



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Planning Commission
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Roger M. Edwards
Roy H. Hibdon
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AGENDA

MEETING OF

WASHOE COUNTY PLANNING COMMISSION

Washoe County Commission Chambers

1001 East Ninth Street, Reno, Nevada

Tuesday, July 6, 2010

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 provide one copy of displayed exhibits to the recording secretary. ****

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

PLEDGE OF ALLEGIANCE

ETHICS LAW ANNOUNCEMENT

APPEAL PROCEDURE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

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 emergency items or items otherwise specifically excepted from the three day requirement by law 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).

If any member of the public wishes to submit any written or graphic material as an exhibit to an agenda item ten copies must be provided.

Any written or graphic material, including e-mails, more than 1 page in length as an exhibit to an agenda item and submitted 6 days or less prior to the Planning Commission meeting on which the agenda item is to be acted on may not be considered by the Commissioners in their deliberations on the scheduled item.

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"Your Community Development Department"

PUBLIC COMMENT: Public comment under this section will be taken for any topic, except for agenda items that have their own public comment period. Except as otherwise provided in the agenda, comments are limited to 3 minutes per speaker. However, the commission reserves the right to reduce this 3 minute time limit.

CONSENT ITEMS

- A. **Extension of Tentative Subdivision Map Case No. TM5-2-92 (St. James’s Village)** - To extend for two years, until October 11, 2012, the approval of the tentative subdivision map for St. James’s Village. The original request was to develop a phased, single-family subdivision consisting of 530 lots on six parcels totaling ±1,626 acres. The property is located at the end of the public portion of Joy Lake Road with additional access from Pagni Lane in Pleasant Valley and Washoe Flats Steak House (formerly Cattlemen’s Restaurant) on Joy Lake Road in west Washoe Valley. The site is designated Low Density Suburban (LDS) and General Rural (GR) in the Forest and South Valleys Area Plans and is within Commission District No. 2. It is in the area of review by both the Galena-Steamboat and West Washoe Valley Citizen Advisory Boards. The property is within Sections 10, 13, 14, 15, and 23, T17N, R19E, MDM, Washoe County, Nevada. (Originally APNs 046-060-02, 03 and 08, 046-080-05, a portion of 046-100-01, and 047-010-04; now APNs 046-060-44, 45, 47 and 49)

Staff Representative: Roger Pelham, Senior Planner, 775.328.3622

- B. **RESOLUTION FOR ACCEPTING STREETS** – Hidden Meadow Unit 3A Tract Map 3550, Section 22 Range 20 East, Township 19 North, Document No. 2221607 recorded June 17, 1998. (Tamarisk Drive and Hidden Meadows Drive) as described and shown on Exhibit “A”

Staff Representative: Norman T. Lindeman, P.E., 775.328.2058

6:30 p.m. **PROJECT REVIEW ITEMS**

– Public Comment will be taken for Item One –

- 1. **PUBLIC HEARING: Amendment of Conditions Case Number AC10-005 (Amends Special Use Permit Case No: SW10-001, Ruby Pipeline Water Truck Fill Stations and Gravel Pit)** – To correct one assessors parcel number and add another to allow the development of one additional temporary water truck fill station in support of construction of a 42-inch diameter, high-pressure natural gas pipeline, as authorized in Section 110.302 of the Washoe County Development Code, for dust control and pressure testing and roadway maintenance in support of the Ruby Pipeline Project. The projects are proposed to be located in the northern portion of Washoe County, in the general vicinity of the historic Vya town site, generally south and west of the Sheldon National Wildlife Refuge generally along the proposed Ruby Pipeline route which is proposed to traverse approximately 56 miles of Washoe County. The projects are proposed to be located upon nine individual parcels. All subject parcels are designated General Rural (GR) in the High Desert Area Plan, and are situated in

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.

portions of Section 4 T43N R19E and Section 8, T44N R19E, MDM, Washoe County, Nevada. The project is located in the Gerlach/Empire Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs: 61-270-01, 61-090-31) Public comment will be taken for this item.

Staff Representative: Roger Pelham, 775.328.3622

PLANNING ITEMS

None

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. Election of Officers: Planning Commission Chair and Vice Chair
- b. Report on Previous Planning Commission Items
- c. Legal Information and Updates.
Deputy District Attorney Nathan Edwards, Esq.

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



Planning Commission Staff Report

Meeting Date: July 6, 2010

Subject: Extension of Time for Tentative Subdivision Map Case No: TM5-2-92
Applicant: St. James's Village Inc.
Agenda Item No. A

Project Summary: To extend for two years until October 11, 2012 the approval of a 530 unit single family dwelling subdivision (St. James's Village).

Recommendation: Approval with Conditions

Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Department of Community Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Washoe County
Commission District: District No: 2

Project Description

To extend for two years, until October 11, 2012, the approval of the tentative subdivision map for St. James's Village. The original request was to develop a phased, single-family subdivision consisting of 530 lots on six parcels totaling $\pm 1,626$ acres. The property is located at the end of the public portion of Joy Lake Road with additional access from Pagni Lane in Pleasant Valley and Washoe Flats Steak House (formerly Cattlemen's Restaurant) on Joy Lake Road in west Washoe Valley. The site is designated Low Density Suburban (LDS) and General Rural (GR) in the Forest and South Valleys Area Plans and is within Commission District No. 2. It is in the area of review by both the Galena-Steamboat and West Washoe Valley Citizen Advisory Boards. The property is within Sections 10, 13, 14, 15, and 23, T17N, R19E, MDM, Washoe County, Nevada. (Originally APNs 046-060-02, 03 and 08, 046-080-05, a portion of 046-100-01, and 047-010-04; now APNs 046-060-44, 45, 47 and 49)

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Community Development

Tentative Subdivision Map

The Tentative Subdivision Map for St. James's Village was first approved by the Washoe County Board of Commissioners on August 18, 1992. Staff believes the circumstances have not substantially changed and provide sufficient cause to justify approval of an extension.

Phase	Map #	# of Lots	Cumulative Lots	DCD/PC Approval	Extends Tentative	Until	Record Date
Extension				06/23/93	Yes	08/18/94	
Nadia Court	(3059)	6	6	07/19/94	Yes	07/19/94	07/21/94
Unit 1B	(3155)	32	38	06/20/95	Yes	06/20/96	06/23/95
Unit 1C	(3261)	29	67	06/18/96	Yes	06/18/97	06/19/96
Bennington Ct	(3314)	25	92	09/17/96	Yes	09/17/97	10/04/96
Extension				06/17/97	Yes	09/17/98	
Unit 1D	(3404)	46	138	06/17/97	Moot	09/17/98	06/20/97
PM 3243	(3243)	3	141	08/12/97	No		08/15/97
PM 3244	(3244)	1	142	08/12/97	No		08/15/97
PM 3302	(3302)	1	143	03/03/98	No		03/03/98
Extension				05/19/98	Yes	09/17/99	
Unit 2A	(3602)	51	194	10/20/98	Yes	10/20/99	10/21/98
Extension				08/03/99	Yes	10/20/00	
Unit 1E	(3883)	6	200	10/13/00	Yes	10/13/01	10/16/00
R/A	(3942)	-1	199		No		04/13/01
Extension				10/02/01	Yes	10/13/02	
Unit 1F	(4123)	8	206	10/11/02	Yes	10/11/03	10/11/02
Extension				10/07/03	Yes	10/11/04	
Unit 1G	(4396)	5	212	10/05/04	Yes	10/11/05	10/06/04
Unit 2B	(4551)	12	224	10/07/05	Yes	10/11/06	10/11/05
Unit 1H	(4567)	13	237	11/01/05	Yes	10/11/07	11/09/05
Unit 2C	(4705)	11	248	10/4/06	Yes	10/11/07	10/4/06
Extension				8/1/07	Yes	10/11/08	
Unit 1L	(4889)	5	253	10/8/08	Yes	10/11/10	10/9/08
PROPOSED Extension				7/6/2010	Yes	10/11/12	

NRS 278.360 prohibits the imposition of new conditions unless the new "requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare."

Recommendation

Based upon the staff analysis, staff recommends approval of the Extension of Time request with the attached conditions and offers the following motion for your consideration:

Motion

I move that the Washoe County Planning Commission approve the two-year Extension of Time Request, until October 11, 2012, for Tentative Subdivision Map Case No. TM5-2-92 for Woodland Village, subject to the attached original conditions of approval (as later modified), having made the findings that the conditions of approval ensure consideration of the items enumerated in NRS 278.360, that the original findings remain valid, and that the circumstances have not appreciably changed since the original approval.

- 1) Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and the Cold Springs Area Plan;
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and the Cold Springs Area Plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Appeal Process

Planning Commission action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

Attachments: Original Conditions of Approval (as modified)

xc:

Applicant/Owner: St. James's Village, Inc. attn: Fred Woodside, 4100 Joy Lake Road, Reno, NV 89511

Consultant: C&M Engineering and Design, attn: Samuel Chacone, 9498 Double R. Boulevard, Suite B. Reno, NV 89521

**CONDITIONS FOR
TENTATIVE MAP CASE NO. TM5-2-92
ST. JAMES'S VILLAGE
(Most Recently Approved by the Washoe County Board of Commissioners on July 10,
2007 with Appeal Case Number AX07-009)**

*****IMPORTANT—PLEASE READ*****

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN TWO (2) YEARS AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. 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.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST. A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

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

GENERAL CONDITIONS

1. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of approval of the tentative map or any subsequent extension date.
2. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. All documentation necessary to satisfy the conditions noted below shall accompany the final map when submitted to the Engineering Division and the Department of Community Development.
3. Conditions, Covenants, and Restrictions (CC&Rs) shall be reviewed and approved by the District Attorney's office and the Department of Community Development. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's office. Said CC&Rs shall specifically address the potential for liens against the property and the individual property owner's responsibilities for the funding of the maintenance, replacement, and perpetuation of the following items, at a minimum:
 - a. Private roads within the subdivision.
 - b. Recreation center.
 - c. Staffing of maintenance and security forces.
 - d. Common area landscaping.
 - e. Entrance gates.
 - f. Snow removal and storage areas.
 - g. Streetscapes.
 - h. Fire and fuelbreaks on open space.
 - i. Detention basins and the accumulated sediment.
 - j. Equestrian trails.
 - k. Bicycle and pedestrian paths.

At a minimum, the CC&Rs shall also specifically address the following items:

- a. Requirement to abide by Community Design Guidelines.
- b. Requirement to locate all structures, including fences, within the building envelope submitted with final map.
- c. Limitation of disturbance of site to 20% of lot area.
- d. Specifications on the limitation of turf area.
- e. Requirement to properly abandon individual septic disposal system and to connect to community sewer when available
- f. Requirement of the homebuilder to install the house plumbing so that it can be easily connected to the community system
- g. Waiver of protest of inclusion into a sewer district
- h. Notice of requirement to pay future sewer user fees
- i. Mandatory provision of greenbelt requirements.
- j. Prohibition of private fencing outside of building envelope, other than "invisible" pet control fencing.
- k. Minimum defensible space requirements.

- I. Snow storage areas.
 - m. Requirement to adhere to National Electric Safety Code setbacks for existing overhead power lines.
 - n. Potential for conservation easements or dedication of open space.
 - o. Prohibition of motorized vehicles in open space.
 - p. Areas with potential for equestrian traffic.
 - q. Requirement of open space remaining open to pedestrian and bicycle traffic.
 - r. Notice of equestrian easements to abutting properties.
 - s. Notice of S-alignment to abutting properties.
 - t. Notice of the preservation requirements for lots containing or abutting the rock dams of the ice ponds.
4. Prior to the first final map, the developer shall submit the detailed set of Community Design Guidelines to the Design Review Committee of the Washoe County Planning Commission for review and approval. At a minimum, the Community Design Guidelines shall address the items specified within the application plus the homeowners variance procedures, if any.
5. At the time of recordation of each phase, the developer shall submit a site plan for each individual lot to the Building and Safety Division and the Department of Community Development. The site plan shall be at an appropriate scale for an 8.5" x 11" sheet and shall indicate the lot and block number, the building envelope, the maximum structure height, location of sewer lateral stub-out, and, if applicable, driveway location, protected areas, retained trees, individual septic disposal system and leachfield areas, etc.
6. Educational materials for wildlife protection, water conservation, historic preservation, or similar issues that are supplied to prospective buyers or lot owners shall be submitted to the Department of Community Development.
7. A note shall be placed on all construction drawings 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 Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology, 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.
8. Prior to ground disturbing activity of any specific phase of development, the developer shall provide an archaeological/historical survey for that phase to the Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology for review.
9. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the Utility Division and/or Engineering Division a complete set of reproducible 'as built' construction drawings prepared by a civil engineer registered in the State of Nevada, when field conditions mandate construction other than that shown in the original drawing.

10. The developer shall participate in any applicable General Improvement District or Special Assessment District formed by Washoe County to the satisfaction of the applicable division of the Department of Public Works.
11. The final map shall designate potentially-active (Holocene) fault lines on the record map and shall contain the following note to the satisfaction of the Department of Community Development:

NOTE

No habitable structures shall be located on a potentially-active (Holocene) fault line.

12. The developer is to provide written approval of the plans for the installation of mail delivery facilities from the US Postal Service. The system must be shown on the project construction plans and installed as part of the on-site improvements to the satisfaction of the Engineering Division and the US Postal Service.
13. All new utilities are to be placed underground to the satisfaction of the Engineering Division.
14. The developer and all successors shall direct any potential purchaser of the project site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.
15. The Washoe County Planning Commission certificate on the final map shall be stated as follows:
The tentative map of this subdivision, TM5-2-92, was approved by the Washoe County Planning Commission on the 8th day of July, 1992. This final map is in substantial compliance with the tentative map and all conditions of approval have been met.

The signature block for the certificate shall be prepared for date and signature by the Director of the Washoe County Department of Community Development.

TRAFFIC

16. All roadway improvements (including but not limited to, curb, gutter, signage, snow removal and storage, sidewalk, and street lighting at major intersections) necessary to serve the project, that are to be dedicated to Washoe County, shall be designed and constructed to county specifications (60' right-of-way, 36' curb face to curb face, and collector pavement thickness) and/or financial assurances in an appropriate form and amount shall be provided to the satisfaction of the Engineering Division.
17. All roadway improvements (including but not limited to, drainage, signage, snow removal and storage, project gates, and street lighting at major intersections) that are within the project and not to be dedicated to Washoe County, shall be designed and constructed to the satisfaction of the Engineering Division (cul-de-sacs may have an improved section of 20 feet) and/or financial assurances in an appropriate form and amount shall be provided to the satisfaction of the Engineering Division.

18. Approved Occupancy Permits shall be obtained from the Nevada Department of Transportation (NDOT), for access to and from roads and highways maintained by NDOT and a copy of the said permit sent to the Engineering Division. These Occupancy Permits shall be required for Joy Lake Road at US 395 and Mount Rose Highway (SR 431) prior to the recordation of the first phase. The Occupancy Permit for St. James's Village Parkway/Pagni Lane and US 395 shall be required prior to construction of the roadway.
19. The applicant shall comply with the NDOT requirements for acceleration/deceleration lanes and intersection designs for access to US 395 and Mount Rose Highway (SR 431) to the satisfaction of the Engineering Division.
20. The Construction Traffic Haul Route Plan, which shall utilize St. James's Village Parkway, is to be submitted to the Engineering Division and the Department of Community Development for review and approval. Roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load supporting capability. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavements.
21. The minimum pavement structural section shall be 4 inches of asphalt over 6 inches of gravel base (Type B) for roadways with a right-of-way of 60 feet in width and shall be 3 inches of asphalt over 6 inches of gravel base (Type B) for roadways with a right-of-way of 50 feet in width to the satisfaction of the Engineering Division.
22. The developer shall seal all asphalt concrete pavement surfaces in accordance with Washoe County specifications to the satisfaction of the Engineering Division.
23. The developer shall submit a detailed Geotechnical Analysis and Report which gives pavement design recommendations based upon the estimated traffic loadings for a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavements to the Engineering Division for review and approval. The report shall include assumptions concerning the distribution of trucks, including project construction traffic. The pavement thickness determined by the Geotechnical Analysis must be used if it indicates a stronger structural section than the minimum is required.
24. The developer shall submit construction drawings which include all soil boring logs to the satisfaction of the Engineering Division.
25. For the portions not already offered for dedication, the developer shall acquire and dedicate full width right-of-way for Joy Lake Road north of the project site prior to the recordation of the first final map. All dedications and improvements shall be to the satisfaction of the Engineering Division. If the right-of-way cannot be acquired by the developer at a reasonable price as determined by the county, then the county may attempt to condemn the property. If the state court allows the condemnation, the developer shall pay the cost of the award and its appraisal fee.
26. The developer shall construct or provide financial assurances for the construction of Joy Lake Road north of the project site to collector standards to the satisfaction of the Engineering Division prior to recordation of the first final map.

27. The developer shall construct or provide financial assurances for the improvements to the intersection of Joy Lake Road and Mount Rose Highway (SR 431) to the satisfaction of the Engineering Division prior to recordation of the first final map.
28. Prior to the recordation of the final map for the 151st lot, the developer shall demonstrate that the entire alignment of St. James's Village Parkway, from US 395 to St. James's Village Unit 4, is under his control and available for future construction. The County Engineer and the Department of Community Development shall be responsible for determining compliance with this condition.
29. Prior to the recordation of the 286th Lot, the Developer shall provide financial assurances for the construction of St. James's Parkway to the satisfaction of the Engineering Division. Prior to the issuance of the 286th Building Permit, the Developer shall construct the remaining unbuilt portion of St. James's Parkway (from Joy Lake Road to the intersection of US Highway 395 and Pagni Lane) to the satisfaction of the Engineering Division. The Developer shall provide quarterly reports to the County Engineer and the Department of Community Development on the number of Building Permits issued. Developer shall undertake and diligently proceed to repair the existing portion of St. James's Parkway located generally from the end of the pavement at Shepherd's Bush Court to Pagni Lane to the County Engineering Department and Fire Department standards for emergency access roads and as a haul road for construction vehicles into the St. James's Village Project which is defined to include the filling of all existing potholes and, subject to reasonable availability, a six inch lift of asphalt grindings to be rolled and oiled. Developer shall use its best efforts to complete this improvement to St. James's Parkway by November 15, 2007. The Developer shall be responsible to maintain this section of St. James's Parkway to the County and Fire Department standards for emergency access and as a construction haul route. The Developer shall install a tamper-proof, locked gate at the eastern boundary of the subdivision on St. James's Parkway.
30.
 - a) The Developer shall complete construction of Joy Lake Road South to connect to Kelly Canyon Road to the satisfaction of the Engineering Division including, without limitation, the paving of this portion of Joy Lake Road within the development. With the construction and development of this portion of Joy Lake Road, the Developer shall install a permanent gate in proximity to the south boundary of the subdivision. The gate shall be similar in style and quality to the existing gate on Joy Lake Road North. The gate shall be designed so as to accommodate in the future a manned gatehouse, but no manned gate house need be constructed except as otherwise provided in Condition 30-B. The permanent gate shall be a fully automated gate with all electronics, telephone and video surveillance connections and equipment compatible with the existing equipment to allow remote operation of the gate and visual monitoring through an Internet connection from the existing manned gatehouse at Joy Lake North and telephone access from homeowners' home telephones. The construction work on this section of Joy Lake Road and the fully functioning, permanent gate shall be completed by July 10, 2008.
 - b) Prior to the issuance of the 286th Building Permit and with the development of the St. James's Parkway entrance as provided in Condition No. 29, Developer agrees to build a second manned gatehouse either at the Joy Lake South gate or the St. James's Parkway gate, the location of which shall be determined by a vote of the homeowners within the Project.

31. On a quarterly basis, the developer shall provide the Engineering Division and the Department of Community Development an accounting of the number of building permits issued for St. James's Village.
32. The developer shall install regulatory signs at the juncture of all public streets with a private street to the satisfaction of the Engineering Division. Said sign shall state: "PRIVATE STREET NOT MAINTAINED BY COUNTY".
33. The developer shall reserve the right-of-way for the future I-580 Extension (US 395 bypass) for acquisition by the Nevada Department of Transportation (NDOT). The Department of Community Development shall be responsible for determining compliance with this condition.
34. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
35.
 - a) To the satisfaction of the Engineering Division, the wording on the final maps shall be modified to reflect the fact that the streets within the subdivision are private and not offered for dedication to Washoe County.
 - b) The developer, the homeowners association, and the county have entered into an agreement to have the proposed mitigation measures for Joy Lake Road evaluated. The developer shall be required to participate in the implementation of the appropriate mitigation measures to the satisfaction of the Department of Community Development.

DRAINAGE

36. A final, detailed hydrology/hydraulic report, prepared by a registered engineer, shall be submitted to the Nevada Department of Transportation and the Engineering Division for approval. The report shall include the locations, points of entry and discharge, and rates of 10 and 100 year storm flows impacting both the site and off-site areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of any impacts on existing off-site drainage facilities.
37. A master storm drainage plan, based upon the approved hydrology/ hydraulic report, shall be submitted to the Nevada Department of Transportation and Engineering Division prior to the finalization of any portion of the subdivision. All drainage improvements shall be designed and constructed to the satisfaction of the District Health Department and the Engineering Division. All drainage structures under roadways and crossings of Browns and Steamboat Creeks shall be designed to pass the 100-year storm. Consideration will be given to minor culverts passing a portion of the 100-year storm over the roadway if the roadway is designed to not be washed out and to remain passable through the 100-year storm. The developer may arrange for financial assurances, acceptable to the Engineering Division, for all or part of these improvements.

38. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the Engineering Division for approval prior to finalization of any portion of the subdivision. Grading shall comply with best management practices and shall eliminate the potential for mosquito breeding within graded areas. Detention basins with controlled outlet facilities shall be shown on the plan.
39. Washoe County will only maintain drainage easements which are at least 15 feet wide and piped to the satisfaction of the Engineering Division.
40. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip-rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the District Health Department and the Engineering Division.
41. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site or into Steamboat or Browns Creek to the satisfaction of the Engineering Division.
42. The developer shall submit to the District Health Department a letter approving the proposed methods of erosion control and soil stabilization from the Washoe-Storey Conservation District.
43. The developer shall provide easements to all existing irrigation and diversion ditch owners to the satisfaction of the Engineering Division. Any proposed modifications to the ditches must be approved in writing by the ditch owners.

WATER AND WASTEWATER

44. The project shall be constructed with a dry sanitary sewer system within the boundaries of the subdivision. The sewer system shall be designed, constructed, and inspected to the satisfaction of the District Health Department and the Utility Division.
45. All minor infrastructure for sewer collection shall be designed, constructed, and inspected to the satisfaction of the District Health Department and the Utility Division.
46. The project shall be designed to accommodate a gravity flow sanitary sewer system within the boundaries of the subdivision. The sanitary sewer collection system shall be designed to accommodate potential service to existing and future developments. The design, construction, bonding, and inspection shall be to the satisfaction of the District Health Department and the Utility Division.
47. The design engineer shall submit a plan for the periodic inspection of the construction of the sewer service system to the District Health Department. The design engineer shall, pursuant to the approved inspection plan, periodically certify in writing to the District Health Department that the improvements are being installed in accordance with the approved plans and recognized practices of the trade.
48. The developer shall either construct or provide financial assurances for the construction of the sewer system facilities. The financial assurances must be in a form and amount satisfactory to the Utility Division.

49. In the event that the off-site sewage transmission and treatment facilities are not available at the time of final map recordation, interim individual septic disposal systems may be reviewed and approved by the District Health Department, the Utility Division, and the Nevada Department of Environmental Protection. No more than 230 lots will be allowed to use interim individual septic disposal systems.
50. Should interim individual septic disposal systems be considered for use, evidence shall be submitted that a restrictive covenant in the county's favor has been recorded. This restrictive covenant shall include the waiver of protest of inclusion into the district, the notice of the requirement to pay user fees, and the requirement of the proper abandonment (pumping, filling, etc.) of the interim individual septic disposal system, and connection to the sanitary sewer system within 120 days of notice by the Department of Public Works that service from the provider is available.
51. All sewage disposal fields shall be located in the exact locations of the approved test holes to the satisfaction of the District Health Department.
52. The developer shall install the sewer service laterals with an acceptable plug and cap to a location a minimum of 10 feet within the property line to the satisfaction of the Utility Division.
53. All privilege connection (hookup) fees for sewer service for the area within the final map will be paid to the satisfaction of the Utility Division, including any credits given in accordance with Condition 46.
54. The sanitary sewer collection system must be offered for dedication to Washoe County to the satisfaction of the Utility Division.
55. The sanitary sewer collection system shall be designed to accommodate potential service to existing and future developments of the project to the satisfaction of the Utility Division.
56. A letter, which can be a will-serve letter, from the appropriate provider committing sewer service, must be submitted to the District Health Department and Utility Division. This letter shall indicate that the treatment facility will not be brought beyond its permitted capacity by this service.
57. The final subdivision map shall show a dedicated, all-weather easement, with access, over the development's sanitary sewer lines, to the satisfaction of the Utility Division.
58. The final map shall contain the following note to the satisfaction of the Department of Community Development:

NOTE

No Certificate of Occupancy shall be issued until the sewer facilities have been completed and accepted by resolution of the Board of County Commissioners.
59. All minor infrastructure for potable water distribution shall be designed, constructed, and inspected to the satisfaction of the District Health Department and the Utility Division.

60. The project shall be designed to accommodate a community water system within the boundaries of the subdivision and shall be designed to accommodate potential service to existing and future developments. The design, construction, bonding, and inspection shall be to the satisfaction of the District Health Department and the Utility Division.
61. The design engineer shall submit a plan for the periodic inspection of the construction of the water supply system to the District Health Department. The design engineer shall, pursuant to the approved inspection plan, periodically certify in writing to the District Health Department that the improvements are being installed in accordance with the approved plans and recognized practices of the trade.
62. The developer shall either construct or provide financial assurances for the construction of the water system facilities directly related to the project. Credits in accordance with Condition 60 may accrue at this time. The financial assurances must be in a form and amount satisfactory to the Utility Division.
63. The water system facilities must be offered for dedication to Washoe County to the satisfaction of the Utility Division.
64. Prior to approval of the first final map, the developer shall be responsible for the processing the necessary change applications to reflect the points of diversion and the place and manner of use actually intended for water service, to the satisfaction of the Utility Division.
65. A letter, which can be a will-serve letter, from the appropriate provider committing water service must be submitted to the District Health Department. This letter shall indicate that the facility will not be brought beyond its permitted capacity by this service.
66. The developer shall submit to the Utility Division, water quality test results from a laboratory certified in the State of Nevada for any new water sources. The water quality sampling and testing shall comply with the State of Nevada Regulations for Public Water Systems, Nevada Administrative Code Chapter 445.
67. The water source shall meet both primary and secondary (NAC 445.248 subsections 1 and 4) standards of the State of Nevada Regulations for Public Water Systems, Nevada Administrative Code Chapter 445. If the water quality does not meet these standards, water treatment facilities must be on-line and functioning prior to the issuance of any building permits to the satisfaction of the Utility Division.
68. If the water usage monitoring demonstrates that the water rights previously dedicated to Washoe County prove to be insufficient to support the recordation of any phase of the subdivision, the developer shall be required to dedicate additional rights to support that phase to the satisfaction of the Utility Division.
69. The developer shall submit documentation demonstrating the availability of adequate water resource to serve the proposed project to the satisfaction of the Utility Division.
70. Any wells on the property not in use for production or monitoring purposes, shall be properly abandoned in accordance with the applicable regulations governing Water Wells and Related Drilling to the satisfaction of the Utility Division and District Health Department.

- 71. The final map owner's certificate shall contain language indicating that the developer and his assignees agree to the use of residential water meters.
- 72. The final map shall contain the following note to the satisfaction of the Department of Community Development:

NOTE

No Certificate of Occupancy shall be issued until the water facilities have been completed and accepted by resolution of the Board of County Commissioners.

FIRE PROTECTION

- 73. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the Nevada Division of Forestry. Those concerns are access (primary and emergency), security gates, fire flows, fire hydrant number and location, sequential phasing of firebreaks during development, permanent firebreaks, minimum defensible space, use of fire resistant construction and/or roof material, sprinklering of structures, and spark arrestors in chimneys. Access and fire flows shall be addressed to the satisfaction of the fire protection agency prior to the introduction of any combustible materials to the site.
- 74. The developer shall construct and dedicate a fire station to the satisfaction of the Nevada Division of Forestry prior to the issuance of any building permits for private structures.

*** END OF CONDITIONS OF APPROVAL FOR TM5-2-92 ***



WASHOE COUNTY

Department of Public Works

"Dedicated to Excellence in Public Service"

DAN ST. JOHN, P.E., Public Works Director

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

PLANNING COMMISSION AGENDA ITEMS

DATE: June 9, 2010

TO: Washoe County Planning Commission

FROM: Norman T. Lindeman, Engineering Division *N.T.L.*

SUBJECT: Hidden Meadow Unit 3A, Tract Map No. 3550
Acceptance of Streets that were Previously Rejected on Tract Map No. 3550

cc: Dawn Spinola, Department of Community Development

Recommendation:

It is recommended that the Planning Commission accept the attached "Resolution for Accepting Streets" and return it to Engineering for recordation.

Background:

Tract Map #3550 was approved by the Washoe County Planning Commission on June 16, 1998 and recorded on June 17, 1998. All street improvements have been completed to County standards.

Comments:

Approximately 0.11 miles of new street will be added to the Washoe County street system by this action.

The project is located in Hidden Valley off Pembroke Drive.

Attachment

NL/ke

APN: 051-580-07

*When recorded return to:
Washoe County Engineering Division
PO Box 11130
Reno, NV 89520*

RESOLUTION ACCEPTING STREETS

Hidden Meadow Unit 3A Tract Map 3550, Section 22 Range 20 East, Township 19 North, Document No. 2221607 recorded June 17, 1998. (Tamarisk Drive and Hidden Meadows Drive) as described and shown on Exhibit "A" (a copy is attached and is incorporated by reference).

WHEREAS, it is a function of the County of Washoe to operate and maintain public streets; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No.3550, Document No. 2221607 recorded on June 17, 1998; and

WHEREAS, said offer of dedication was rejected by the Washoe County Planning Commission because said streets were not constructed to Washoe County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved any streets are rejected, but the offer of dedication shall be deemed to remain open and the governing body or planning commission may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have been recently constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Planning Commission finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Washoe, pursuant to NRS 278.390, that the streets shown on Tract Map #3550 (as described and shown on Exhibit "A", a copy is attached and is incorporated by reference) are hereby accepted.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

PLANNING COMMISSION OF WASHOE COUNTY, NEVADA

DIAN VANDERWELL, CHAIR

_____, 2010

ATTEST:

ADRIAN P. FREUND, FAICP
Director of Community Development



Planning Commission Staff Report

Meeting Date: July 7, 2010

Subject: Amendment of Conditions Case Number AC10-005 (amends Special Use Permit Case No: SW10-001)

Applicant: Ruby Pipeline, LLC

Agenda Item No. 1

Project Summary: To correct one assessors parcel number and to allow the development of one additional temporary water truck fill station in support of construction of a 42-inch diameter, high-pressure natural gas pipeline.

Recommendation: **Approval with Conditions**

Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Department of Community Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Washoe County
Commission District: District No: 5

Project Description

AMENDMENT OF CONDITIONS CASE NUMBER AC10-005 (AMENDS SPECIAL USE PERMIT CASE NO: SW10-001, RUBY PIPELINE WATER TRUCK FILL STATIONS AND GRAVEL PIT) – To correct one assessors parcel number and to allow the development of one additional temporary water truck fill station in support of construction of a 42-inch diameter, high-pressure natural gas pipeline, as authorized in Section 110.302 of the Washoe County Development Code, for dust control and pressure testing and roadway maintenance in support of the Ruby Pipeline Project. The projects are proposed to be located in the northern portion of Washoe County, in the general vicinity of the historic Vya town-site, generally south and west of the Sheldon National Wildlife Refuge generally along the proposed Ruby Pipeline route which is proposed to traverse approximately 56 miles of Washoe County. The projects are proposed to be located upon eight individual parcels. All subject parcels are designated General Rural (GR) in the High Desert Area Plan, and are situated in portions of Section 4 T43N R19E and Section 8, T44N R19E, MDM, Washoe County, Nevada. The project is located in the Gerlach/Empire Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APNs, 61-270-01, 61-090-31)

Staff Report Contents

Special Use Permit Definition Page 3

Vicinity Map Page 4

Photos of Subject Parcels Pages 5 - 6

Project Evaluation Page 6

Citizen Advisory Board (CAB) Page 8

Reviewing Agencies Page 8

Recommendation Page 10

Motion Page 10

Appeal Process Page 11

Exhibits Contents

Conditions of Approval..... Exhibit A

Public Notice Maps Exhibit B

Project Application

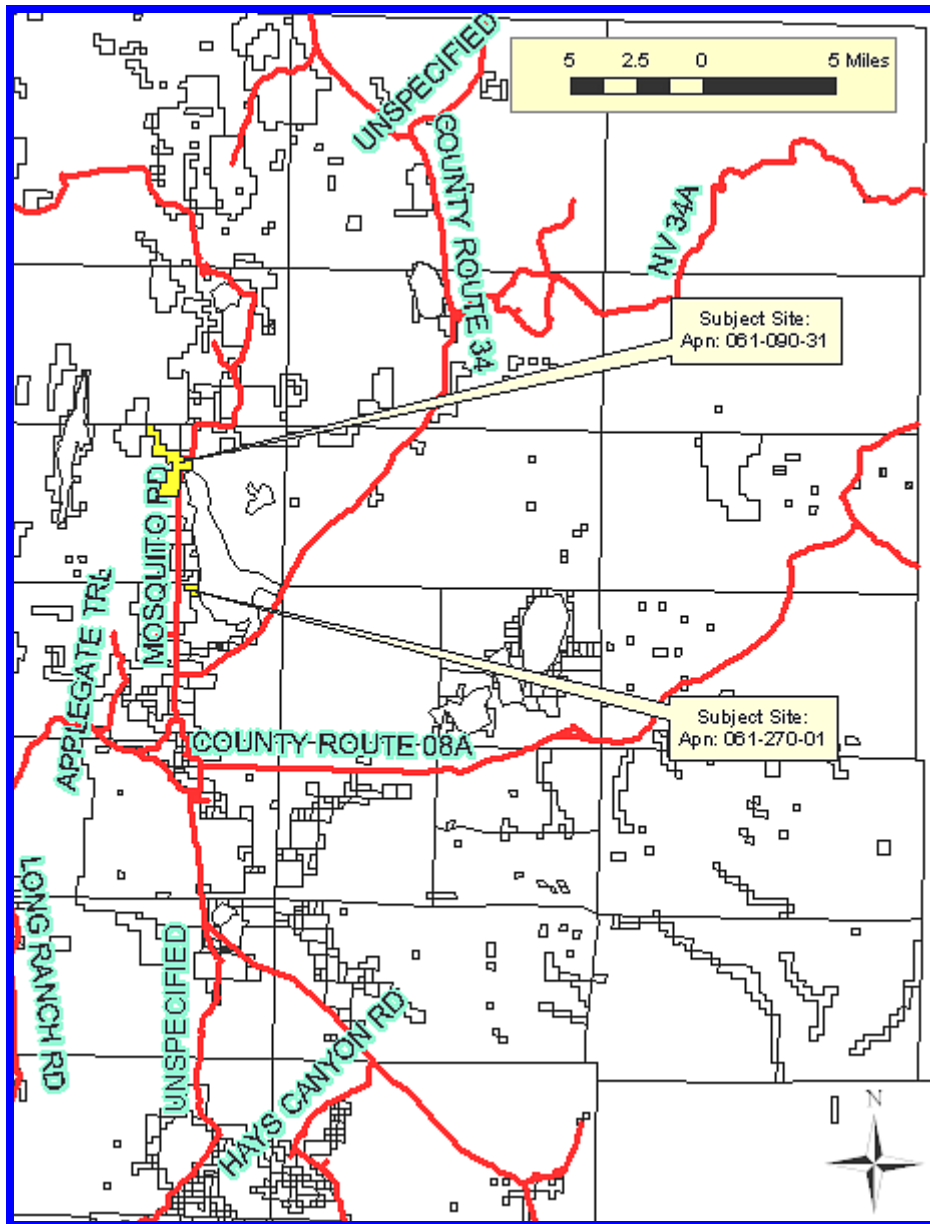
The project application may be reviewed in its entirety on the Washoe County website at http://www.washoecounty.us/comdev/09da/09da_index.htm

Special Use Permit

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

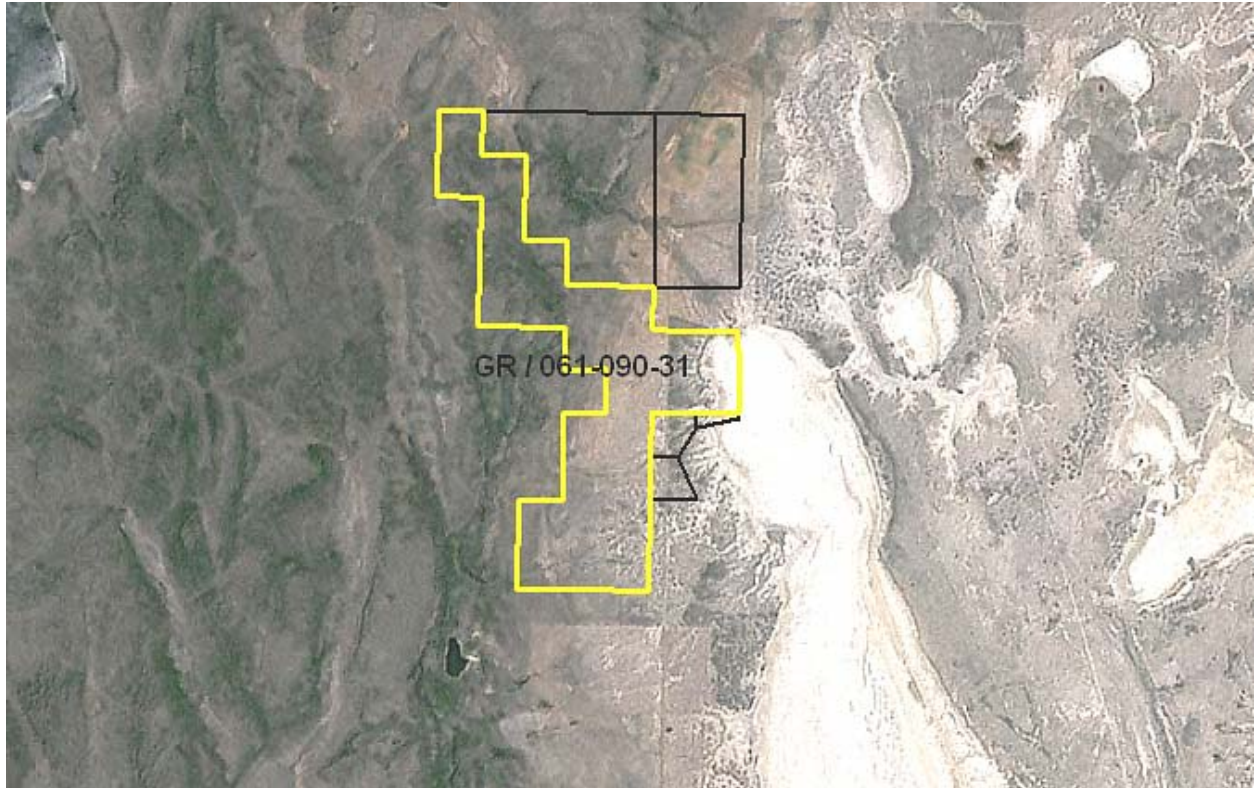
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational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

The Conditions of Approval for Special Use Permit Case No. SW09-003 are attached to this staff report as Exhibit A and will be included with the Action Order.



Vicinity Map

Overhead Photo of APN 061-090-31 (1079 acres) and well site:



Overhead Photo of APN 061-270-01 (118 acres) and well site:



Project Evaluation

Special use permit case number SW10-001 was requested by Ruby Pipeline to allow the temporary construction and operation of several water truck fill stations and a gravel pit. These facilities are proposed in support of the construction of a 42" high-pressure natural gas pipeline which has been previously approved by the Washoe County Planning Commission and the

Board of County Commissioners. The pipeline project is proposed to traverse approximately 56 miles of northern Washoe County. The water truck fill stations each consist of approximately one acre of developed area. Well pumps will be operated by means of temporary diesel-powered generators.

Water from the well sites is proposed to be utilized for dust control and pressure testing of the proposed pipeline. Detailed plans for location of the well sites have not been provided to staff. Conditions of approval have been included to require detailed plans to be submitted prior to approval of any building or grading permits. The proposed locations are very remote and there are few if any neighbors who will be impacted by the proposed temporary uses. Conditions of approval have been included to require restoration of all disturbed areas upon completion of the temporary use.

Temporary uses are subject to the same development standards as would be applied to a permanent use in the same zone. Typically these commercial uses would require pavement of the driveways and approaches to the uses, installation of landscaping, lighting and all other improvements typical of commercial development in Washoe County. Below are photos of water truck fill stations approved by Washoe County within the last several years.



The applicant has been granted a Directors Modification of Standards to eliminate all required commercial improvements at the previously approved well sites. The current sites will be under the same conditions as the previous. A Directors Modification of Standards is one approach to addressing the unique attributes and challenges presented by Code requirements in remote locations. This is the fourth special use permit applied for in conjunction with this project. The applicant has stated repeatedly that they are willing to provide improvements in other locations to benefit the residents of Washoe County when improvements are not practical for the temporary nature of the overall project. It is the opinion of the Director that modification of standards is appropriate in this situation for several reasons. There are few, if any, immediate neighbors to any of the project sites. The sites are all remote. The uses proposed are temporary and it would make little sense to install commercial improvements, only to remove them less than a year later. Staff has included a condition of approval to provide a framework for installation of the same amount of commercial improvements as would be required, in aggregate, for all eight of the project sites within Park District 2B. Park District 2B includes the project area. The proposed condition reads as follows:

Commercial improvements [landscaping, pavement and etc], as required by the Development Code at 110.310.15 may waived upon approval of a Directors Modification of Standards if the applicant enters into an agreement with Washoe County Department of Regional Parks and Open

Space to install commercial improvements equal to the amounts that would have been cumulatively required at the eight project locations approved by this special use permit, to benefit the residents of Washoe County, within park district 2B. The Director's Modification and agreement shall be finalized prior to issuance of any building or grading permits. The commercial improvements shall meet all minimum criteria established by the Development Code, particularly at Article 410 and 412 as well as the Washoe County Green Book standards. Improvement plans shall be prepared by a qualified architect and/or engineer. Compliance with this condition shall be determined by the Department of Community Development and the Department of Regional Parks and Open Space, prior to the approval of any building or grading permits for the project.

As of the date of this report the applicant has entered into an agreement with the Department of Regional Parks and Open Space. That agreement has not yet been approved by Washoe County, but approval is anticipated in the next few weeks.

Because this project is located within the High Desert Area Plan there are additional findings of fact that the Planning Commission is obligated to make in order to approve this project. Those findings are based upon the following area plan Policies and Action Programs:

HD.2.13 The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

HD.10.3 The granting of special use permits in the High Desert planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Washoe County Health District in the implementation of this policy.

Staff is of the opinion that due to the temporary nature of the disturbance to the areas that the community character will be conserved. The applicant must comply with all conditions of approval and obtain permits from the Air Quality Management Division, which will ensure that there is no significant degradation of air quality. Any possible degradation will be minimized by the fact that emissions of all types must meet established air quality standards and by the fact that the projects will be providing water for dust suppression to help maintain air quality standards.

Gerlach / Empire Citizen Advisory Board G(ECAB)

This application was reviewed by the GE CAB during their regular meeting of June 17. The notes from that meeting are not available of the time of completion of this report. CAB comments will be provided to the BOA at the public hearing.

Reviewing Agencies

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

- Washoe County Community Development
 - Community Planning Services
 - Open Space Program
- Washoe County Department of Public Works, Engineering Division
- Washoe County Department of Water Resources

- Washoe County District Attorneys Office
- Washoe County Sheriffs Office
- Washoe County Fire Services Coordinator
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
 - Air Quality Management Division
- City of Reno Fire Department
- Washoe-Storey Conservation District
- Nevada Department of Transportation
- Nevada Department of Wildlife
- Nevada Department of Environmental Protection
- Nevada Division of Water Resources
- Nevada Division of Forestry – Endangered Species
- Nevada State Historic Preservation Office
- US Army Corps of Engineers
- US Bureau of Indian Affairs
- US Bureau of Land Management
- US Forest Service
- Pyramid Lake Paiute Tribe
- Washoe Tribe of Nevada
- Reno / Sparks Indian Colony

Three out of the twenty-five above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order. The conditions of approval for this amendment are identical to those approved with the original special use permit.

- Washoe County Community Development primarily addressed the restoration of the project sites.

Contact: Roger Pelham, 775.328.3622 rpelham@washoecounty.us

- Washoe County Public Works addressed construction requirements and roadway maintenance

Contact: Leo Veseley, 775.328.2041

- Washoe County Air Quality Management Division of the Health Department addressed the need for appropriate permits for dust control and emissions from stationary sources or equipment.

Contact: Chris Ralph, 775.328.7024

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Amendment of Conditions Case Number AC10-005 amending Special Use Permit Case No. SW10-001 is being recommended for approval with conditions. Staff offers the following motion for the Commission's consideration.

Motion

I move that, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number AC10-005 amending Special Use Permit Case No. SW10-001 having made all five findings in accordance with Washoe County Development Code Section 110.810.30, and the two additional findings required by the High Desert Area Plan:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the High Desert 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 a high-pressure natural gas pipeline, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;
6. No Significant Degradation of Air Quality. That no significant degradation of air quality will occur as a result of the permit; and
7. Community Character Conserved. Community character as described in the High Desert Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
8. Special Review Considerations. All special review considerations as enumerated in Section 110.332.20 of the Development Code have been adequately addressed on the record.

Appeal Process

Planning Commission action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc:

Property Owners: Terry and Nan Pennington, PO Box 502, Fallon, NV 89407
Patrick Fitzgerald, 3157 Waggoner Heights Road, Stockton, CA 95209

Applicant/Developer: Ruby Pipeline LLC, attn: Dan Gredvig, 2 North Nevada Ave, Colorado Springs, CO 80903

Professional Consultant: Access Resources, Inc. attn: John Wilson, 5 Par Circle, Littleton, CO 80123



EXHIBIT A

Conditions of Approval

Amendment of Conditions Case Number AC10-005

The project approved under Amendment of Conditions Case Number AC10-005 (Special Use Permit Case No: SW10-001) shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on July 6, 2010. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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

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

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

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

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

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

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

- The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.
- The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.
- The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.

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

Washoe County Community Development

1. The following conditions are requirements of the Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham 775.328.3622:

- a. The applicant shall obtain all administrative permits (building, grading and etc.) required by Washoe County prior to commencement of any development activity.
- b. The applicant shall attach a copy of the Action Order approving this special use permit to all administrative permits (building, grading and etc.) applied for in Washoe County.
- c. The applicant shall supply documentation, acceptable to the Director of Community Development, showing compliance with all applicable provisions of Article 332 of the Washoe County Development Code (particularly 332.10 and 332.15), prior to the approval of any administrative permit (building, grading and etc.) by Washoe County.
- d. The applicant shall provide a copy of the approval by the Federal Energy Regulatory Commission (FERC), for the Ruby Pipeline, to the Department of Community Development, prior to approval of any building or grading permits associated with this special use permit.
- e. The applicant shall submit complete construction plans and apply for building permits within two (2) years from the date of approval of the

pipeline project by the Federal Energy Regulatory Commission (FERC). The applicant shall complete construction within the time specified by the building permit. Compliance with this condition shall be determined by the Department of Community Development.

- f. Prior to any activity authorized by this special use permit, the applicant shall obtain building permit(s) for all improvements at each development site.
- g. In order to obtain a building permit for each development site, the applicant shall submit complete construction plans for each development site. The construction plans shall include at a minimum:
 - existing topographic contour of each project area (2-foot contour maximum)
 - proposed topographic contour of each project area (2-foot contour maximum)
 - detailed restoration plans for each project area
 - detailed plans for all physical improvements to be installed
 - detailed plans for provision of power to all water truck fill station sites
 - detailed plans for provision of barriers to protect adjacent undisturbed areas
 - vicinity map showing relationship of each project area to nearest public roadway and prominent geographic features, if applicable
- h. In addition to any other financial assurances required by any other conditions of approval of this permit or required by any conditions of approval of any other discretionary action approved by Washoe County the applicant shall provide financial assurances, acceptable to the Director of Community Development for restoration of all subject sites approved under this special use permit to pre-disturbance condition. These financial assurances shall be held for a time period of not less than three years or until the subject sites have achieved revegetation equal to 50% of the adjacent undisturbed areas.
- i. 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, RUBY SHALL FOLLOW ITS UNANTICIPATED DISCOVERY PLAN AS FILED AND APPROVED BY THE FEDERAL ENERGY REGULATORY COMMISSION. THE STATE HISTORIC PRESERVATION OFFICE OF THE DEPARTMENT OF MUSEUMS, LIBRARY AND ARTS SHALL BE NOTIFIED PURSUANT TO THE ABOVE REFERENCES TO

APPROPRIATELY RECORD, PHOTOGRAPH, OR DOCUMENT THE SITE PER THE PLAN.

- j. Commercial improvements [landscaping, pavement and etc], as required by the Development Code at 110.310.15 may waived upon approval of a Directors Modification of Standards if the applicant enters into an agreement with Washoe County Department of Regional Parks and Open Space to install commercial improvements equal to the amounts that would have been cumulatively required at the eight project locations approved by this special use permit, to benefit the residents of Washoe County, within park district 2B. The Director's Modification and agreement shall be finalized prior to issuance of any building or grading permits. The commercial improvements shall meet all minimum criteria established by the Development Code, particularly at Articles 410 and 412 as well as the Washoe County Green Book standards. Improvement plans shall be prepared by a qualified architect and/or engineer. Compliance with this condition shall be determined by the Department of Community Development and the Department of Regional Parks and Open Space, prior to the approval of any building or grading permits for the project.
 - k. Prior to approval of any building or grading permits the applicant shall provide proof, acceptable to the Director of Community Development, that all contractors and companies engaged in any activity associated with this project obtain appropriate businesses licenses for all activities within Washoe County.
 - l. The applicant shall identify all existing dirt roadways proposed for improvement on the construction drawings. Creation of new roadways across public and private land in support of this project is prohibited, unless a separate special use permit for grading is approved, or an amendment to this permit is approved.
2. The following **Operational Conditions** shall be required for the life of the project:
- a. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - b. Any grading or disturbance of any vegetation or landform outside of the construction areas approved on the building and grading plans and existing roadways is prohibited.
 - c. Failure to comply with all conditions of approval shall render this approval null and void.
 - d. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or 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.

- e. Staging of equipment or construction materials outside of the designated staging areas, within the pipeline right-of-way is prohibited.

Washoe County District Health Department

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

Contact Name – Chris Ralph 775.784.7204

- a. The applicant shall apply for and have approved permits for dust control for the all roadways utilized in association with construction of the pipeline, all ancillary facilities and for the pipeline right-of-way prior to approval of any building or grading permits.
- b. The applicant shall apply for and have approved permits for emissions from any equipment or other sources to be permitted as part of the construction of the pipeline, prior to approval of any building or grading permits.

Washoe County Department of Public Works

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

Contact Name – Leo Vesely 775.328.2040

- a. For each site, a complete set of construction improvement drawings, including an on-site grading plan sheets, plan and profile sheets, and construction detail sheets 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) and slope stabilization. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed outside of the construction easement.
- b. For construction areas larger than 1 acre, the applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. For construction areas larger than 1 acre, the applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance

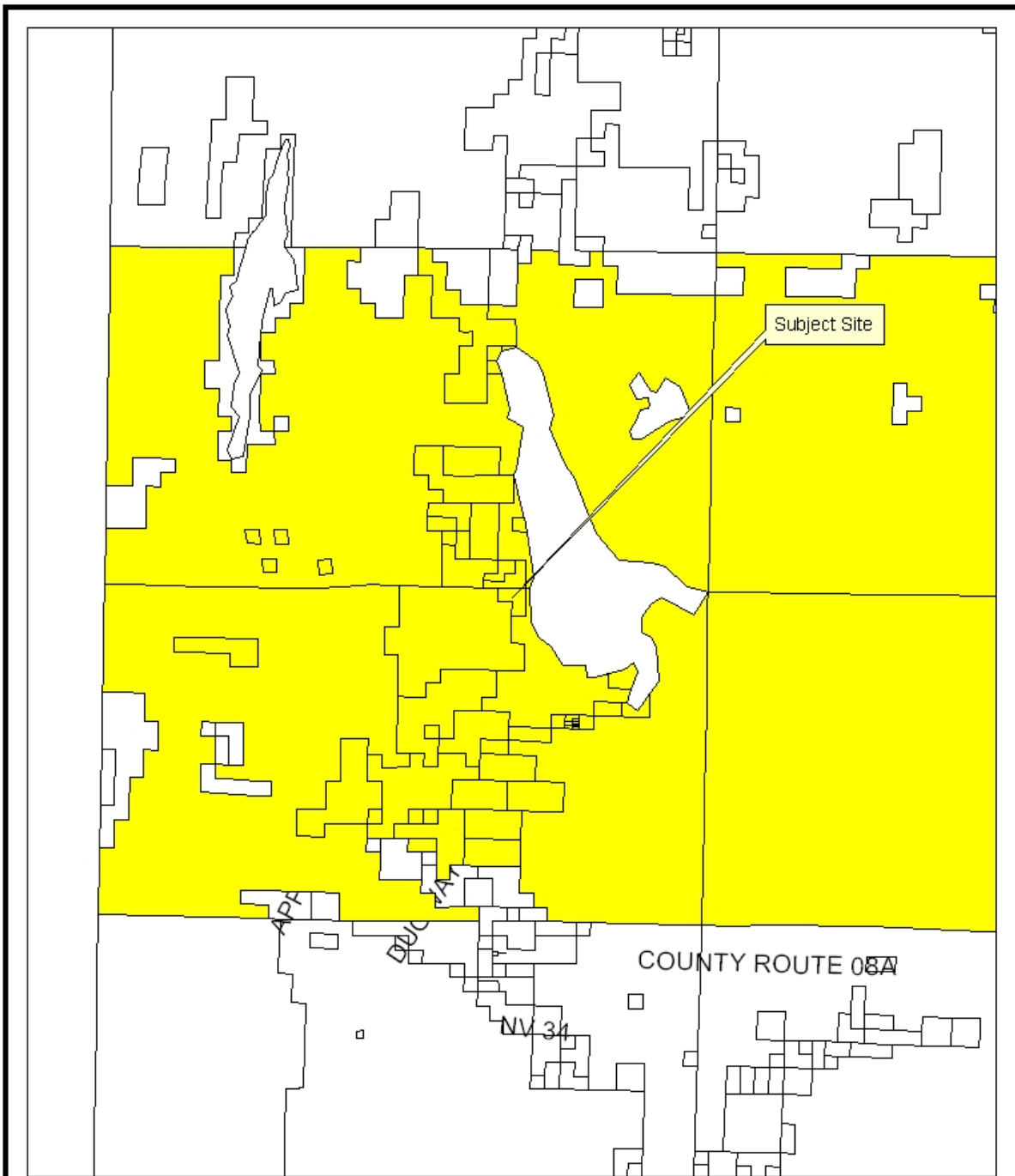
Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.

- d. For construction areas larger than 1 acre, a grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to issuance of a building/grading permit. Areas that are bonded, with the BLM, or other Federal or State Agencies, for re-vegetation will not require bonding.
- e. All newly constructed roadway access improvements necessary to serve the sites shall be reclaimed and re-vegetated to County standards and specifications to the satisfaction of the County Engineer.
- f. Prior to approval of any grading or building permit the applicant shall enter into a road use agreement and maintenance plan relating to the maintenance and restoration of roadways utilized for construction of the pipeline facility including hauling of materials and equipment for this project. The applicant shall provide an estimate, acceptable to the County Engineer, to implement the road use agreement and maintenance plan. The applicant shall provide financial assurance, acceptable to the County Engineer, in an amount equal to 120% of the estimate. The financial assurances will be held by Washoe County until the roadway restoration has been completed and approved by the County Engineer.
- g. The applicant shall provide temporary and/or permanent easements for construction and access. A copy of the easements shall be submitted to the Engineering Division.
- h. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices. The County Engineer shall determine compliance with this condition.
- i. During construction, all access easements shall remain open to allow for local and emergency traffic access.
- j. For construction areas larger than 1 acre, a drainage letter by a licensed civil engineer shall be required. If deemed necessary by engineering staff, a detailed hydrology/hydraulic report prepared by a registered engineer will be required to be submitted to the 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 the site 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 and mitigation measures for any impacts on existing offsite drainage facilities and properties.
- k. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be

approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

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

EXHIBIT B



Mailing Label Map

AC10-005 - Amendment of Special Use Permit SW10-001
Ruby Pipeline Water Truck Fill Stations and Gravel Pit
Notice Map 1 (Pennington)

35 Property owners and 60 parcels selected at 23,000 feet.

Source: Community Planning Services



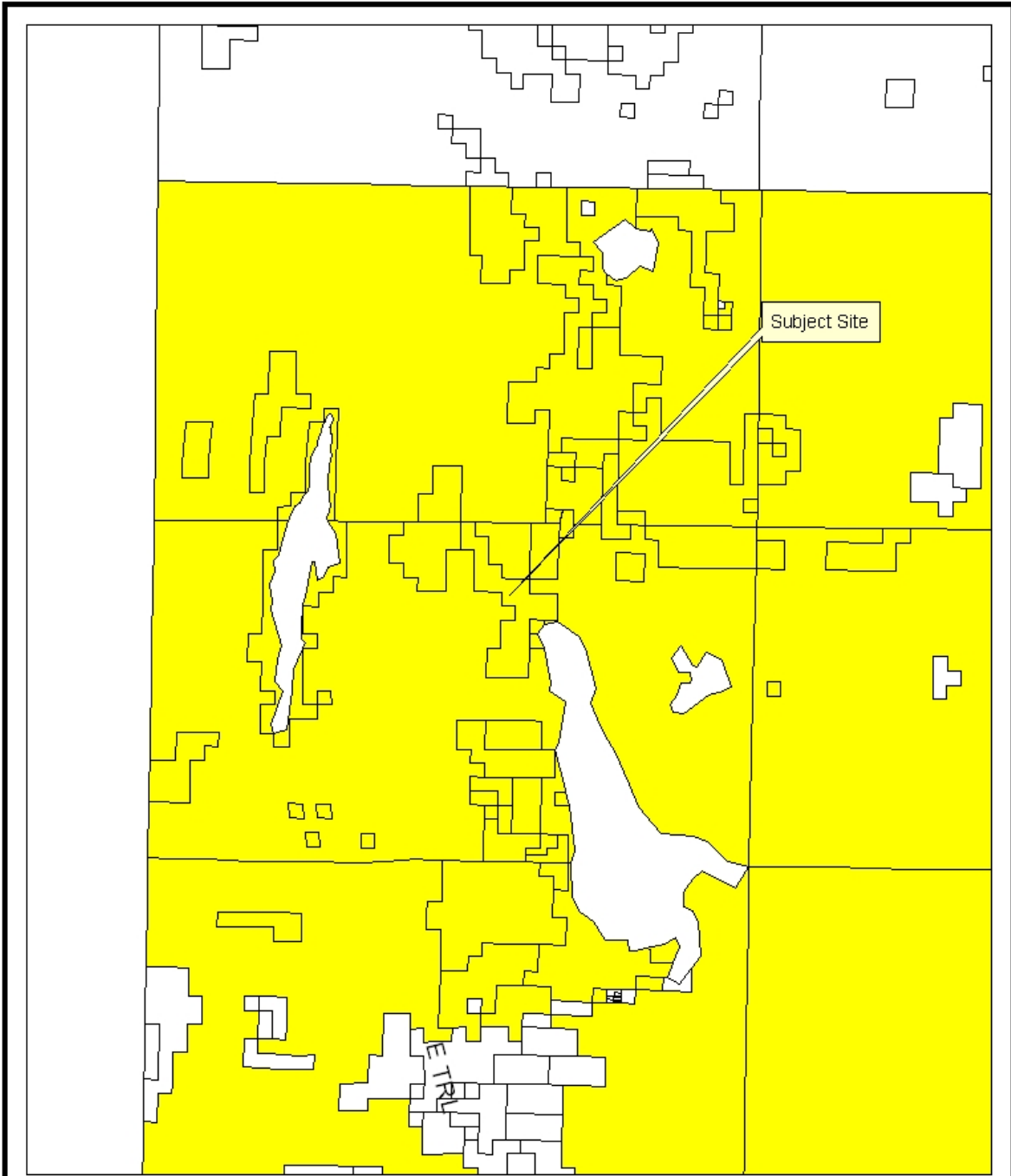
Date: May 2010

Department of
Community
Development

WASHOE COUNTY
NEVADA

Post Office Box 11120
Reno, Nevada 89520
(775) 328-3600

EXHIBIT B



Mailing Label Map

AC10-005 - Amendment of Special Use Permit SW10-00
Ruby Pipeline Water Truck Fill Stations and Gravel Pit
APN: 61-090-31
31 Property owners selected at 30,000 feet.

Source: Community Planning Services

Date: May 2010



Department of
Community
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WASHOE COUNTY
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