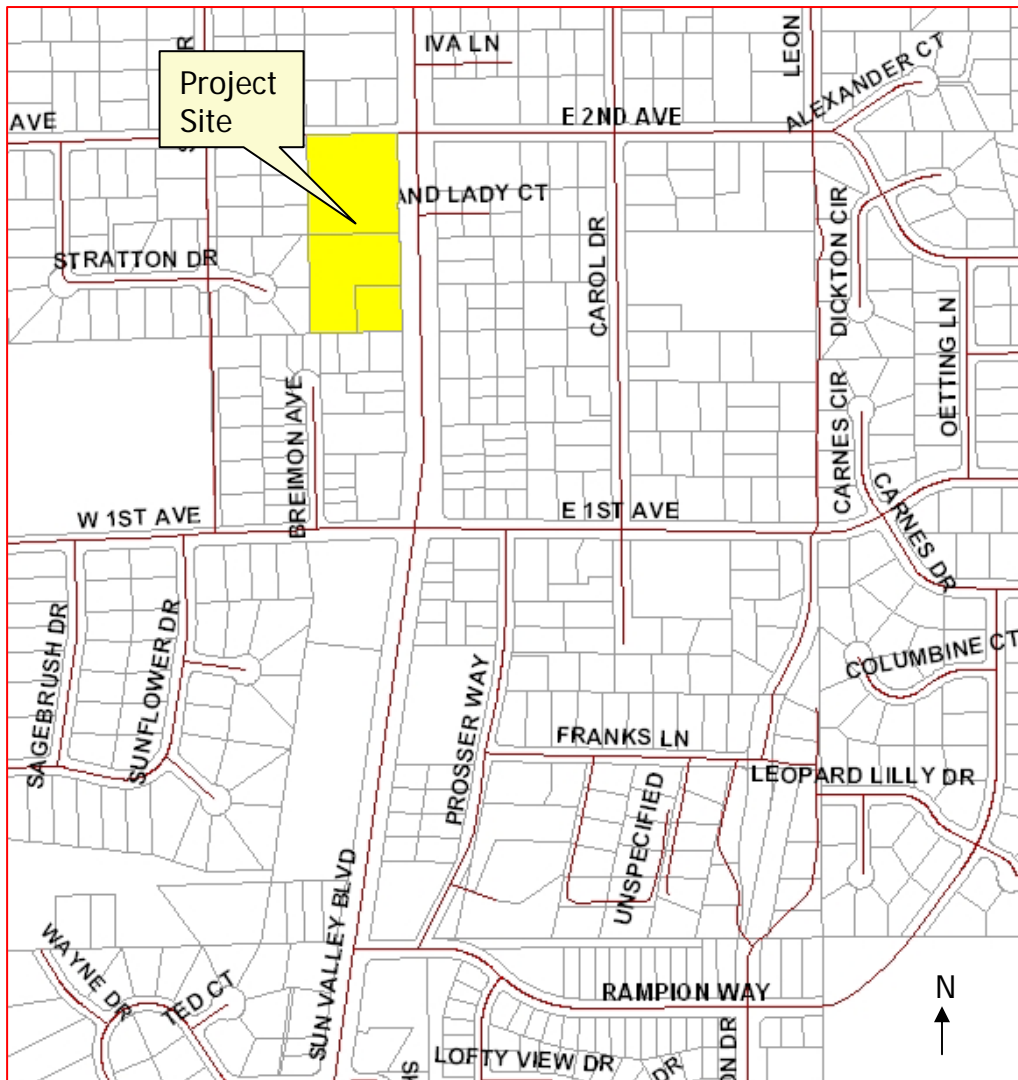
ANALYSIS

Background: The applicant is requesting a Special Use Permit to allow a 10,790 sq ft expansion of the existing Hobey's Casino (unlimited gaming facilities) in Sun Valley at the ground floor level, and a 3,320 sq ft expansion of administrative offices at the second floor level, totaling 14,110 sq ft, all within the same commercial building located within the TC (Tourist Commercial) regulatory zone; and the construction of a 64,320 sq ft two story commercial parking structure within GC (General Commercial) and TC (Tourist Commercial) regulatory zones.

The applicant has held a business license with Washoe County at this particular address since 1983. The commercial building has undergone several expansions in past years. The Washoe County Assessor's Office shows the current casino portion of the building to be 26,151 sq ft and the current administrative portion to be 5,250 sq ft, totaling 31,401 sq ft, which is 44% of the square footage of the existing commercial building. The current structure houses 405 gaming machines, a sports book, several restaurants, banquet facilities and administrative offices.

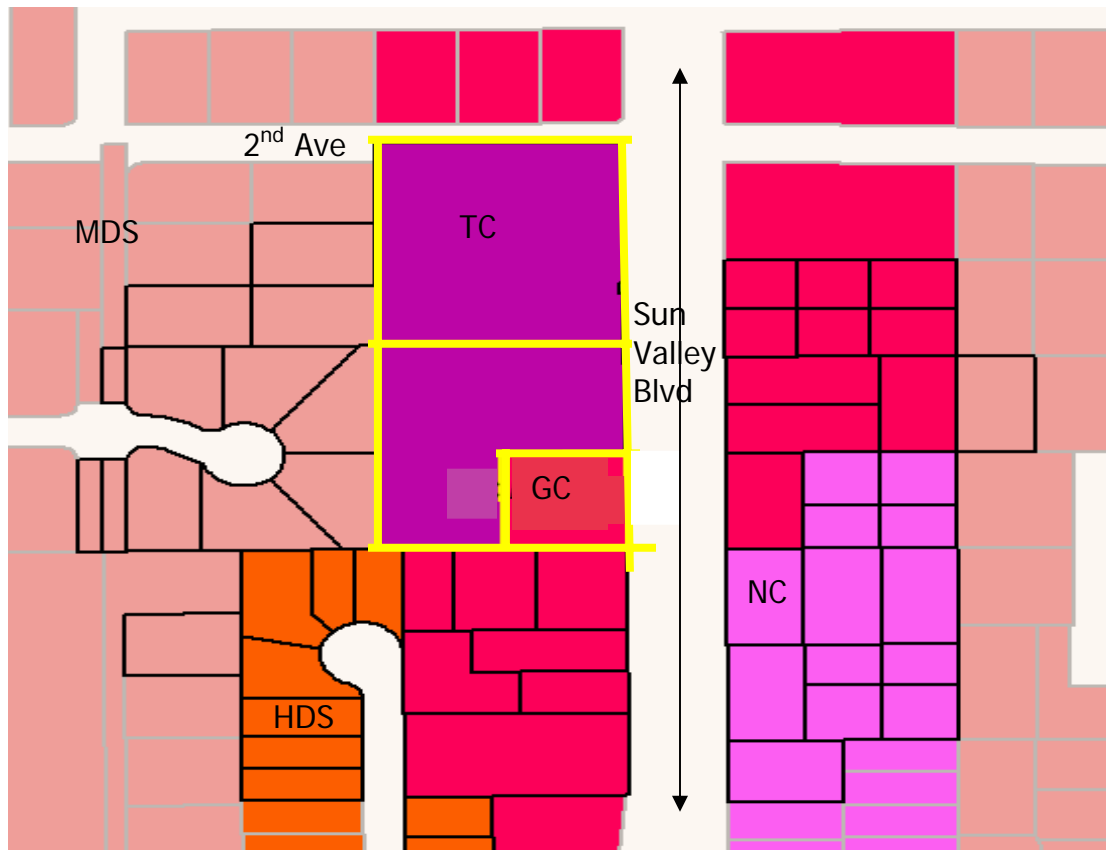
The most recent expansion was in April of 2001, when the Washoe County Planning Commission approved a Special Use Permit (Case No: SW0102-001) for an \pm 11,180 square foot expansion, which included additional kitchen and restaurant space, a \pm 4,800 square foot second story administrative office addition, and a new entrance on the south side of the casino. An emergency access driveway was constructed along the north side of the casino building, creating two driveways off of Second Avenue, with a sidewalk, curb and gutter along Second Avenue.

VICINITY MAP



Analysis: The development location is at 5195 Sun Valley Boulevard, on the southwest corner of the Sun Valley Boulevard/Second Avenue intersection. The project site is comprised of three contiguous parcels, two of which are zoned TC (Tourist Commercial) and the smallest parcel, located in the most southeastern corner of the project site, is zoned GC (General Commercial). With the existing project site situated on three parcels, prior to the issuance of building permits, the applicant will be obtaining a Reversion of Acreage to create one parcel. The property abuts GC (General Commercial) and HDS (High Density Suburban) parcels at the southern end of the site, and MDS (Medium Density Suburban) parcels to the west.

LAND USE MAP



With the proposed expansion, additional landscaping and parking will be required to meet County Code (See Landscaping Below). The area proposed for development currently has unlandscaped 10 ft wide buffers along the common property lines with residential properties to the west and south. The applicant has submitted a preliminary landscaping plan, and shall be required to submit a final landscaping and lighting plan for review and approval by the Design Review Committee prior to issuance of building permits.

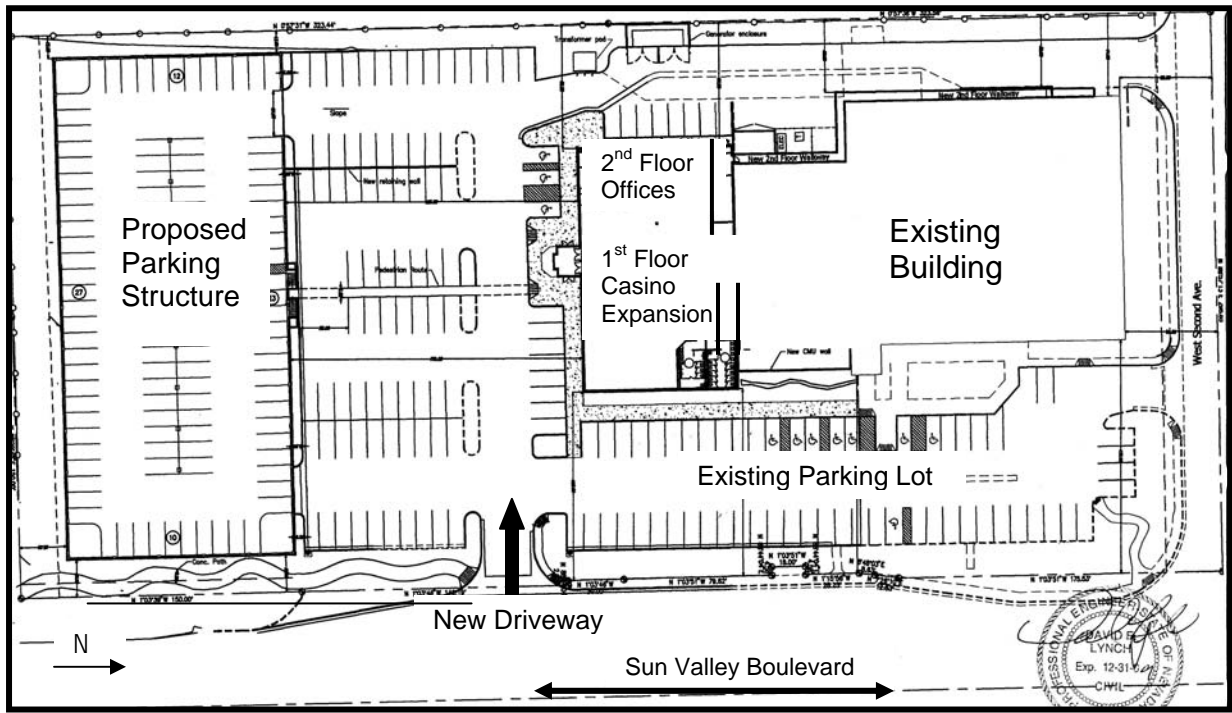
Water and sewer are provided by the Sun Valley General Improvement District (SVGID). A sidewalk with curb and gutter and a bus shelter currently exist on Sun Valley Boulevard in front of the existing casino. The current parking lot islands and project site street frontage have irrigated landscaping. A 6 ft high slatted chain link fence runs along the west and south property lines, which meets the requirement of a wall or fence along common property lines with residential uses, as stated in Article 412 of the Washoe County Code.

A Director's Modification was granted on February 15, 2008, pursuant to the applicant's request to eliminate the requirement of an 8-10 ft wide meandering pedestrian pathway as set forth in the Sun Valley Area Plan Policies of the Washoe County Comprehensive Plan. Instead, the applicant is proposing to continue the existing 5 ft wide sidewalk with curb and gutter to the southern boundary of the project site and provide a 20 ft wide landscaped buffer area at the inside edge of the entire length of sidewalk.

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Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
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There is currently sufficient off street parking for the existing casino with the existing parking lot. The proposed two story 210 space parking garage will meet the additional parking required with the proposed $\pm 14,000$ sq ft expansion. Each parking level will have its own egress with no ramp inside the garage connecting the two parking levels. Both entrances will be on the north side of the parking structure, with the ground floor entrance at the northeast end and the second floor entrance at the northwest end. Light poles 12 ft in height are proposed for security purposes on the second level of the parking garage. This lighting proposal poses a potential for light spillover on the residential neighbors to the west and south as identified in the submitted photometric study. A 5 ft wide walkway will be located in the outside parking lot between the proposed parking structure and the proposed casino addition.

SITE PLAN



The casino currently has two driveways off Sun Valley Boulevard. The applicant is proposing reducing that to one driveway with the proposed project. This new arrangement would require relocating the existing detention basin to the south with a sidewalk, curb and gutter to match the existing sidewalk, curb and gutter.

Impacts: The intensification of use proposed with a two story parking structure and casino expansion has potential negative impacts, including light spillover and noise. The potential for increased noise must be mitigated with landscaping (as required in Article 412 of the Development Code) within the existing 10ft wide buffers at the edges of the proposed development areas that are located on the west and southern property lines. Prior to the issuance of building permits, the project shall be required to go before the Design Review Committee to address lighting and landscaping as set forth in Article 412 of the Washoe County Development Code.

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Solaegui Engineers submitted trip generation calculations dated December 18, 2007. The Trip Generation Report identifies a 10,790 square foot casino addition with a total of 42 AM Peak Hour trips and a total of 81 PM Peak Hour trips, with 1,114 Average Daily Trips (ADT). The County Engineer is requiring a traffic report to address the casino addition, driveway locations, turning movements, delivery truck patterns and provide recommendations for acceleration/deceleration lanes, storage lanes and access control. After review of this report, the County Engineer will determine what traffic improvements will be required.

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| LAND USE SUMMARY |
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Land Use: The project site is on three contiguous parcels; two of the parcels (APN 085-090-57 and 58) are zoned TC (Tourist Commercial) and one parcel (APN 085-090-55) is zoned GC (General Commercial). The casino and the proposed expansion are located within the TC zoning and the parking garage is to be constructed within both the TC and the GC regulatory zones. As previously mentioned an approved Reversion of Acreage, creating one parcel will be obtained by the applicant prior to any ground breaking activity.

Development Suitability Constraints: None

Parking: The building expansion is proposed to be 14,110 square feet. According to Table 110.410.10.3 (below), the proposed square footage will require 112 parking spaces and the number of 40 employees during peak employment shifts will require an additional 40 parking spaces, creating a total requirement of 152 parking places to accommodate the proposed expansion. The proposed garage will have 210 parking spaces. There are approximately 140 parking spaces in the existing parking lot. Additional handicap parking will be required as set forth in Article 410 of the Washoe County Development Code.

Table 110.410.10.3 – Washoe County Development Code
 OFF-STREET PARKING SPACE REQUIREMENTS (Commercial Use Types)

| Commercial Use Types | Spaces Required Per 1,000 Square Feet Building Space | Per Employee during Peak Employment Shift |
|-----------------------------|--|---|
| Unlimited Gaming Facilities | 8 | 1 |

Landscaping: As mentioned above, additional landscaping shall be required. With the proposed expansion equaling less than 50% of the existing square footage of the commercial building, the landscaping shall meet the requirements of Article 412 of the Washoe County Development Code. This will include, at a minimum, 20% of the proposed developed area, including landscaping of the existing 10 ft wide buffers within the borders of the developed area on the west and southern property lines, parking lot islands, and the proposed 20 ft wide buffer along the proposed 5 ft wide sidewalk fronting Sun Valley Boulevard. Currently, the project site has white gravel within the proposed development area of the existing 10 ft wide buffers with no landscaping (trees or vegetation) to mitigate noise, light, and visual impacts from the adjacent properties. The project is conditioned to go before the Design Review Committee for review and approval of all proposed landscaping and lighting.

**Article 412 of Washoe County Development Code
 LANDSCAPING**

To: Washoe County Planning Commission
Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
Date: February 11, 2008
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Section 110.412.05 Applicability. *The provisions set forth in this article shall apply as follows:*

- (b) *Expanding Development. This article applies to expansion of floor area of existing development, except as otherwise provided below:*
 - (1) *If the expansion is less than fifty (50) percent, this article shall apply to the developable lot area associated with the proposed expansion only and the remainder of the use or structure shall be governed by regulations in force at the time of the original approval; and*
 - (2) *If the expansion or subsequent expansions cumulatively results in a fifty (50) percent or greater increase, the entire development shall be required to comply with this article, unless the Director of Community Development waives this requirement, in whole or in part, prior to the expansion.*

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the Special Use Permit proposal. The Regional Transportation Commission (RTC) provided comments, and the County Engineer has addressed the relevant comments received from RTC.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Sun Valley Citizen Advisory Board and were discussed during the February 9, 2008, meeting and the Board unanimously recommended approval. A copy of the minutes is attached for your reference.

SUN VALLEY AREA PLAN POLICIES

The following Sun Valley Area Plan (Washoe County Comprehensive Plan) policies are relevant to the proposed Special Use Permit:

- SUN.1.9** New or redeveloped commercial and office development will be constructed to front (main entrance) on Sun Valley Boulevard. Buildings that have no other option than to front on a side street will have the same or similar architectural features on the side and rear of building that faces Sun Valley Boulevard.

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Comment: The expansion plans propose an entrance facing the proposed parking structure, with the main entrance continuing to front on Sun Valley Boulevard. The expansion plans propose matching architectural features with the existing building.

SUN.10.1 Whenever applicable, all development within the Sun Valley Suburban Character Management Area and the Downtown Character Management Area will connect to a community water service.

Comment: The existing commercial building is connected to community water service and the proposed expansion will connect to community water service.

SUN.12.1 Whenever applicable, all development within the Sun Valley Suburban Character Management Area and the Downtown Character Management Area will connect to a community sewer service.

Comment: The existing commercial building is connected to community sewer service and the proposed expansion will connect to community sewer service.

| |
|---------------------------------------|
| SUN VALLEY AREA PLAN MODIFIERS |
|---------------------------------------|

The following Sun Valley Area Plan (Article 218 of the Washoe County Development Code) regulations are applicable to the proposed Special Use Permit:

Section 110.218.05 Community Water and Sewer. The following types of development shall be served by community water and sewer facilities:

(b) All commercial development

Comment: The existing commercial building is served by community water and sewer facilities, and the proposed expansion will be served by community water and sewer facilities.

Section 110.218.20 Height Restrictions. In addition to height restrictions established in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, all new residential, commercial and industrial structures are limited to two stories in height.

Comment: The proposed building expansion and the parking structure are designed to be two stories.

| |
|-------------------------------|
| APPLICABLE REGULATIONS |
|-------------------------------|

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Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments:

- January 28, 2008, letter from Washoe County District Health Department
- January 30, 2008, letter from Washoe County District Health Department
- Sun Valley Citizen Advisory Board minutes of February 9, 2008, meeting

xc:

Owner/Applicant: Hobey's Inc., Attn: Pete Mandas, 5195 Sun Valley Blvd., Sun Valley, NV 89433

Consultant: Frank Lepori Construction, Attn: David Lynch, 1475 Hymer Avenue, Sparks, NV 89431

Agencies: Sun Valley Citizen Advisory Board

xc: Blaine Cartlidge, Esq. District Attorney's Office; Marge Clausen, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; David Lindsey, Utility Division; Sun Valley General Improvement District, Attn: Mike Ariztia; Engineering Division; Truckee Meadows Division, Reno Fire Department; Regional Transportation Commission, Attn: Debra Goodwin, 600 Sutro Street, Reno, NV 89502; Sun Valley Citizen Advisory Board.

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Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
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**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW08-001**

Hobey's Inc.

(As recommended by Department of Community Development
and attached to the Staff Report dated February 11, 2008)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITION IS SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this Special Use Permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within three (3) years from the date of approval by the Washoe County Planning Commission. Should the applicant fail to complete construction within the specified time, the approval of this Special Use Permit shall be null and void. Compliance with this condition shall be determined by the Department of Community Development.
3. This Special Use Permit shall remain in effect as long as the business is in operation and maintains a valid business license.
4. This Special Use Permit shall remain in effect until or unless it is revoked or is inactive for one year.
5. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
6. The commercial building and parking structure shall be limited to two (2) stories in height. Compliance with this condition shall be determined by the Department of Community Development.
7. All outdoor refuse containers shall be visually screened. Compliance with this condition shall be determined by the Department of Community Development.
8. All roof mounted equipment shall be screened from view and shall compliment the architecture and color of the building. Mechanical equipment shall not extend above the enclosing wall or screen. Compliance with this condition shall be determined by the Department of Community Development.
9. A 5 ft wide pedestrian walkway shall be included within the larger parking lot between the two story parking structure and the casino building. Compliance with this condition shall be determined by the Department of Community Development.
10. A copy of the Action Order stating conditional approval of this Special Use Permit shall be attached to all applications for administrative permits issued by Washoe County.
11. Prior to the issuance of building permit, the applicant shall submit an approved Reversion of Acreage or other such approval so that the proposed structures meet all setbacks within the existing regulatory zones of Tourist Commercial (TC) and General Commercial (GC).
12. The applicant and any successors shall direct any potential purchaser/operator of the Special Use Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the Special Use Permit. The subsequent purchaser/operator of the Special Use Permit shall notify the Department

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of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within thirty (30) days of the final sale.

13. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

14. If the final construction drawings for the project site include grading OR off site stock piling of earthen material that involves:
- a. Disturbed area exceeding twenty-five thousand (25,000) square feet not covered by streets, buildings and landscaping;
 - b. More than one thousand (1,000) cubic yards of earth to be imported and placed as fill in a special flood hazard area;
 - c. More than five thousand (5,000) cubic yards of earth to be imported and placed as fill;
 - d. More than one thousand (1,000) cubic yards to be excavated, whether or not the earth will be exported from the property; or
 - e. If a permanent earthen structure will be established over four and one-half (4.5) feet high,

then, the applicant shall be required to apply for a Special Use Permit for grading and, if approved, may be delayed up to three months processing time. In addition, all related standards within the Development Code shall be met on the construction drawings. Compliance shall be determined by the Department of Community Development.

LANDSCAPING AND DESIGN

15. A 20 ft wide landscaped buffer shall run along the entire edge of the proposed 5 ft wide sidewalk fronting Sun Valley Boulevard and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof. Compliance with this condition shall be determined by the Department of Community Development.
16. Prior to the issuance of building permits, all exterior lighting shall be reviewed for approval by the Design Review Committee so that there is no light spillover onto the adjacent residential parcels to the south and to the west.
17. Prior to the issuance of building permits, a photometric study shall be submitted to the Department of Community Development showing light spillover 100 ft from all property lines.

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18. The applicant shall meet the landscaping requirements that apply to the proposed developed land area for commercial uses pursuant to Washoe County Development Code Section 412.
19. A 10 ft wide landscaped buffer along the adjoining common property line on the edges of the proposed project area shall be required with a least one (1) tree for every twenty (20) linear feet of property frontage planted in off-set rows or groupings to achieve maximum screening.
20. Prior to any ground disturbing activity, the applicant shall submit a lighting plan and a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. The landscaping plan shall address, but not be limited to landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained. The lighting plan shall address, but not be limited to design of light fixtures, lighting cut sheets, a photometric study and placement of all exterior lighting.
21. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.
22. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
23. The applicant shall comply with any conditions imposed by the Reno Fire Department.
24. The applicant shall comply with any conditions imposed by the District Health Department.
25. The following conditions shall be completed to the satisfaction of the Washoe County Engineering Division:
 - 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 material shall be indicated on the grading plan. Silts shall be controlled on site by BMP's.
 - b. For construction areas larger than one (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 Washoe County Engineering Division prior to issuance of a grading permit.

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- c. The developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. The applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
- e. Exported materials shall not be sold without the proper business license.
- f. A grading bond of \$1500/acre of disturbed area shall be provided to the Washoe County Engineering Division prior to any grading.
- g. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing, and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.
- h. A detailed traffic report shall be prepared by a registered engineer and shall address the 21,580 square foot casino addition, driveway locations, turning movements, delivery truck patterns and movements, and provide recommendations on acceleration/deceleration lanes, storage lanes, and access control. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required.
- i. An approved 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 sent to the Washoe County Engineering Division.
- j. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Washoe County Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5 and 100 year storm flows impacting both onsite and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of mitigation measures for any impacts on existing offsite drainage facilities and properties.
- k. Any increase in storm water runoff resulting from the development and based upon the 5 year storm event shall be detained onsite to the satisfaction of the County Engineer.
- l. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.
- m. The applicant shall apply and receive approval for the abandonment of all easements under the proposed parking structure before issuance of a building permit for the parking structure.
- n. Consolidate the existing two driveways on Sun Valley Boulevard contingent upon approval from the Nevada Department of Transportation (NDOT).

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Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
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- o. Construct traffic calming or other measures in parking lot to discourage cut-through traffic from 2nd Avenue to Sun Valley Boulevard.
 - p. A sidewalk on Sun Valley Boulevard shall be constructed to facilitate walking as a transportation mode and shall be similar in design to the existing sidewalk.
 - q. A Boundary Line Adjustment shall remove lot lines or an access agreement shall be recorded so that all properties shall have access to the two existing driveways on 2nd Avenue and the one future driveway on Sun Valley Boulevard.
 - r. Prior to ground disturbing activity, a proposed Construction Traffic Haul Route Plan and hours of hauling shall be submitted to the Washoe County Engineering Division for review and approval. Any existing or proposed County road that will be used as a construction haul route and *is not a designated truck route* must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a twenty (20) year design life in accordance with the ASSHTO Interim Guide for Flexible Pavement. Any private roads will be restored to their pre-hauling condition.
 - s. Any site used for temporary storage or permanent placement of fill material shall obtain a grading permit. Fill on a temporary site shall not exceed 5,000 cubic yards of material and shall not be over 4 ½ feet in height. Fill on permanent sites shall meet all grading code requirements. All fill shall be controlled on site by Best Management Practices (BMPs).
26. Water rights necessary to serve this project shall be dedicated to Washoe County, per Article 422 of the Washoe County Developmental Code. A water rights lease agreement shall be executed between Washoe County and the water purveyor. Washoe County, in turn, will execute a 99-year water sale (lease) agreement to make the water rights available to the purveyor. The Department of Water Resources shall be responsible for determining compliance with this condition and the traffic improvements that are required.
27. The following conditions shall be completed to the satisfaction of the Sun Valley General Improvement District (SVGID):
- a. Dedication of additional water rights for the domestic and irrigation use will be required for the proposed expansion.
 - b. Abandonment of the water and wastewater services for Parcel C will be required unless the developer has a specific planned use for those facilities which will require approval from the SVGID.
 - c. The developer shall submit formal plans to the SVGID and a review fee shall be required.

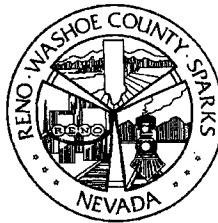
*** END OF CONDITIONS ***

To: Washoe County Planning Commission
Re: Special Use Permit Case No. SW08-001 (Hobey's Inc.)
Date: February 11, 2008
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POSSIBLE MOTION

I move that the Washoe County Planning Commission conditionally approve Special Use Permit Case No. SW08-001 for Hobey's Inc., having made the appropriate 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 Comprehensive Plan and the Sun Valley 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 expansion of an existing casino and construction of a two story parking structure and for the intensity of such development;
4. Issuance Not Detrimental. That issuance of the Special Use 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; and
6. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting



RECEIVED

JAN 29 2008

WASHOE COUNTY
COMMUNITY DEVELOPMENT

DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: January 28, 2008

TO: Grace Jensen, Planner
Washoe County Community Development

FROM: Doug Coulter PE

SUBJECT: **Hobey's Casino**
SW08-001
E2001-027

Dear Ms. Jensen:

This Department has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this Department is subject to the following conditions:

1. Construction plans and equipment specifications for any foodhandling facilities, detailing food storage and preparation areas, shall be submitted to the District Health Department for review and approval prior to the issuance of a building permit. Foodhandling facilities shall comply with requirements stipulated in the Washoe County District Board of Health Regulations Governing Food Establishments and with requirements of the appropriate disposal service.
2. Garbage facilities, dumpsters, and compactors shall have raised washdown pads which drain into a sanitary sewer. Refer to Sections 100.025 and 100.040 of the Washoe County District Board of Health Regulations Governing Food Establishments.
3. An inspection must be made of all existing building(s) to determine the presence or absence of asbestos material prior to demolition. Also, an asbestos assessment form must be obtained from the District Health Department and completed prior to any asbestos removal. All asbestos removal must be made in full compliance with all Federal NESHAPS (National Emission Standards for Hazardous Air Pollutant Sources) and local regulations.

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

www.washoecounty.us

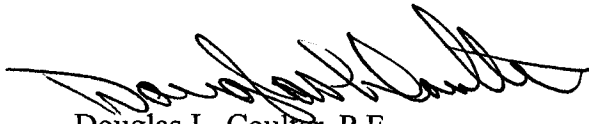
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PRINTED ON RECYCLED PAPER

Grace Jensen, Planner
Hobey's Casino
January 28, 2008
Page 2

4. Backflow prevention devices, in accordance with the Uniform Plumbing Code 1997 Edition and NAC 445A.67185 to 67255 inclusive, shall be installed at the water service point of connection and at locations to prevent cross connection between the drinking water system and any potential source of water contamination.

If you have any questions regarding the foregoing, please call me at 328-2429.

Sincerely,



Douglas L. Coulter, P.E.
Senior Registered Engineer
Environmental Health Services

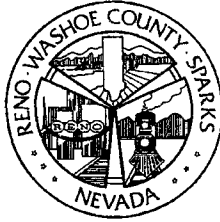
DLC:jc

Cc: Hobey's Inc., Pete Mandas
Frank Lepori Construction, David Lynch

RECEIVED

JAN 31 2008

WASHOE COUNTY
COMMUNITY DEVELOPMENT



DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

January 30, 2008

Washoe County
Community Development
C/O Grace Jensen
1001 E. Ninth Street
Reno, NV 89512

Dear Grace,

After reviewing the special use permit from Hobey's Casino (SW08-001), to expand the casino and construct a two story parking structure, the applicant shall comply with the following condition.

1. Additional rip rap rock shall be placed in the bottom of the existing detention basin (southern end). Please note this on the construction plans prior to the sign off of this document.

If there are any questions concerning the aforementioned vector-planning condition as it relates to environmental health, please call me at 785-4599.

Sincerely,

J. L. Shaffer

Environmentalist II
Environmental Health Division

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

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SUN VALLEY CITIZEN ADVISORY BOARD



MEMORANDUM

TO: Grace Jensen, Community Development Department
FROM: Pamela Fox, Recording Secretary
DATE: February 19, 2008
SUBJECT: Hobey's Casino

The following is a portion of the draft minutes of the regular meeting of the Sun Valley Citizen Advisory Board held on February 9, 2008 regarding the special use permit request for Hobey's Casino:

"A. Special Use Permit Case No. SW08-001 (Hobey's Casino) - The Board will review and make recommendations to allow for a 14,110-square foot expansion of Hobey's Casino and the construction of a 64,320-square foot two-story parking structure as authorized in Article 302 of the Washoe County Development Code. The project is located at 5195 Sun Valley Boulevard, on the southwest quadrant of the Sun Valley Boulevard/2nd Avenue Intersection. The project site is situated on three parcels, with two parcels consisting of +/-2.206 acres and +/-1.702 acres designated as Tourist Commercial (TC) and one parcel consisting of +/-0.517 acres designated as General Commercial (GC) within the Sun Valley Area Plan, and is situated in a portion of Section 19, T20N, R20E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 4.

Frank Lepori, Lepori Construction, was in attendance for the request. He reported they proposed to add an addition on the south end of Hobey's Casino. To meet parking requirements, a parking structure needs to be added. It would replace the car wash. With presentation material, Mr. Lepori reviewed the site for the new parking structure. The parking structure was two levels. There will be a nine foot change in elevation between Sun Valley Boulevard and the structure. They met with NDOT and RTC. Currently, there were two exits and entrances on Sun Valley Boulevard. Upon completion of the parking structure, there would be one entrance and exit. The construction of the inside building would be the same as the last addition. The color and the architectural design would also remain the same. Mr. Lepori reviewed photos of the proposed structure. There would be stairs on one end and a ramp on the other end. On the back side of the building, a high parapet along with an architectural feature would be constructed to block the view of the roof. The side of the stairwells on the back side of the building and on the north end of the building would be enclosed with roofs for safety features. There would be a walkway hallway on the back side of the building connecting both stairwells. The roof line and the roof top units would be not visible from the back side of the building. Parking lot lights would also be included.

Concerns/Comments

- Board member Jackson stated it was a good idea to move the driveway to the south end.
- Susan Severt asked about construction of the project. Mr. Lepori stated the construction schedule was not yet available. The initial goal was to begin on April 1, 2008, but it would not be met due to the deadline for permits. Hopefully, construction would begin before May. The parking structure would be constructed first. At the same time, they would be prefacing for safety issues. Once the parking structure was complete, they would begin constructing the new addition.
- Commissioner Weber asked if there was a way to make the front portion more inviting. Mr. Lepori stated that, in his opinion, the photo does not do the building justice, but they would take Commissioner Weber's suggestion into consideration.
- Darrin Price asked about construction of extension four. Mr. Lepori reported it would be additional casino space. They would be relocating one of the bars and the sports book. The executive office was on the second floor. There would also be new bathrooms. Mr. Price asked if the open ditch in front of the car wash would be eliminated and replaced by sidewalks. Mr. Lepori replied yes. Mr. Price requested to know about landscaping along Sun Valley Boulevard. Mr. Lepori reported they would construct the same landscaping as was currently in place.
- Board member Elliott suggested the Board make a formal accommodation for the project. He stated that, in his opinion, it was one of the best things to happen to Sun Valley. He asked if there was difficulty with NDOT or RTC regarding the project. Mr. Lepori reported they met with Washoe County Traffic Department and discussed the construction of one entrance and one exit for the project. They met with NDOT, which was in support of the project; however, there was a stacking issue which must be addressed. RTC was also easy to work with. Board member Elliott asked if there were any plans related to the air quality issue. Mr. Lepori reported they would place bigger units on the roof during the next phase. Hopefully, they would be able to

make a few modifications during construction of the new addition. Board member Elliott commended the project for the area.

- Tom Noblett asked if there would be additional handicap parking. Mr. Lepori reported their plans were to add more handicap parking on the south side.
- Board member Woodland commended Pete Mendez for his work in the community. She suggested adding handicap parking in the front. Mr. Lepori stated there may be two or three handicap parking spaces in the front currently and eight spaces would be added with the project.
- Chairperson Lancaster stated it was the consensus of the Board that they were pleased with the addition and the way it was being constructed.

Robert Fink moved to approve the Hobey's Casino expansion as presented. John Jackson seconded the motion. The motion carried unanimously."

Cc: Patricia Lancaster, Sun Valley CAB Chairperson
Lorrie Adams, Outreach Coordinator
Sarah Tone, Outreach Coordinator
Bob Webb, Community Development Director



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, AICP, Community Development Director



Agenda Item No: **3** (3/4/2008)
Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Special Use Permit Case No. SW08-002 (Cosmos, LLC)

Date: February 22, 2008

Prepared By: Kelly Mullin, Planner

GENERAL INFORMATION SUMMARY

Applicant: Cosmos, LLC

Requested Action: To construct a driveway that crosses Dry Creek, a Significant Hydrologic Resource, as authorized in Article 418 of the Washoe County Development Code. The project involves approximately 16,500 cubic yards of grading. **The property is located at the southern terminus of Schellbourne Street, approximately 200 feet south of its intersection with Brunswick Mill Road, and approximately 700 feet south of the terminus of the paved portion of Bellhaven Road.** The ±158.5-acre parcel is designated General Rural (GR) and Medium Density Rural (MDR) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 11, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission Districts No. 1 and 2. (APN 041-140-05)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and site inspections, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission conditionally approves Special Use Permit Case No. SW08-002 for Cosmos, LLC having made 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 Comprehensive Plan and the Southwest Truckee Meadows area plan;

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2. Improvements. That, as conditioned, 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 the 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. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation;
6. Special Review Considerations. That all special review considerations enumerated in Section 110.418.30 (Significant Hydrologic Resources) of the Washoe County Development Code have been addressed; and
7. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

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| ANALYSIS |
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Background:

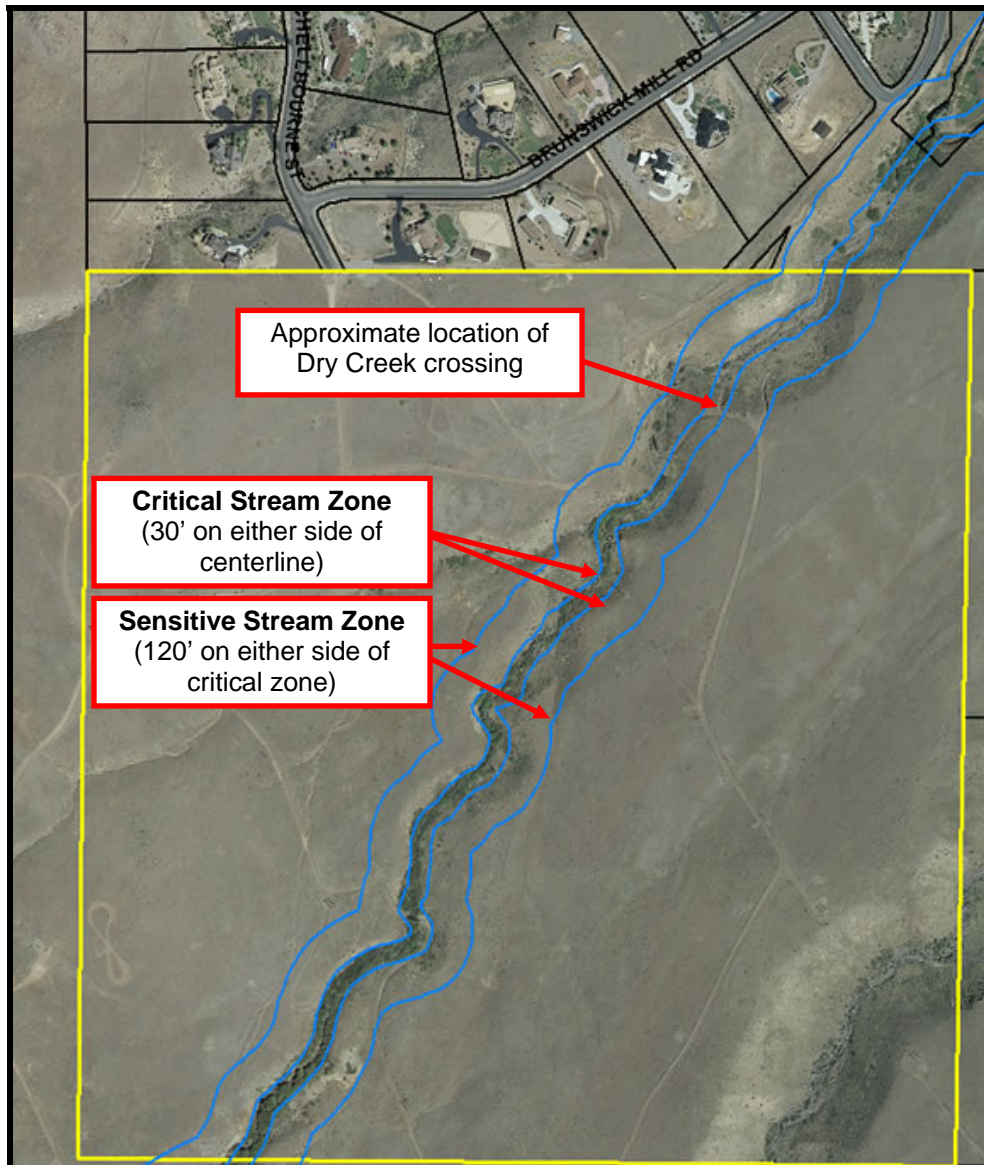
The project site is a 158.5-acre parcel located in the Southwest Truckee Meadows, approximately 700 feet south of the terminus of the paved portion of Bellhaven Road. The applicant is proposing to construct a driveway that crosses Dry Creek, a significant hydrologic resource. Article 418 of the Washoe County Development Code allows for this use, subject to the issuance of a special use permit by the Planning Commission. The proposed driveway will involve 16,500 cubic yards of grading. The applicant has indicated that the driveway will be constructed with decomposed granite, but otherwise will be constructed to public access standards with a 50-foot right-of-way, a 24-foot travel-way and 2-foot shoulders.

In December of 2007, the applicant was granted conditional approval for a tentative parcel map that will result in splitting the existing 158.5 acre property into four parcels. The portion of the property involving this special use permit is identified as Parcel 4, a 97.68-acre section of the existing parcel. One of the conditions of approval required that the applicant provide evidence of legal access to Parcel 4 prior to recordation of the final map. Although a jeep trail currently accesses that parcel, any formal access to the property would require crossing Dry Creek. The condition gave the applicant the option

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of providing evidence that sufficient access to the proposed parcel exists without crossing Dry Creek; otherwise the applicant had to obtain a special use permit allowing for the stream crossing. As no other legal access to Parcel 4 exists, the applicant has chosen to apply for a special use permit to build a bridge across Dry Creek.

The applicant is proposing to construct a conspan bridge (pre-cast concrete span bridge) crossing Dry Creek. The associated grading for the bridge and driveway involves approximately 16,500 cubic yards of material, to be balanced on site. In total, the project will disturb approximately 207,000 sq. ft. (4.75 acres) of the 158.5 acre site. The applicant has indicated that this includes 3,350 sq. ft. of disturbance in the critical stream zone buffer area and 33,000 sq. ft. of disturbance in the sensitive stream zone buffer area. As defined by Code, the critical stream zone buffer area includes 30-feet on either side of the centerline of the creek. The sensitive stream zone buffer area extends an additional 120 feet on either side.



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The applicant has indicated that the proposed location of the bridge was chosen because the drainage is the narrowest at this point and would therefore have the least amount of impact on the critical stream zone. Selecting a conspan bridge design will also result in less impact to the critical zone than other types of crossings. The proposed bridge has a 42-foot span and is approximately 10-feet tall. The applicant has proposed, and staff has conditioned that the concrete bridge be treated with a permeon finish that will help it blend with the surrounding environment.

In order to minimize grading impacts, the applicant is proposing three rockery walls of up to 6-feet in height. Two terraced rockery walls are proposed west of the bridge crossing, with another wall east of the bridge. The proposed grading plan shows 2:1 slopes in between the walls. 3:1 slopes are the steepest allowed on this property and the grading plan would therefore need to be slightly revised at building permit stage.

Although the applicant has indicated that the driveway will be constructed partially to public road standards (in width and grade only), it should be noted that as currently designed, it will function only as a decomposed granite driveway to a future pad on the parcel. There has been some misinformation distributed about this project and it should be made clear that no increase in zoning density of the property would be possible without a minimum of two means of ingress and egress to the property. As there is only one main street feeding into the property, it would be impossible to up-zone the property at this point in time. There have also been some concerns by neighboring property owners that the driveway will extend to Arrowcreek Parkway. This is currently impossible. The proposed driveway only goes through a portion of the property, and as stated previously, there is no other legal access onto the property other than from the main road to the north.

Special Review Considerations:

Construction of the bridge and driveway would include crossing Dry Creek, a significant hydrologic resource (SHR) as defined by Article 418 of the Washoe County Development Code. The Code allows for the construction of a driveway in the critical stream zone area subject to the issuance of a special use permit.

Article 418 requires that the crossing request include a grading plan that has been designed to minimize stream bank and stream bed erosion and to “prevent construction drainage and materials from increasing sedimentation impacts to the stream environment.” The County Engineer has included a condition of approval regarding this requirement, to be addressed at building permit stage. Article 418 also requires that special review considerations be addressed before the Planning Commission, as indicated in the Code excerpt below:

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Section 110.418.30 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for development in the critical stream zone buffer area or the sensitive stream zone buffer area, the record at the Planning Commission shall demonstrate that the following special review considerations are addressed:

- (a) Conservation of topsoil;
- (b) Protection of surface water quality;
- (c) Conservation of natural vegetation, wildlife habitats and fisheries;
- (d) Control of erosion;
- (e) Control of drainage and sedimentation;
- (f) Provision for restoration of the project site to predevelopment conditions;
- (g) Provision of a bonding program to secure performance of requirements imposed;
and
- (h) Preservation of the hydrologic resources, character of the area and other conditions as necessary.

The applicant has addressed these special review considerations as follows:

- a. **Conservation of topsoil:**
Where grading occurs, topsoil will be conserved to the extent possible. The applicant/developer intends to conserve the topsoil by retaining it on site and providing revegetation with a seed mix as approved by Washoe County.
- b. **Protection of surface water quality:**
By constructing a spanspan bridge over the perennial stream, this project will ensure protection of surface water quality. Construction of the crossing will likely occur in summer/fall during low stream flow conditions to assist in protecting surface water qualities. Additionally, best management practices will be utilized to minimize impacts on surface water quality. Where the existing land is impacted during construction due to grading, it will be replaced with a natural seed mix and watered with water trucks to ensure proper reestablishment of vegetation. At this time, discussions with the Washoe Storey Conservation District (WSCD) are occurring, however, they have not yet provided direction as to the seed mix they would prefer for the site. We will work closely with the WSCD to determine an appropriate seed mix for this area and submit it with final plans.
- c. **Conservation of natural vegetation, wildlife habitats and fisheries:**
No impacts to wildlife habitats and/or fisheries are anticipated with the construction of the proposed crossing. Where natural vegetation is impacted during construction due to grading, it will be replaced with a natural seed mix and watered with water trucks to ensure proper reestablishment of vegetation. At this time, discussions with the Washoe Storey Conservation District (WSCD) are occurring, however, they have not yet provided direction as to the seed mix they

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would prefer for the site. We will work closely with the WSCD to determine an appropriate seed mix for this area and submit it with final plans.

d. Control of erosion:

Where the existing land is impacted during construction due to grading, it will be replaced with a natural seed mix and watered with water trucks to ensure proper reestablishment of vegetation. At this time, discussions with the Washoe Storey Conservation District (WSCD) are occurring, however, they have not yet provided direction as to the seed mix they would prefer for the site. We will work closely with the WSCD to determine an appropriate seed mix for this area and submit it with final plans.

e. Control of drainage and sedimentation:

To help control drainage and sedimentation associated with disturbance in the SHR, the developer/applicant is proposing to construct a conspan bridge that will allow drainage to continue as it exists today. Where the bridge supports impact the sides of the drainage, it will be lined with rock rip rap or straw blankets to help control drainage and sedimentation.

While there may be some additional run off into Dry Creek due to the street improvements, the impacts are anticipated to be minimal. Sedimentation will be controlled by replacing disturbed areas with a seed mix and temporary irrigation to ensure proper reestablishment of vegetation. Additionally, the roadway has been designed with v-ditches to catch run off from the existing areas. These ditches will be lined with riprap or equivalent erosion control lining. Final analysis of the ditches is anticipated to be completed during final design of the roadway.

f. Provision for restoration of the project site to predevelopment conditions:

While most of the area identified within the critical stream zone (CSZ) and/or sensitive stream zone (SSZ) will not be impacted through this project, where the project does impact these stream zones, it will be minor. The impacts proposed include a 42 foot conspan bridge (within the CSZ limits) intended to limit impacts to the critical stream zone buffer area and maintain the current perennial stream location. Where the existing land is impacted during construction due to grading (within the SSZ limits), it will be replaced with a natural seed mix and watered with water trucks that will be left on site at all time to ensure proper reestablishment of vegetation. At this time, discussions with the Washoe Storey Conservation District (WSCD) are occurring, however, they have not yet provided direction as to the seed mix they would prefer for the site. We will work closely with the WSCD to determine an appropriate seed mix for this area and submit it with final plans.

g. Provision of a bonding program to secure performance requirements imposed:

At final design, a bond or letter of credit will be obtained by the developer and will be based on an engineer's estimate to ensure that money is available to complete the project.

h. Preservation of the hydrologic resources, character the area and other conditions as necessary:

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As this is a request to allow a bridge crossing of an existing SHR, we believe the crossing preserves the hydrologic resource while meeting the requirements of the Parcel Map (PM07-028). The significant hydrologic resource, Dry Creek, will still have the opportunity to flow as it does currently. Since the applicant/developer intends to restore the site by use of revegetation with the exception of the access roads and the bridge, the SHR will be preserved and the character of the area will be also preserved.

Finally, the bridge has been designed to maintain the character of the area and will be constructed of materials and colors that are compatible to the area.

The information above details the applicant's proposed mitigation measures to reduce the impacts of the bridge and driveway construction. Staff concurs that most of the proposed measures are adequate and a modified version of them has been included as conditions of approval. However, staff is requiring that extensive photo documentation be provided pre- and post-construction to ensure the stream zone area is returned to pre-development condition as closely as practical. Staff is also requiring that re-planting of vegetation within the stream zones occur – not just broadcast of seed mix. The stream crossing will also require a permit from the Army Corps of Engineers. Should the Army Corps of Engineers require alternative mitigation, those measures will take precedence over the County's conditions of approval.

Site Analysis:

The subject parcel contains a variety of topographic features including sections of flat land, gentle slopes, and steep grades. The existing flow line of Dry Creek can be characterized as a deep gully that traverses north-south through the property. The proposed alignment of the driveway follows an existing jeep trail. A number of other jeep trails traverse the property and provide access to adjacent Bureau of Land Management and Washoe County-owned properties. As part of the tentative parcel map approval, the applicant is being required to provide a public access easement over a presumed public access road west of Dry Creek.

Apart from the existing trail, the majority of the project area is in a natural state, including significant coverage of sagebrush and other low-growing native vegetation. Staff has conditioned that non-roadway areas disturbed by construction of the pipeline be revegetated and returned to their natural state.

Impacts:

Apart from the noise and traffic associated with the construction phase, staff does not anticipate any negative impacts on the neighboring properties. Conditions of approval have been included to limit construction to appropriate hours of the day. Disturbance of the critical and sensitive stream zone areas will be sufficiently mitigated by the measures outlined above and as conditioned. Staff has conditioned that all disturbed areas (excluding roads) be reseeded with native vegetation upon completion of construction of the project. Revegetated areas will be provided with temporary irrigation if needed, as determined by the Washoe-Storey Conservation District or the Design Review Committee.

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LAND USE SUMMARY

Land Use Designations:

The proposed bridge is located within the General Rural (GR) regulatory zone and the driveway is located in both the GR and Medium Density Rural (MDR) regulatory zones. The Washoe County Development Code allows for the proposed bridge, driveway, and associated grading subject to the issuance of a special use permit.

Development Suitability Constraints:

The Southwest Truckee Meadows Development Suitability Map has identified portions of the subject property as having constraints of slopes greater than 15% and a 100-year flood hazard area. The flood hazard area is in the southeast portion of the property and outside of the disturbed areas. Dry Creek, a significant hydrologic resource, traverses through the property from north to south.

Area Plan Modifiers:

The special use permit request is subject to the Southwest Truckee Meadows Area Plan Modifiers listed in Article 214 of the Development Code. There are no modifiers that are applicable to the development request.

Parking Required and Parking Provided:

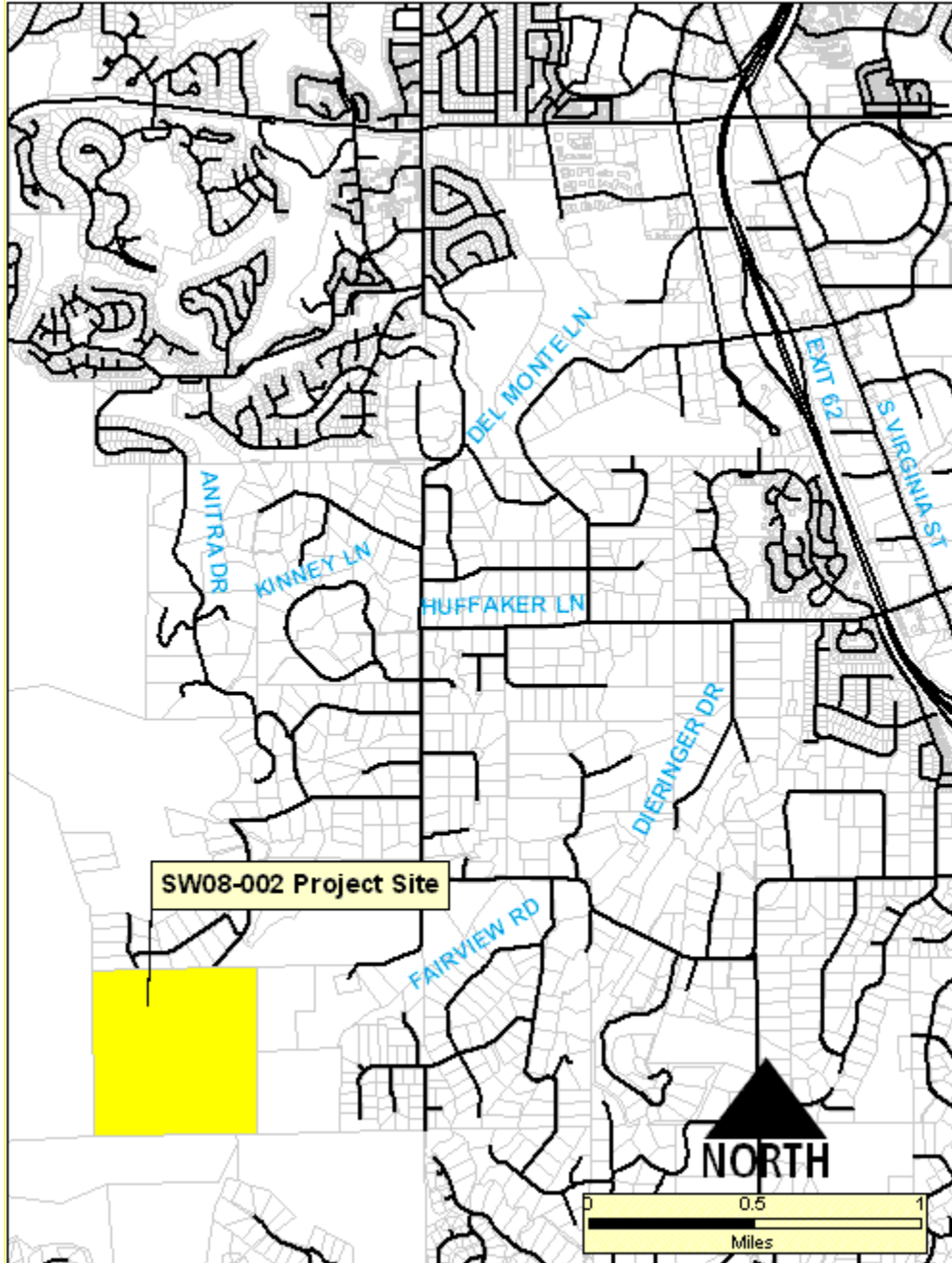
Not applicable.

Landscaping Required and Landscaping Provided:

Approximately 4.75 acres of area will be disturbed during construction of the bridge and driveway. Staff is conditioning that all disturbed areas (excluding roadways) be reseeded with native vegetation. Riparian areas where vegetation has been removed adjacent to Dry Creek will need to be re-planted and re-seeded to return the area to its natural state as closely as practical.

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VICINITY MAP



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SITE PHOTOGRAPH



Approximate location of proposed bridge crossing

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received. Technical conditions have been provided by the District Health Department, Vector Born Diseases Program, and the Department of Public Works and Engineering.

No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal.

The District Health Department, Environmental Health Services Division has provided a letter dated January 28, 2008 with conditions of approval. Appeal of conditions of approval placed upon the permit by the District Health Department may be made to the District Board of Health.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Southwest Truckee Meadows (SWTM) Citizen Advisory Board for review on February 21, 2008. The CAB was unable to obtain a quorum; therefore, no recommendation was passed on. However, a number of

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neighboring property owners appeared at the meeting, so the applicant provided a brief presentation and was available to answer questions. Some misinformation had been distributed about the project, which the applicant and the applicant's representative addressed at the meeting. Residents were mostly concerned about the possibility of the driveway allowing for a connection to Arrowcreek Parkway and potential for an increase in density on the property. These possibilities are outside the scope of review for this project, and as mentioned previously, are currently unfeasible.

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| APPLICABLE REGULATIONS |
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments: Site Plan
Grading Plan
Bridge Detail
District Health Conditions

xc: Applicant: Landmark Homes and Development, Attn: Dean Pearson, 985
Damonte Ranch Pkwy, Ste 300, Reno, NV 89521

Consultant: Wood Rodgers, Inc., Attn: Stacie Huggins, 575 Double Eagle Court,
Reno, NV, 89521

Agencies: Southwest Truckee Meadows CAB

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**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW08-002**

Cosmos, LLC

(As recommended by Department of Community Development
and attached to Staff Report dated February 22, 2008)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall apply for building permits for the pipeline and all structures used to further the operation within three years from the date of approval by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

6. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Friday, and 8 a.m. to 7 p.m. on Saturdays. Machinery and construction vehicles shall not be started prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.
7. Prior to the issuance of any building or grading permit, the applicant shall submit a fire hazard reduction plan and abide by the recommendations of the Washoe County Fire Services Coordinator. Compliance with this condition shall be determined by the Department of Community Development.

ENGINEERING CONDITIONS

8. The following conditions are requirements of the County Engineer and it shall be responsible for determining compliance with these conditions:

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- 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. The owner/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. Provide documentation of abandonment of the existing access easement and creation of a new access easement for the site to the satisfaction of the County Engineer.
- e. A note shall be placed on the improvement plans stating that at no time shall natural drainage be impeded.
- f. The applicant shall obtain a street excavation permit from Washoe County Engineering Division for all work in the County right-of-way.
- g. Applicant shall indicate on the plans how trench overage materials will be disposed of.
- h. A grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to any grading. Areas that are bonded with the BLM for re-vegetation or areas that fall within existing roadways or maintenance access roads will not require bonding.
- i. A U.S. Army Corps of Engineers approval and/or permit is required for crossing any waters of the U.S.

VECTOR BORNE DISEASE PROGRAM CONDITIONS

9. Compliance with the following conditions shall be determined by the District Health Department, Vector Borne Diseases Program, prior to the issuance of a building and/or grading permit:
 - a. All rockery wall construction shall fill voids in the wall by placing smaller rock within six (6) inches of the face for the entire height of the wall.

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- b. To discourage rodent habitat in voids, the applicant shall install ¾" to 1.5" D-size rock 4 inches in depth in any rip rap treatment installed along the channel.
- c. If the bottom of the stream channel is disturbed by equipment during construction, the applicant shall reestablish the integrity of the channel bottom by placing 4-inch cobble rock in the disturbed areas of the upstream and downstream reach of the drainage way.

LANDSCAPING AND DESIGN CONDITIONS

10. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping plan to the Department of Community Development. Said plan shall address, but not be limited to: exterior lighting, fencing, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
 - b. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to issuance of a building or grading permit. The plan shall be wet-stamped.
 - c. The applicant shall supply a letter from the Washoe – Storey Conservation District to the Department of Community Development that specifies the type of seed mix, the method of broadcasting the seed, timing for planting and any temporary irrigation that may be required for all revegetation activities. The applicant shall abide by the recommendations of the Washoe – Storey Conservation District for all revegetation activities. Should the applicant not receive recommendations from the Washoe-Storey Conservation District, the applicant shall submit a revegetation and irrigation plan to the Design Review Committee for review.
 - d. The applicant shall provide financial assurances to the Department of Community Development equal to one hundred and twenty percent (120%) of the cost of revegetation and irrigation of all disturbed areas by a certified landscape contractor, to ensure continuation of the mitigation efforts, to be held with automatic renewal for not less than three years to ensure the continued survival of plants beyond that time period for mitigation of visual scarring and for erosion control. If the applicant chooses to provide a bond as financial assurance, it must be issued from an acceptable company rated A- or better. The applicant must also execute a Hold Harmless Agreement with right of entry. This condition must be completed to the satisfaction of the

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Department of Community Development prior to issuance of a building or grading permit.

- e. All disturbed areas (excluding roadways) shall be re-vegetated prior to being issued a Certificate of Occupancy or Final Inspection. Temporary irrigation shall be provided to replanted trees within the critical and sensitive stream zones for a time period of not less than three years. Irrigation of other areas shall be provided as determined by the Washoe –Storey Conservation District or Design Review Committee.
 - f. The bridge structure and retaining/rockery walls shall be treated with “Permeon” simulated desert varnish or an equivalent product to ensure that they match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.
11. To mitigate the impact of any disturbance to the Significant Hydrologic Resource as defined in Article 418 of the Washoe County Development Code, the applicant shall comply with the following mitigation measures, which are applicable within the critical and sensitive stream zone buffer areas:
- a. To conserve topsoil, the applicant shall stockpile and replace topsoil to preconstruction conditions. Any shortage of topsoil shall be replaced with similar material.
 - b. To protect surface water quality, construction and restoration within the Significant Hydrologic Resource stream zones shall comply with United States Army Corps of Engineer and Washoe County Engineer requirements.
 - c. To conserve natural vegetation, wildlife habitats and fisheries, and to control erosion, drainage and sedimentation, the applicant shall utilize best management practices, as determined by the County Engineer. Once the area is restored, the applicant shall revegetate the area and replant any trees removed during construction. Temporary irrigation shall be provided to all replanted trees to ensure successful re-establishment will occur. Requirements for irrigation to all other vegetation shall be determined by the Washoe-Storey Conservation District or the Design Review Committee.
 - d. To provide for restoration of the project site to predevelopment conditions, the applicant shall record predevelopment conditions by means of extensive site photo documentation. Upon completion of the crossing, the applicant shall replace the topsoil and replant vegetation to predevelopment condition. Post-development, the applicant shall also photo-document the site and provide those photos to the Department of Community Development.
 - e. To provide for a bonding program to secure performance of requirements imposed, a bond or letter of credit shall be obtained based on an engineer’s or landscape architect’s estimate plus 15% to ensure that money is available to complete the project and all necessary revegetation and restoration. The

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bond will not be released until all permit conditions are satisfied. This bond will be in addition to any bonds required by the Washoe County Engineer.

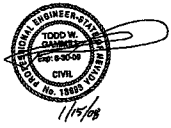
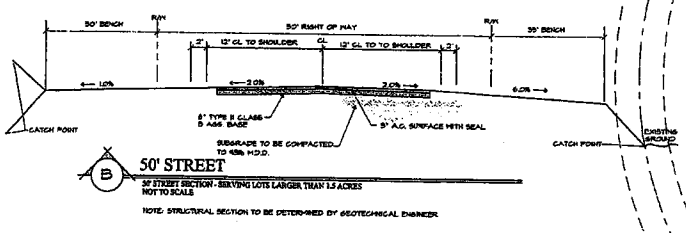
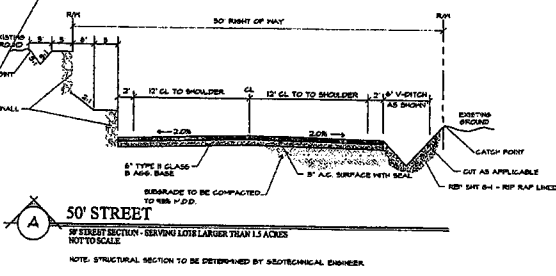
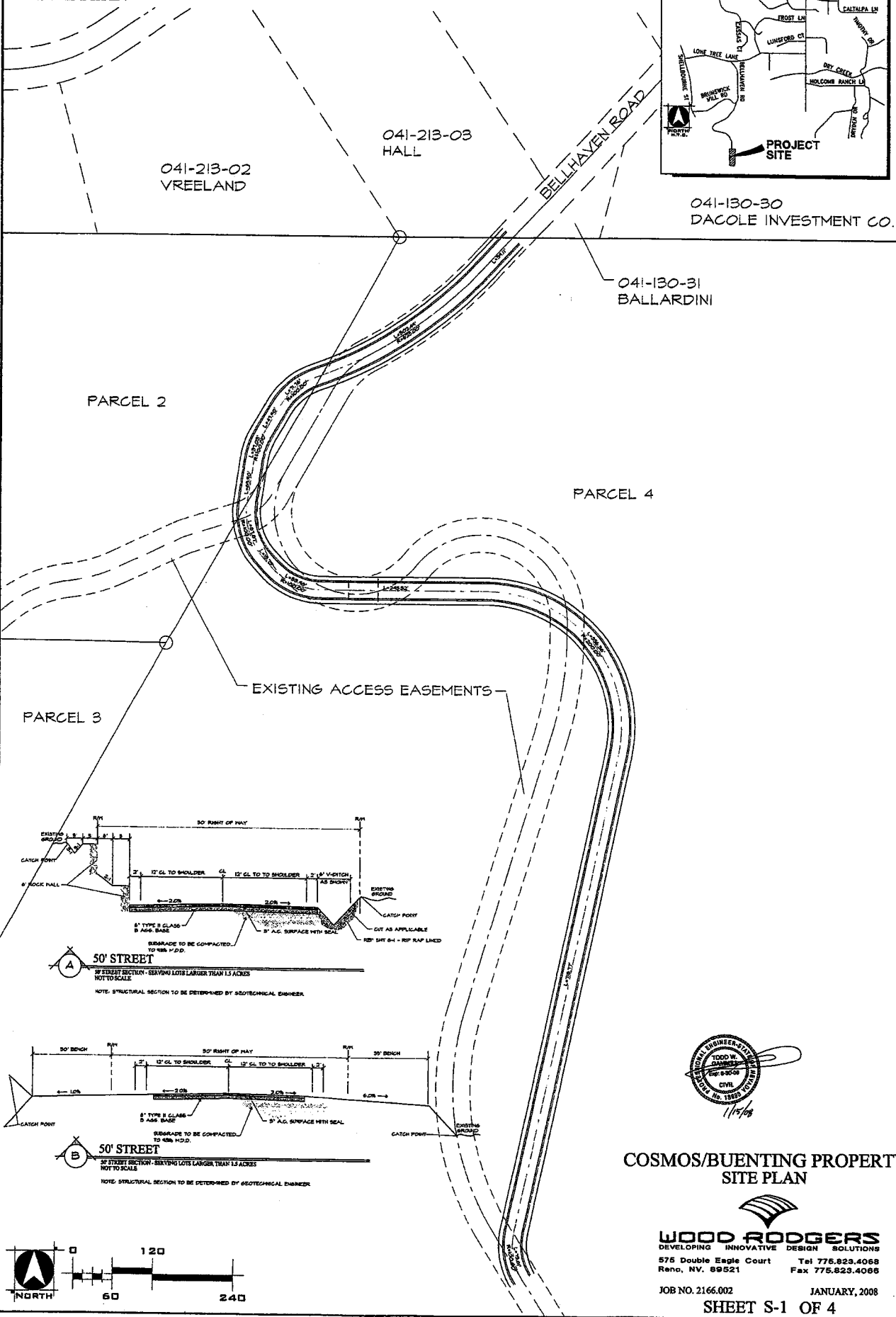
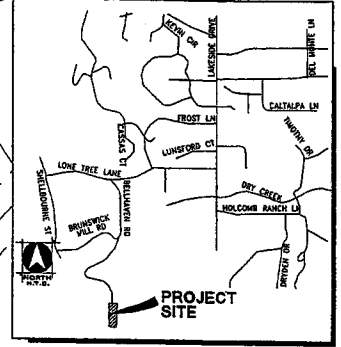
The procedures listed in (a) through (e) shall be noted on all construction drawings. Compliance with these conditions shall be determined by the Department of Community Development prior to the issuance of a building or grading permit.

***** END OF CONDITIONS *****

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SPECIAL USE PERMIT

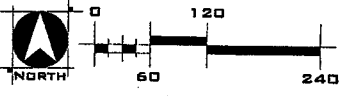
SITE PLAN



COSMOS/BUENTING PROPERTY

SITE PLAN

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 575 Double Eagle Court Tel 775.823.4088
 Reno, NV 89521 Fax 775.823.4066



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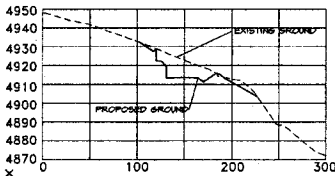
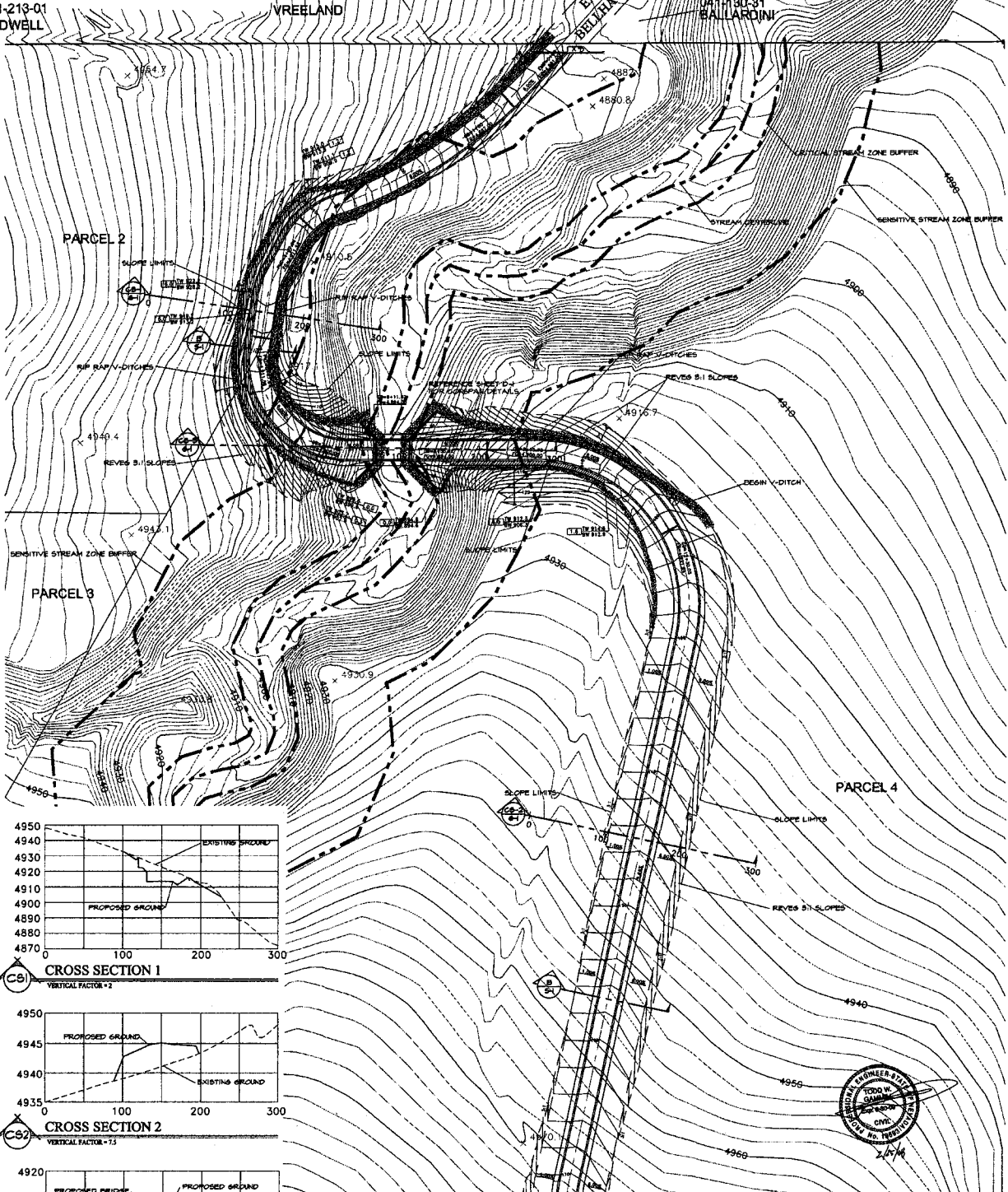
SPECIAL USE PERMIT GRADING PLAN

041-213-01
SIDWELL

041-213-02
VRELAND

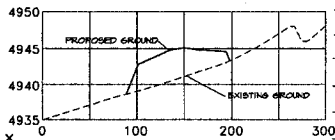
041-213-03
HALL

041-130-31
BALLARDINI



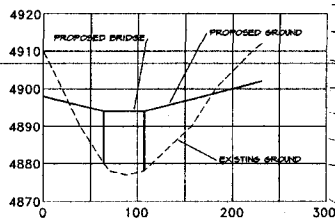
CROSS SECTION 1

VERTICAL FACTOR = 2



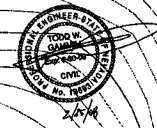
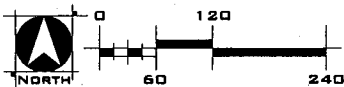
CROSS SECTION 2

VERTICAL FACTOR = 15



CROSS SECTION 3

VERTICAL FACTOR = 4



QUANTITIES

EXCAVATION: 16,800 CY
 FILL: 16,300 CY
 DISTURBED AREA: 207,000 SF
 WITHIN CRITICAL STREAM ZONE: 3,980 SF
 WITHIN SENSITIVE STREAM ZONE: 56,350 SF

COSMOS/BUENTING PROPERTY GRADING PLAN

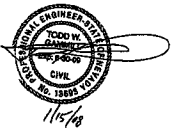
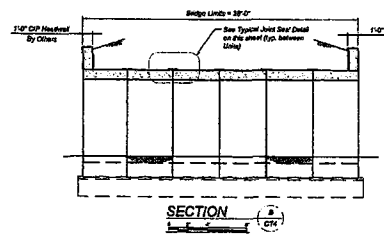
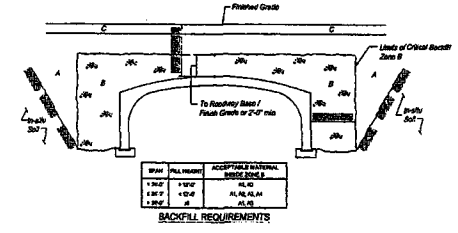
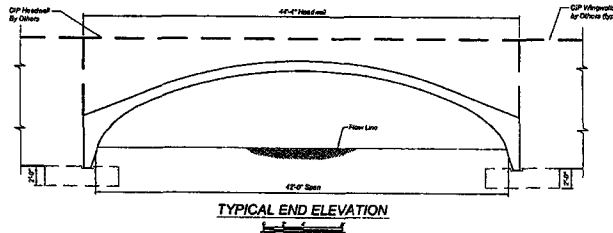
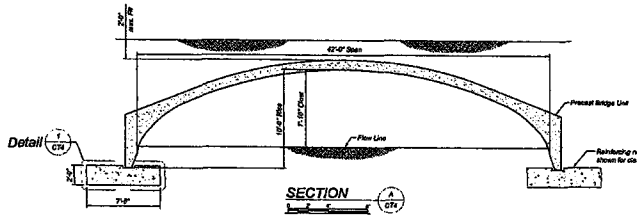
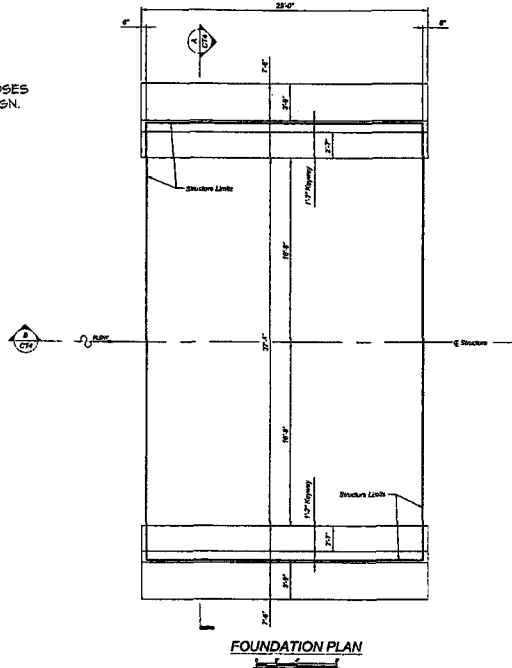
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 Reno, NV. 89521 Fax 775.823.4088
 JOB NO. 2166.002 JANUARY, 2008
SHEET G-1 OF 4

COSMOS/BUENTING PROPERTY

SPECIAL USE PERMIT

DETAIL SHEET

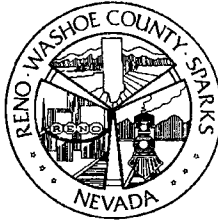
* NOTE: DETAILS ARE FOR ILLUSTRATIVE PURPOSES ONLY. REFERENCE STRUCTURAL PLANS FOR DESIGN.



COSMOS/BUENTING PROPERTY

DETAIL SHEET

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JAN 29 2008

WASHOE COUNTY
COMMUNITY DEVELOPMENT

DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: January 28, 2008

TO: Kelly Mullin, Assistant Planner
Washoe County Community Development

FROM: Doug Coulter, PE

SUBJECT: **Cosmos LLC**
SW08-002, Special Use Permit
E2008-005

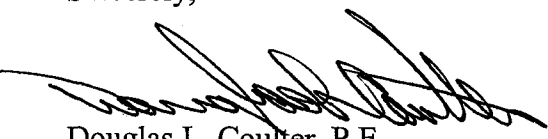
Dear Kelly Mullin:

This Department has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this Department is subject to the following condition:

1. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.

If you have any questions regarding the foregoing, please call me at 328-2429.

Sincerely,



Douglas L. Coulter, P.E.
Senior Registered Engineer
Environmental Health Services

DLC:jc

Cc: Landmark Homes & Development, Dean Pearson
Wood Rodgers Inc., Stacie Huggins

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

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