



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: September 22, 2020

DATE: May 13, 2020

TO: Board of County Commissioners

FROM: Roger Pelham, MPA, Senior Planner, Planning and Building Division, Community Services Department, 328-3622, rpelham@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public Hearing: Appeal of the denial, by the Washoe County Board of Adjustment of Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2), which sought approval of a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

The proposed project is located North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision.

The Board may affirm, reverse, or modify the decision of the Board of Adjustment. In doing so, the Board may directly grant all or part of the special use permit request. (Commission District 4.)

SUMMARY

The applicant, Spanish Springs Associates, LP, applied for a special use permit to excavate approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

AGENDA ITEM # _____

PREVIOUS ACTION

On April 16, 2020, the Washoe County Board of Adjustment (BOA) held a duly-noticed public hearing on Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2). The BOA denied that request, being unable to make the findings that:

3. **Site Suitability.** That the site is physically suitable for major grading for excavation of fill material and to increase flood water storage capacity, 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.

BACKGROUND

The applicant is appealing the decision, made by the Washoe County Board of Adjustment on April 16, 2020, which denied the requested special use permit for Major Grading. The minutes of that meeting are included as an attachment to this report.

The requested special use permit is the second phase of the request, the first phase, to excavate 500,000 cubic yards of material from the same location, was approved by the Board of Adjustment in October of 2019. The request for the second phase was denied by the Board of Adjustment on April 16, 2020. The Board of Adjustment expressed concerns in several areas, primary among them being that the applicant is seeking to lower the level of Boneyard Flat by approximately 10 feet, and that ground water was discovered at approximately 11 feet below the current level in at least one location. The Board of Adjustment expressed that, because untreated storm-water collects at the low-point of boneyard flat and that, after excavation of 1,000,000 cubic yards of earthen material, storm-water would collect just one foot above the possible groundwater level, that insufficient protection was provided for residential wells in the area. For this reason the BOA could not make the required findings of “Site Suitability” and “Issuance Not Detrimental.”

The appellant contends that all findings can be made and that substantial benefit will be provided, particularly to flood storage, upon approval of the requested permit. The appeal application, with their stated position, is included as Attachment E to this report. The appellant contends that finding #3, site suitability, can be made because, among other reasons, the subject site is a natural basin, and clay will remain past the 10-foot excavation area in most locations, and flood storage capacity will be increased. The appellant further contends that finding #4, issuance not detrimental can be made, among other reasons, because the area is already a borrow pit and will benefit the surrounding property owners by increasing flood storage capacity.

The applicant has provided a letter (dated July 21, 2020 and included at Attachment F to this report) evaluating the nitrate levels in the project area. The letter states that the, “analysis adequately addresses and dispels concerns raised about the potential for nitrates to migrate into the ground water due to this project”.

Should approval be granted by the Board, conditions of approval are provided that require appropriate plans and documentation be provided to all relevant County agencies. Compliance with all general-applicable Code provisions would be required.

The proposed project was presented by the applicant's representative at the regularly scheduled Spanish Springs Citizen Advisory Board meeting on March 4, 2020. The CAB unanimously recommended approval of the request, with no particular concerns expressed.

FISCAL IMPACT

No fiscal impact.

POSSIBLE ACTIONS

It is recommended that the Board of County Commissioners review the record and take one of the following three actions:

1. Affirm the decision of the Board of Adjustment and deny Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2); or
2. Reverse the decision of the Board of Adjustment and approve Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) as proposed by the applicant and as evaluated by staff in the Board of Adjustment staff report.
3. Modify the decision of the Board of Adjustment and approve Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) with modified grading plans as proposed by the applicant.

POSSIBLE MOTIONS

Should the Board agree with the decision of the BOA on Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners affirm the decision of the Board of Adjustment, and deny Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) for Spanish Springs Associates, LP, being unable to make all five findings in accordance with Washoe County Code Section 110.810.30, including:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 major grading for excavation of fill material and to increase flood water storage capacity, 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.”

Should the Board disagree with the decision of the BOA on Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners reverse the decision of the Board of Adjustment, and approve Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) for Spanish Springs Associates, LP, with conditions included as Attachment D to the staff report, being able to make all five findings in accordance with Washoe County Code Section 110.810.30, including:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 major grading for excavation of fill material and to increase flood water storage capacity, 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.

Should the Board choose to modify the decision of the BOA on Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners modify the decision of the Board of Adjustment, and approve Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) with modified grading plans as proposed by the applicant, for Spanish Springs Associates, LP, with conditions included as Attachment D to the staff report, being able to make all five findings in accordance with Washoe County Code Section 110.810.30, including:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 major grading for excavation of fill material and to increase flood water storage capacity, 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.

Attachments:

A: BOA Action Order for WSUP20-0002

B: BOA Staff Report for WSUP20-0002

C: BOA [draft] minutes of 4/16/2020

D: Possible Conditions of Approval for WSUP20-0002

E: Appeal Application

F: Boneyard Flats Nitrate Testing Letter from Wood Rodgers Dated 7/21/2020

cc:

Spanish Springs Associates, LP, 550 W. Plumb Lane, Suite B 505, Reno, NV 89521

Wood Rodgers, attn.: Derek Kirkland, 1361 Corporate Blvd, Reno, NV, 89502

Attachment A

WSUP20-0002



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

Attachment A
Page 2
 1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Board of Adjustment Action Order

**Special Use Permit Case Number WSUP20-0002- Boneyard Flat Grading,
 Phase 2**

Decision: Denial

Decision Date: April 16, 2020

Mailing/Filing Date: April 22, 2020

Property Owner: Spanish Springs Associates, LP.

Assigned Planner: Roger Pelham, MPA, Senior Planner
 Washoe County Community Services Department
 Planning and Building Division
 775.328.3622
rpelham@washoecounty.us

Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) – For possible action, hearing, and discussion to approve a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

- Applicant: Spanish Springs Associates, LP
- Property Owner: Spanish Springs Associates, LP
- Location: North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision
- APN(s): 538-020-01 & 538-010-12
- Parcel Size: ±262 and ±128 acres
- Master Plan: Rural (R) and Open Space (OS)
- Regulatory Zones: General Rural (GR) and Open Space (OS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make two of the five findings required by Washoe County Code (WCC) Section 110.810.30, the Board was unable to make findings #3 (Site Suitability) and #4 (Issuance Not Detrimental) below.

Required Special Use Permit Findings (WCC Section 110.810.30):

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan.



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

Memo to: Spanish Springs Associates, LP
Subject: Special Use Permit Case Number WSUP20-0002
Date: April 22, 2020
Page: 2

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 major grading for excavation of fill material and to increase flood water storage capacity, 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.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.



Trevor Lloyd, Planning Manager
Secretary to the Board of Adjustment
Planning and Building Division
Washoe County Community Services Department

TL/rp

Applicant/Owner: Spanish Springs Associates, LP
550 W. Plumb Lane, Suite B 505
Reno, NV 89521

Representatives: Wood Rodgers
Attn: Derek Kirkland
1361 Corporate Blvd
Reno, NV 89502

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Mojra Hauenstein, Planning and Building; Tim Simpson, Utilities; Leo Vesely, Engineering and Capital Projects; Spanish Springs Citizen Advisory Board

Attachment B

WSUP20-0002



Board of Adjustment Staff Report

Meeting Date: April 16, 2020

Agenda Item: 8B

SPECIAL USE PERMIT CASE NUMBER: WSUP20-0002 (Boneyard Flat Grading Phase 2)

BRIEF SUMMARY OF REQUEST: Excavation of approximately 1,000,000 cubic yards of earthen material to be used as fill material and to increase the holding capacity of the Boneyard Flat flood pool.

STAFF PLANNER: Roger Pelham, MPA, Senior Planner,
775.328.3622
rpelham@washoecounty.us

CASE DESCRIPTION

Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) – For possible action, hearing, and discussion to approve a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

Applicant: Spanish Springs Associates, LP.

Property Owner: Spanish Springs Associates, LP.

Location: North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision

Assessor's Parcel Number: 538-020-01 & 538-010-12

Parcel Size: ±262 and ±128 acres

Master Plan Categories: Rural (R) and Open Space (OS)

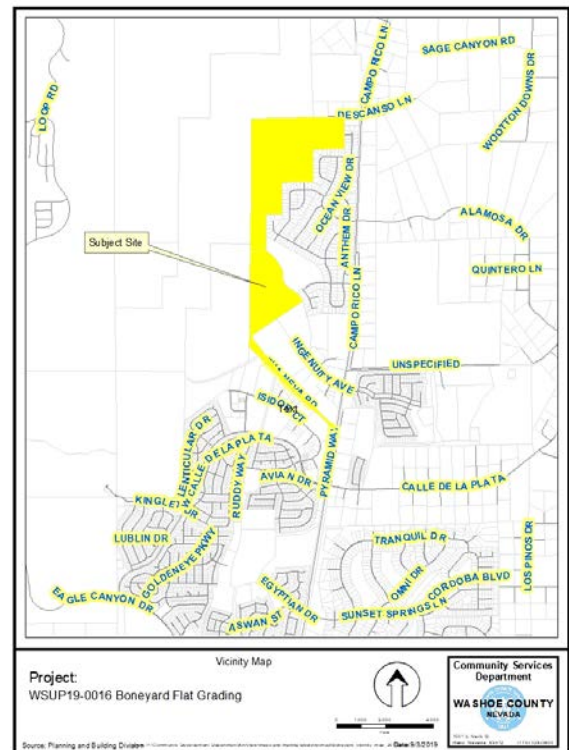
Regulatory Zone: General Rural (GR) and Open Space (OS)

Area Plan: Spanish Springs

Citizen Advisory Board: Spanish Springs

Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits

Commission District: 4 – Commissioner Hartung



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP20-0002 for Spanish Springs Associates, LP, having made all five findings in accordance with Washoe County Code Section 110.810.30.

(Motion with Findings on Page 10)

Staff Report Contents

Special Use Permit.....3

Site Plan4

Project Evaluation6

Spanish Springs Citizen Advisory Board (SS CAB)6

Reviewing Agencies6

Recommendation8

Motion8

Appeal Process8

Exhibits Contents

Conditions of Approval Exhibit A

Citizen Advisory Board Minutes Exhibit B

Agency Comments Exhibit C

Public Notice..... Exhibit D

Project Application..... Exhibit E

Special Use Permit

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

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

The conditions of approval for Special Use Permit Case Number WSUP20-0002 are attached to this staff report and will be included with the action order, if approval is granted.

The subject property is designated as General Rural (GR) and Open Space (OS). The proposed excavation of approximately 1,000,000 cubic yards for fill material and to increase the holding capacity of the Boneyard Flat flood pool is permitted in General Rural (GR) and Open Space (OS) with a special use permit per WCC 110.438 and 110.810. Therefore, the applicant is seeking approval of this SUP from the Board of Adjustment.



Site Plan



Overhead Photo

Project Evaluation

The applicant, Spanish Springs Associates, LP is seeking approval of a special use permit to excavate up to 1,000,000 cubic yards of earthen material from the subject site to be used as fill material for nearby development. The area proposed for the majority of the excavation functions as flood water storage area. The removal of material from this area will increase the holding capacity of that flood water storage area. This is phase 2 of the project. In October of 2019 the applicant received approval for phase one of the excavation consisting of 500,000 cubic yards of earthen material for the same purpose, which has already been removed from the site.

It is anticipated that material that is unsuitable to be used as fill material will be stockpiled on the subject site and then later back-filled into the excavated areas. This will create the benefit of the organic materials such as plants and seeds being returned to their native areas and thus encouraging revegetation. All disturbed areas are required to be revegetated.

Conditions of approval have been recommended that stockpile areas will be located substantial distances from nearby dwellings and that all cut and fill be located an appropriate distance within the subject site, not directly adjacent to the property lines. Cut slopes are proposed to be a maximum of 4 horizontal to 1 vertical (4:1), to blend with the natural contour of the landscape. Typical conditions of approval, to ensure compliance with generally applicable standards, have also been recommended.

Spanish Springs Citizen Advisory Board (SS CAB)

The proposed project was presented by the applicant's representative at the regularly scheduled Spanish Springs Citizen Advisory Board meeting on March 4, 2020. The CAB unanimously recommended approval of the request, with no particular concerns expressed.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects Division
- Washoe County Health District
 - Air Quality Management Division
 - Vector-Borne Diseases Program
 - Environmental Health Services Division
- Washoe County Regional Animal Services
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe-Storey Conservation District
- Nevada Department of Wildlife
- NDF – Endangered Species
- Nevada Department of Mining
- Nevada Department of Environmental Protection
- Bureau of Indian Affairs

- NRCS
- US Army Corps of Engineers
- US Fish and Wildlife
- City of Sparks
- Pyramid Lake Paiute Tribe
- Reno / Sparks Indian Colony
- Nevada State Historic Preservation Office

Four out of the twenty-two 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.

- Washoe County Planning and Building Division addressed the grading standards and imposed operational conditions that will be in effect for the life of the project.
Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- Washoe County Engineering and Capital Projects Division addressed the requirement for complete construction drawings, and technical considerations for grading and flood mitigation.
Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us
- Washoe-Storey Conservation District provided the requirement that seed mixes for revegetation be weed-free.
Contact: Jim Shaffer, 775.857.8500, shafferjam51@gmail.com
- US Army Corps of Engineers provided the comment that particular types of permitting may be required for grading within Waters of the US.
Contact: Jennifer C. Thomason, 775.784.5304, Jennifer.C.Thomason@usace.army.mil

Staff Comment on Required Findings

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

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan.

Staff Comment: There are no programs, policies, standards of the master plan or area plan that prohibit the approval of major grading for excavation of fill material and to increase flood water storage capacity. This is the second phase of this project.

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.

Staff Comment: There are no permanent structures or development proposed as part of this major grading. There are minimal improvements, primarily temporary haul-routes required for the major grading. For this reason, 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 major grading for excavation of fill material and to increase flood water storage capacity, and for the intensity of such a development.

Staff Comment: This site has been chosen for major grading for excavation of fill material and to increase flood water storage capacity, because it is at the appropriate elevation to contain flood water, currently retains flood water and that will increase retention.

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.

Staff Comment: Issuance will not be detrimental, as one of the two goals of the project is to increase flood water storage capacity, which is a benefit to 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.

Staff Comment: There is no military installation in the area required to be noticed for this project. This finding is not applicable.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP20-0002 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP20-0002 for Spanish Springs Associates, LP, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 major grading for excavation of fill material and to increase flood water storage capacity, and for the intensity of such a development.
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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.

Appeal Process

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

Applicant/Owner: Spanish Springs Associates, LP
550 W. Plumb Lane, Suite B 505
Reno, NV 89521

Representatives: Wood Rodgers
Attn: Derek Kirkland
1361 Corporate Blvd
Reno, NV 89502

Action Order xc:



Conditions of Approval

Special Use Permit Case Number WSUP20-0002

The project approved under Special Use Permit Case Number WSUP20-0002 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on April 16, 2020. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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

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

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

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

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

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

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

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

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

Washoe County Planning and Building Division

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

Contact Name – Roger Pelham, (775)328-3622 rpelham@washoecounty.us

- a. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building and grading permits) applied for as part of this special use permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit complete construction plans and initial building (grading) permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete grading within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. This special use permit shall be valid until April 2, 2025. No additional grading permits shall be approved after that date. Any grading permits issued prior to that date may be completed in accordance with the time specified by the building permits.
- e. All final slopes shall be 4 horizontal to 1 vertical (4:1) or flatter.
- f. No grading shall take place within 50 feet of any exterior property line.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- h. The following **Operational Conditions** shall be required for the life of the special use permit:
 - i. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by Planning and Building.
 - ii. Grading shall take place during daylight hours only.

Washoe District Health, Air Quality Management Division

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

Contact Name – Mike Wolf, 775.784.7206, mwolf@washoecounty.us

- a. The applicant shall obtain a dust control permit prior to any grading activity. The permit must be maintained throughout the life of the project.

Washoe County Engineering and Capital Projects

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

Contact Name – Leo Vesely, (775)328-2313, lvesely@washoecounty.us

- 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 (BMPs) 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 developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklists and Inspection Fee shall be submitted with the grading permit.
- d. All mitigation shall be done in accordance with the Washoe County June 15, 2019 Boneyard Flat Closed Basin Interim Drainage Policy and updates.
- e. The cut slope adjacent the Pebble Creek Estates residential area shall be setback at least 50 feet from the subdivision boundary and shall be no sleeper than 4:1, all other cut and fill slopes, shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438.
- f. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- g. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- h. All grading shall be in accordance with Article 110.438 Grading Standards.
- i. Grading plans shall identify the basis of elevation. NAVD88 is preferred for design. If NAVD88 is not used, the conversion factor to NAVD88 shall be provided.
- j. 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. Specifications for revegetation procedure and seed mix shall be prepared by a licensed landscape architect.
- k. For each project which proposes to utilize material excavated from Boneyard Flat as mitigation of volume of fill material placed at or below the 100-year, 10-day flood pool elevation, the following shall be apply:
 - i. For each grading permit submitted for approval, a table shall be provided on the grading plan which estimates both the project volume of fill and the borrow area volume of excavation which shall be reported for each incremental foot of elevation (incremental volume) and cumulative volume. The incremental and cumulative volume of excavation from the mitigation area shall exceed the incremental and cumulative volume placed on the project site.
 - ii. There shall be no volume mitigation credited for excavation within the borrow area at an elevation greater than the established 100-year, 10-day flood pool.

- l. A project specific drainage report shall be prepared for each grading permit and shall address the flow velocities of the existing drainage channels that enter Boneyard Flat and any required mitigation of increased volume of runoff and/or displaced flood water storage volume.
- m. Provide the design of erosion control measures will be installed in the existing drainage channels where they enter the playa. Drop-off into the playa may require energy dissipating structures such as rock gabions or other approved design.
- n. All topsoil and non-structural materials stockpile locations shall be shown on the grading plans. All stockpile locations shall be at least 100 feet from all property lines and shall be at least 200 feet from any dwelling. Slopes shall not be steeper than 3:1. Stockpile locations shall not be placed on any natural slopes of 15% or greater.
- o. Add note shall be added to the plans requiring an as-built topographic survey documenting final fill and excavation quantities affecting the Boneyard Flat base flood elevation (BFE) shall be submitted prior to any permit CofO or final.
- p. Contractors exporting, at least 10,000 cubic yards or more, of material from Boneyard Flat and importing to projects utilizing Washoe County roadways shall submit a haul route plan to the Washoe County Engineering Division for review and approval prior to the export of material. A Haul Route Mitigation Fee may be assessed for each project utilizing County roadways as compensation for the accelerated deterioration of roadway used as a construction haul route.

*** End of Conditions ***



Spanish Springs Citizen Advisory Board

Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB. Minutes of the regular meeting of the Spanish Springs Citizen Advisory Board held March 4, 2020 6:00 p.m. at the Spanish Springs Library at (7100A Pyramid Lake Highway).

1. *CALL TO ORDER/ DETERMINATION OF QUORUM – The meeting was called to order at 6:00 p.m.

MEMBERS PRESENT: Sam Metz, Ken Theiss, Matt Lee, Sean Gephart (Alternate filling in for Stan

MEMBERS ABSENT: Bruce Parks (alternate), Stan Smith (excused), Donald Christensen (not excused)

2. *PLEDGE OF ALLEGIANCE – The pledge was recited.

3. *PUBLIC COMMENT –

Sean Gephardt

There were no requests for public comment, Ken Theiss closed the public comment period.

4. APPROVAL OF AGENDA FOR THE REGULAR MEETING OF MARCH 4, 2020:

Matt Lee moved to approve the agenda for the meeting of **MARCH 4, 2020**. Sam Metz seconded the motion to approve the agenda of **MARCH 4, 2020**. Motion passed unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF FEBRUARY 5, 2020.

Matt Lee moved to approve the minutes of **FEBRUARY 5, 2020**. Sam Metz seconded the motion to approve the minutes of **FEBRUARY 5, 2020**. Motion passed unanimously.

6.A. Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading

Phase 2) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Part industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool. (for Possible Action)

- Applicant\Property Owner: Spanish Springs Associates, LP
- Location: North of the terminus of the Sha-Neva Hail road and south and west of the Pebble Creek subdivision
- Assessor's Parcel Number: 538-020-01 & 538-010-12

- Staff: Roger Pelham, Senior Planner, (775) 328-3622; rpelham@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on April 2, 2020

Roger Pelham, Senior Planner, said he welcomes a recommendation. He said this is for second phase of another 1 million cubic yards excavated from the Boneyard flats. He said he was available for policy, code, and process question.

Derek Kirkland, representative from Wood Rogers, spoke about phase 1. He said this request is to dig area deeper in the same area. He this project will increase capacity of the flood storage and the excavated fill can be used for proposed development. There will be no changes to the surrounding area with re-vegetation.

Sam Metz asked for the current depth. Steve Strickland, project engineer, said the next phase will dig 10 feet below where it is today. Sam Metz asked about drainage in regard to an inlet and outlet of nuisance water. He asked if it would breed mosquitos. Mr. Strickland said there is standing water there currently, and function will stay the same as a retention basin.

Sean Gephardt said he surveyed the site. He was concerned about noxious weed with contamination of the fill. He spoke with homeowners. He said there were concerns with the water being too high. He said the neighbors were ok with shaving it down to lower the water level.

There were no requests for public comment.

Sam Metz asked Roger Pelham regarding retention basin design requirements. If it's a closed detention center, what controls over mosquitos. Mr. Pelham said he can't speak to what the Health Department techniques are for combating mosquitos. Mr. Pelham said they will review and provide appropriate conditions. It will meet the appropriate code.

MOTION: Matt Lee moved to recommend approval of Special Use Permit Case Number WSUP20-0002. Sean Gephardt seconded the motion. The motion moved 3 to 1 with Sam Metz opposed due to questions not answered.

6.B. Abandonment Case Number WAB19-0001 (Ingenuity Industrial Center) -

Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request to abandon a portion of Ingenuity Avenue prior to the dedication of a subsequent roundabout further down Ingenuity Avenue. (for Possible Action)

- Applicant\Property Owner: Avenue 55\Ingenuity Industrial Center
- Location: Approx. .5 miles west of the intersection of Pyramid Way and Ingenuity Ave.
- Assessor's Parcel Number: 538-010-11
- Staff: Dan Cahalane, Planner, (775) 328-3628; dcahalane@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Planning Commission on April 7, 2020

Dan Cahalane, Washoe County Planner, said he was available to answer questions.

Mr. Theiss asked about the roundabout. Mr. Cahalane explained the request to abandon a portion of Ingenuity Avenue, and then dedicate the roundabout further down Ingenuity.

Sam Metz said he doesn't see anything wrong with this.

There were no requests for public comment. Ken Theiss closed the public comment period.

MOTION: Sam Metz recommend to approval of Abandonment Case Number WAB19-0001. Sean Gephardt seconded the motion. The motion carried unanimously.

7. *WASHOE COUNTY COMMISSIONER UPDATE- Commissioner Hartung was not present. He can be reached at (775) 328-2007 or via email at vhartung@washoecounty.us

8. *CHAIRMAN/BOARD MEMBER ITEMS- None.

9. *GENERAL PUBLIC COMMENT AND DISCUSSION THEREOF –

Sandra L. stated she is running for a State Assembly District seat. She introduced herself and invited everyone to speak with her afterwards.

With no further requests for public comment, Ken Theiss closed the public comment period.

ADJOURNMENT – Meeting adjourned at 7:30 p.m.

Number of CAB members present: 4

Number of Public Present: 15

Presence of Elected Officials: 0

Number of staff present: 2

From: [Thomason, Jennifer C CIV USARMY CESPK \(USA\)](#)
To: [Pelham, Roger](#)
Subject: FW: February Agency Review Memo (UNCLASSIFIED)
Date: Tuesday, March 3, 2020 10:32:20 AM
Attachments: [image001.png](#)
[February Agency Review Memo.pdf](#)

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

CLASSIFICATION: UNCLASSIFIED

Hi Roger,

In response to this request I have reviewed the information available for the Boneyard Flat Grading Phase 2. The Corps has not received or reviewed any project specific materials for this project. If the project would result in filling jurisdictional waters of the U.S. then the applicant will likely need authorization from the Department of the Army to discharge fill material under Section 404 of the Clean Water Act. If the project would not impact jurisdictional waters of the U.S. then no permit would be required. If you have any questions regarding the U.S. Army Corps of Engineers Regulatory Program, please let me know.

Thanks,

Jennifer C. Thomason
Senior Project Manager
Nevada Utah Section
Reno Regulatory Office
(775) 784-5304

From: [Gil, Donald](#)
To: [Pelham, Roger](#)
Subject: FW: February Agency Review Memo
Date: Monday, February 24, 2020 4:41:26 PM
Attachments: [February Agency Review Memo.pdf](#)
[image001.png](#)
Importance: High

Roger,

I have reviewed items #3,#4, and #6 and the Washoe County Sheriff's Office Patrol Division has no issues with those projects.

Thank you,

Don

Don Gil
Captain – Patrol Division
911 Parr Blvd. Reno, NV 89512
Desk: 775-328-3354
Email: dgil@washoecounty.us
Web: www.WashoeSheriff.com



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects

1001 EAST 9TH STREET
RENO, NEVADA 89512
PHONE (775) 328-3600
FAX (775) 328.3699

Date: March 2, 2020

To: Roger Pelham, Planner

From: Leo Vesely, P.E., Licensed Engineer

Re: Special Use Permit Case **WSUP19-0016 – Boneyard Flat Grading Phase 2**
APN 538-010-12 and 538-020-01

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for grading to create additional flood water storage capacity within the Boneyard Flat playa, to provide stormwater volume mitigation for fill placed within the 100-year, 10-day flood Boneyard flood pool and to provide fill material for other projects. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Wood Rogers. The County Engineer shall determine compliance with the following conditions of approval.

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

GENERAL CONDITIONS

Contact Information: Leo Vesely, P.E. (775) 328-3600

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. The developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklists and Inspection Fee shall be submitted with the grading permit.
4. All mitigation shall be done in accordance with the Washoe County June 15, 2019 Boneyard Flat Closed Basin Interim Drainage Policy and updates.
5. The cut slope adjacent the Pebble Creek Estates residential area shall be setback at least 50 feet from the subdivision boundary and shall be no steeper than 4:1, all other cut and fill slopes, shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438.



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Subject: WSUP20-0002 – Boneyard Flat Grading Phase 2
Date: March 2, 2020
Page: 2

6. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
7. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
8. All grading shall be in accordance with Article 110.438 Grading Standards.
9. Grading plans shall identify the basis of elevation. NAVD88 is preferred for design. If NAVD88 is not used, the conversion factor to NAVD88 shall be provided.
10. 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. Specifications for revegetation procedure and seed mix shall be prepared by a licensed landscape architect.
11. For each project which proposes to utilize material excavated from Boneyard Flat as mitigation of volume of fill material placed at or below the 100-year, 10-day flood pool elevation, the following shall apply:
 - a. For each grading permit submitted for approval, a table shall be provided on the grading plan which estimates both the project volume of fill and the borrow area volume of excavation which shall be reported for each incremental foot of elevation (incremental volume) and cumulative volume. The incremental and cumulative volume of excavation from the mitigation area shall exceed the incremental and cumulative volume placed on the project site.
 - b. There shall be no volume mitigation credited for excavation within the borrow area at an elevation greater than the established 100-year, 10-day flood pool.
12. A project specific drainage report shall be prepared for each grading permit and shall address the flow velocities of the existing drainage channels that enter Boneyard Flat and any required mitigation of increased volume of runoff and/or displaced flood water storage volume.
13. Provide the design of erosion control measures will be installed in the existing drainage channels where they enter the playa. Drop-off into the playa may require energy dissipating structures such as rock gabions or other approved design.
14. All topsoil and non-structural materials stockpile locations shall be shown on the grading plans. All stockpile locations shall be at least 100 feet from all property lines and shall be at least 200 feet from any dwelling. Slopes shall not be steeper than 3:1. Stockpile locations shall not be placed on any natural slopes of 15% or greater.
15. Add note shall be added to the plans requiring an as-built topographic survey documenting final fill and excavation quantities affecting the Boneyard Flat base flood elevation (BFE) shall be submitted prior to any permit CofO or final.

Subject: WSUP20-0002 – Boneyard Flat Grading Phase 2
Date: March 2, 2020
Page: 3

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)
Contact Information: Leo Vesely, P.E. (775) 328-3600

1. Drainage comments included in General Conditions. .

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)
Contact Information: Mitchell Fink (775) 328-2050

1. Contractors exporting, at least 10,000 cubic yards or more, of material from Boneyard Flat and importing to projects utilizing Washoe County roadways shall submit a haul route plan to the Washoe County Engineering Division for review and approval prior to the export of material. A Haul Route Mitigation Fee may be assessed for each project utilizing County roadways as compensation for the accelerated deterioration of roadway used as a construction haul route.



Washoe-Storey Conservation District

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

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

March 2, 2020

Washoe County Community Services Department

C/O Roger Pelham, Senior Planner

1001 E Ninth Street, Bldg A

Reno, NV 89512

R: WSUP20-0002 (Boneyard Flat Grading Phase 2)

Dear Roger,

In reviewing the special use permit for excavation of material from Boneyard Flat, the Conservation District has the following comments.

To prevent the spread of noxious weeds the applicant shall collaborate with the Conservation District to develop an onsite noxious weeds management plan to ensure weed seeds do not impact other areas, utilizing certified weed free material.

With the excavated areas creating a 4:1 slope, the District will require the placement of 6-8 inch rock on the slope reducing sediment in fill in the playa.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Tyler-Shaffer

From: [Wines-Jennings, Tammy L](#)
To: [Pelham, Roger](#)
Cc: [Schull, Shyanne](#)
Subject: Agency Review Memo WSUP20-0002
Date: Monday, February 24, 2020 3:49:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello,
We do not see and issues from a WCRAS perspective.

Thank you,
Tammy



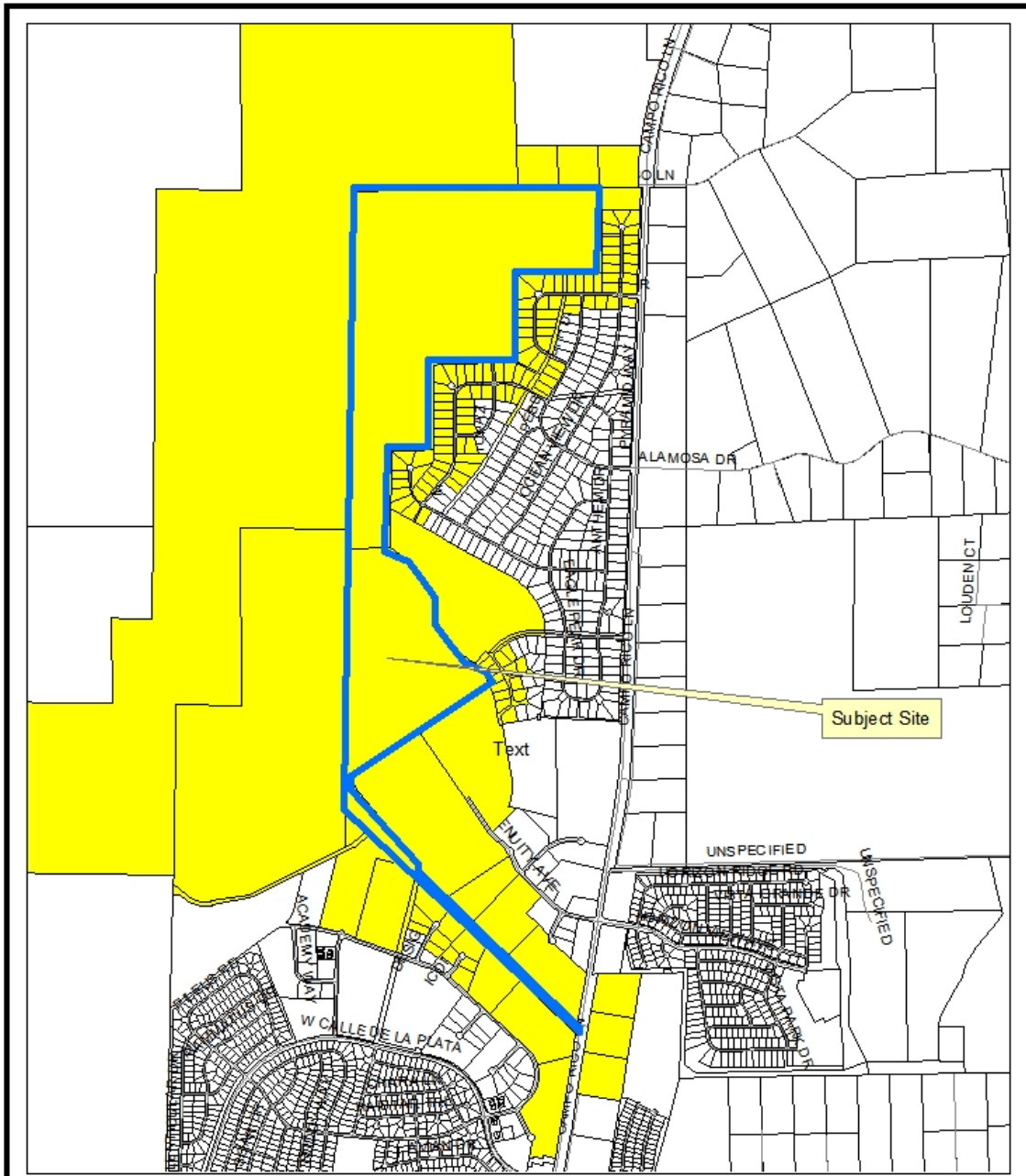
Tammy Wines-Jennings

Assistant Director | Washoe County Regional Animal Services

twines-jennings@washoecounty.us | Office: 775-353-8945 | Dispatch 775-322-3647

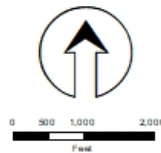
2825 Longley Lane, Suite A, Reno, Nv 89502





Mailing and Vicinity Map

Project: Special Use Permit Case Number
WSUP20-0002 (Boneyard Flat Grading Phase 2)
157 Parcels selected at 500 feet



Community Services
Department

WASHOE COUNTY
NEVADA

1001 E. Ninth St.
Reno, Nevada 89512 (775) 328-3800

Source: Planning and Building Division

Path: P:\ArcGIS\Templates\FacMap\Map_vicinity_mailing_map_2019.mxd

Date: 2/19/2020

Special Use Permit Boneyard Flat Grading Phase 2

Submitted to Washoe County
February 18, 2020

WSUP20-0002, Exhibit E

Prepared for

Spanish Springs Associates, LP.

550 W. Plumb Lane Ste. B 505

Reno, NV 89509

Prepared by



WOOD RODGERS

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

1361 Corporate Blvd • Reno, NV 89502 • Tel: 775.823.4068 • www.woodrogers.com

**WSUP20-0002
EXHIBIT E**



Table of Contents

- ❖ Washoe County Application Forms
 - Washoe County Development Application
 - Owner Affidavit
 - Application for Special Use Permit for Grading

- ❖ Project Description
 - Executive Summary
 - Background
 - Project Evaluation
 - Findings

- ❖ Maps and Supporting Information
 - Vicinity Map
 - Aerial Map
 - Assessor's Parcel Map
 - Existing Zoning Map
 - Existing Master Plan Map
 - Grading Plan

Washoe County Development Application

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

Project Information		Staff Assigned Case No.: _____	
Project Name:			
Project Description:			
Project Address:			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Washoe County Treasurer
Tammi Davis

Account Detail

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[Change of Address](#)

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CollectionCart

Collection Cart	Items	Total	Checkout	View
Collection Cart	0	\$0.00		

Pay Online

Washoe County Parcel Information

Parcel ID	Status	Last Update
53802001	Active	2/13/2020 2:10:07 AM

Current Owner:
SPANISH SPRINGS ASSOCIATES LP

550 W PLUMB LN STE B
RENO, NV 89509-3686

SITUS:
0 PYRAMID WAY
WCTY NV

Taxing District
4000

Geo CD:

Legal Description

Township 21 Section Lot A2 Block Range 20 SubdivisionName _UNSPECIFIED

Tax Bill (Click on desired tax year for due dates and further details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2019	\$4,466.40	\$4,466.40	\$0.00	\$0.00	\$0.00
2018	\$4,466.41	\$4,466.41	\$0.00	\$0.00	\$0.00
2017	\$4,466.57	\$4,466.57	\$0.00	\$0.00	\$0.00
2016	\$4,466.43	\$4,466.43	\$0.00	\$0.00	\$0.00
2015	\$4,466.26	\$4,466.26	\$0.00	\$0.00	\$0.00
Total					\$0.00

Disclaimer

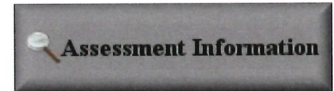
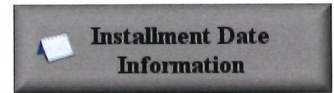
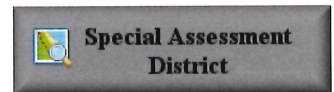
- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845



Washoe County Treasurer
P.O. Box 30039, Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2500
Email: tax@washoecounty.us

Washoe County Treasurer
Tammi Davis

Account Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

CollectionCart

Collection Cart	Items	Total	Checkout	View
	0	\$0.00		

Pay Online

Washoe County Parcel Information

Parcel ID	Status	Last Update
53801012	Active	2/13/2020 2:10:07 AM

Current Owner:
SPANISH SPRINGS ASSOCIATES LP

550 W PLUMB LN STE B
RENO, NV 89509-3686

SITUS:
0 SHA NEVA RD
WASHOE COUNTY NV

Taxing District
4000

Geo CD:

Legal Description

Township 21 Section 14,23 Lot 4 Block Range 20 SubdivisionName _UNSPECIFIED

Tax Bill (Click on desired tax year for due dates and further details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2019	\$1,435.51	\$1,435.51	\$0.00	\$0.00	\$0.00
2018	\$1,369.78	\$1,369.78	\$0.00	\$0.00	\$0.00
2017	\$1,314.72	\$1,314.72	\$0.00	\$0.00	\$0.00
Total					\$0.00

Disclaimer

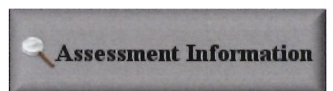
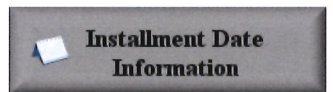
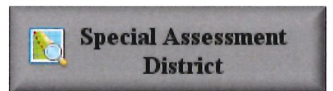
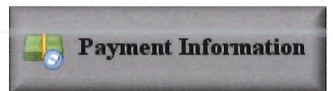
- ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845



Special Use Permit Application for Grading Supplemental Information

(All required information may be separately attached)

1. What is the purpose of the grading?

Create additional flood pool capacity at Boneyard Flat by generating more fill material that can be used on adjacent or nearby properties for development.

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

Increase the 500,000 cubic yards of excavation approved under WSUP19-0016 by adding another 1,000,000 cubic yards for a total of 1,500,000 cubic yards of excavation.

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

No new surface area will be disturbed under this request. The additional export material would be generated from deeper cuts within the previously approved 188 acres (8,189,280 s.f.) approved under WSUP19-0016.

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

This request proposes to amend the current SUP (WSUP19-0016) to add an additional 1,000,000 c.y. of export material from Boneyard Flat, increasing the export material from 500,000 c.y. approved under WSUP19-0016 to a total of 1,500,000 c.y. of export.

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

No. The primary purpose of the project is to export a large quantity of material in order to increase the flood pool capacity of Boneyard Flat.

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

Yes. Grading activities approved under WSUP19-0016 are currently underway.

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

Yes. See attached grading plan.

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

The disturbed area will be visible from uphill areas of Spanish Springs Valley north of Calle de la Plata, primarily on the east side of Pyramid Highway. Boneyard Flat is an existing borrow pit and flood pool area that has been previously disturbed.

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

Yes, neighboring and nearby properties will be recipients of fill material excavated as part of this project. The exported material will also create additional flood storage capacity that will be a benefit to neighboring properties as well as for all of North Spanish Springs.

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

Maximum slope will be 4:1 on edges of the excavated areas. Most of the area will be flatter slopes and part of the flood pool area.

11. Are you planning any berms?

Yes	No	<input checked="" type="checkbox"/>	If yes, how tall is the berm at its highest?
-----	----	-------------------------------------	--

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

There will be no retaining walls constructed.

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

Boneyard Flat is an existing borrow pit and flood pool area. Visual mitigation will be limited to grading curvilinear edges to blend the cut slopes. Revegetation will be provided and approved by the Washoe County Engineer.

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

There will be no tree removal.

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

Revegetation will primarily be accomplished by reusing and spreading the stock piled strippings. When reveg is necessary through seeding a native seed mix recommended by WCSD will be used.

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

Water trucks will be used to provide water during periods of excavation.

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

No.

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

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	If yes, please attach a copy. See WSUP19-0016 Conditions of Approval
-----	-------------------------------------	----	--------------------------	---

Project Description

Executive Summary

District #: 4 – Commissioner Hartung
Applicant: Spanish Springs Associates, LP
APN Number: 538-020-01 & 538-010-12
Request: A request has been made to revise the current special use permit (WSUP10-0016) to allow the excavation of an additional 1,000,000 cubic yards of earthen material from the current Boneyard Flat project area in order to increase the flood pool capacity and provide fill material for nearby developments.
Location: The 390± acre site is located in Washoe County north of the terminus of the Sha-Neva haul road and west of the Pebble Creek Subdivision in the Spanish Springs Area Plan.

Background

The subject property (APN 538-020-01 & 538-010-12), commonly referred to as Boneyard Flat, is designated as General Rural (GR) and Open Space (OS) within the Spanish Springs Area Plan. Boneyard Flat is currently identified as a flood pool area by Washoe County. The project provides two main benefits to the Spanish Springs closed hydrologic basin: (1) material is removed from the Boneyard Flat borrow pit, or flood pool area, creating additional flood storage capacity benefiting the north Spanish Springs area. (2) The excavated material from the Boneyard Flat borrow pit, or flood pool area, can be used as fill material for nearby developments as the material was excavated within the closed basin. These activities are allowed within the GR and OS designations. A vicinity map, aerial map, and APN map are included with this application.

On October 3, 2019 the Board of Adjustments approved a Special Use Permit (Permit# WSUP19-0016) for the Applicant to excavate up to 500,000 cubic yards of export material at a ±188-acre project site at Boneyard Flat. To date the Applicant has received all the appropriate permits and has started excavation.

Project Evaluation

Since the approval of the previous SUP the need for additional flood storage capacity has been identified by Washoe County. There has also been increased demand for the fill material exceeded the original expectations of the original approved 500,000 cubic yards of excavation approved under WSUP19-0016. Increasing the amount of excavation in order to provide additional fill material for nearby developments will create a huge benefit in increasing the flood storage capacity of Boneyard Flat.

The Applicant is requesting approval to revise the currently approved SUP (WSUP19-0016) to excavate an additional 1,000,000 cubic yards of fill material expanding the previous excavation approvals from 500,000 cubic yards to 1,500,000 cubic yards. Although the amount of excavation is increasing, the overall surface area (Project Area) **will not** increase from the originally approved ±188-acres. The additional excavation will only increase depths of cut

within the already approved Project Area. The area of the grading is identified in the grading plan and exhibits included with this application packet.

Findings

Special Use Permit Findings (110.810.30)

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

Response: There are no programs, policies, standards of the Master Plan or Spanish Springs Area Plan that would prohibit the approval of major grading for excavation of fill material to increase flood water storage. Therefore, the proposed grading is consistent with the General Rural and Open Space designations on the property.

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

Response: There are no permanent structures proposed with this project. Temporary improvements such as haul routes required for grading will be provided as necessary for the project. Public utilities are not necessary for the proposed grading.

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

Response: The project site is an existing borrow pit and flood pool area where material has already been excavated. This area was originally selected for a flood pool area given the elevation to contain flood water. The site currently retains flood water and that retention capacity will be increased with this project.

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

Response: The proposed grading will not be detrimental as the Boneyard Flat area is an existing borrow pit and flood pool. This request to revise the currently approved SUP (WSUP19-0016) will not increase the surface area (Project Area) already approved. Only depth of cuts will be increased. The proposed excavation and grading request will be beneficial to the surrounding area as removing additional material will create additional flood storage capacity.

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

Response: Not applicable as there are no military installations within the project area.

Project Area



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Vicinity
Boneyard Flat Grading Phase 2 SUP
Reno, NV
February 2020

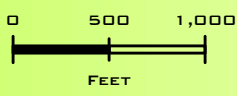

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
1361 Corporate Boulevard
Reno, NV 89502
Tel: 775.823.4068
Fax: 775.823.4066
WSUP20-0002

EXHIBIT E



— Site Location

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Aerial
Boneyard Flat Grading Phase 2 SUP
Reno, NV
February 2020

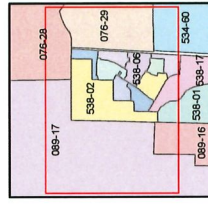
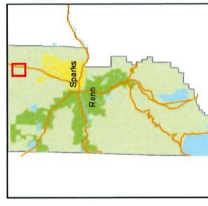
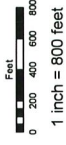

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
1361 Corporate Boulevard Tel: 775.823.4068
Reno, NV 89502

WSUP20-0002

EXHIBIT E

Assessor's Map Number
538-02

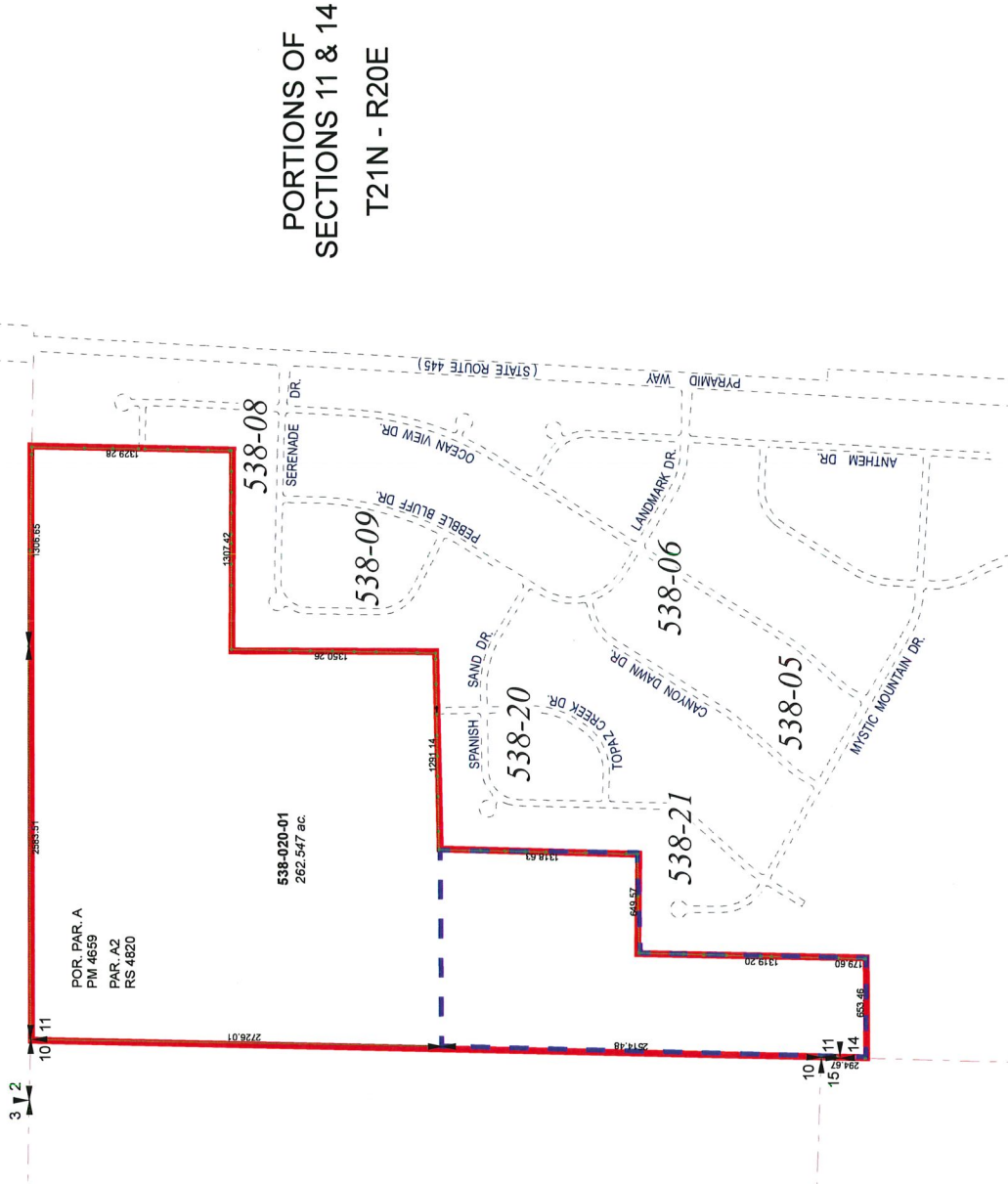
STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Michael E. Clark, Assessor
1001 East Ninth Street
Reno, Nevada 89512
(775) 325-2231



created by: KSB 10/14/2013
last updated: KSB 7/23/14 KSB 3/24/15
area previously shown on map(s)
530-28

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent any warranty or liability assumed as to the accuracy or accuracy of the information delineated hereon.

 Subject parcel
 Proposed Grading Area

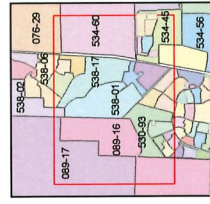
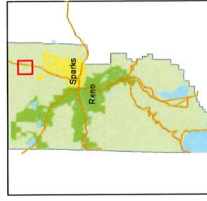


Assessor's Map Number
538-01

STATE OF NEVADA
WASHOE COUNTY
ASSESSOR'S OFFICE
Michael E. Clark, Assessor
1007 East Ninth Street
Reno, Nevada 89512
(775) 328-2331



Feet
0 200 400 600 800
1 inch = 800 feet



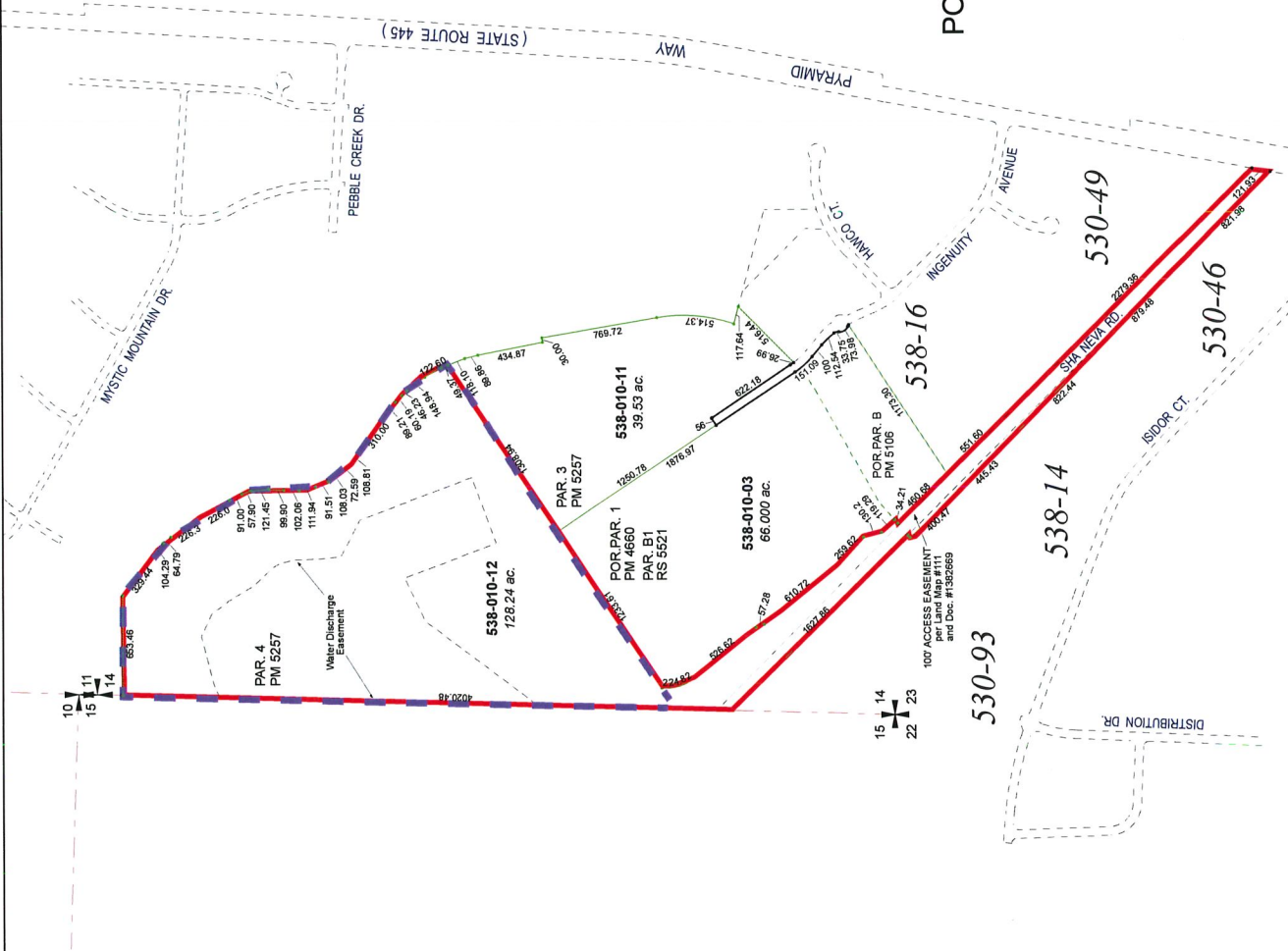
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last updated: EMG 9/28/16 JMO 11/10/16

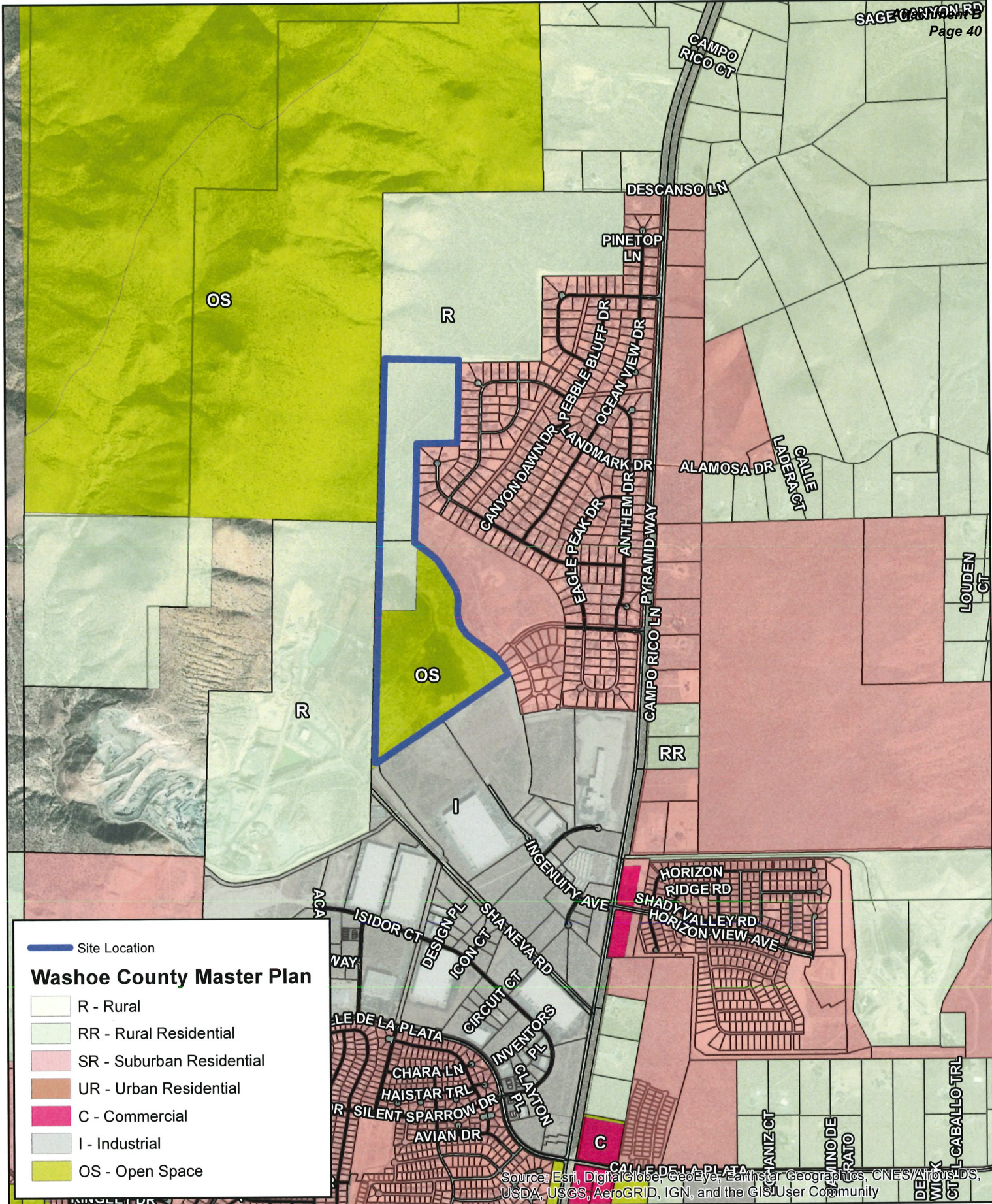
area previously shown on map(s)
530-28
Portion of Ingenuity Avenue Offered
for Dedication per PW 5124
Accepted per Doc. #4506782

NOTE: This map was prepared for the use of the
Washoe County Assessor for assessment and
illustrative purposes only. It does not represent
a survey of the premises. No liability is assumed
for any error or inaccuracy of the survey or
delimited herein.

— Subject parcel
■ Proposed Grading Area

**PORTIONS OF SECTIONS
14 & 23
T21N - R20E**



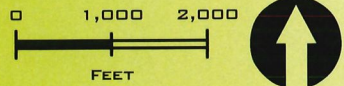


Washoe County Master Plan

- Site Location
- R - Rural
- RR - Rural Residential
- SR - Suburban Residential
- UR - Urban Residential
- C - Commercial
- I - Industrial
- OS - Open Space

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

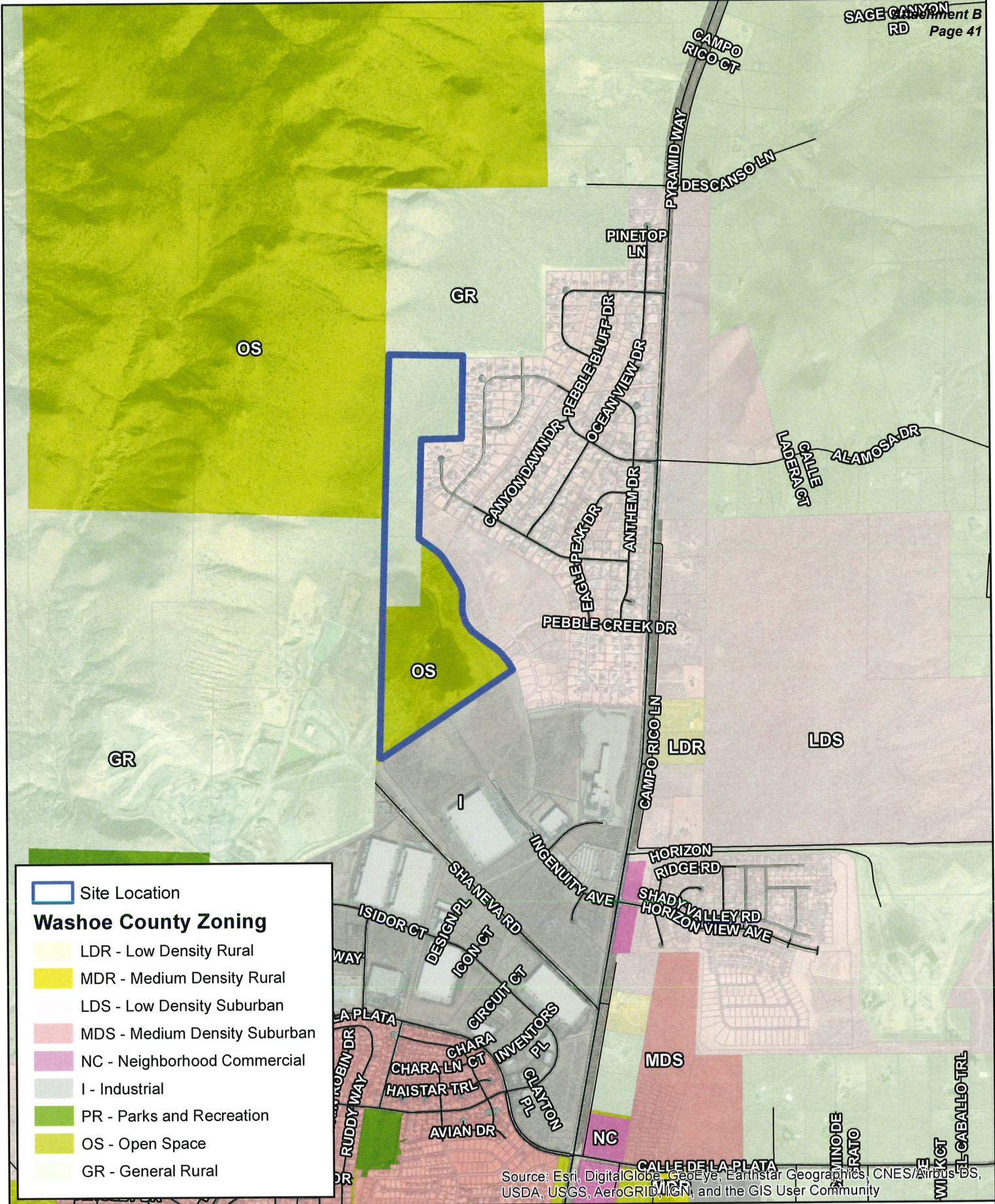
Existing Master Plan
Boneyard Flat Grading Phase 2 SUP
 Reno, NV
 February 2020




WOOD RODGERS
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 1361 Corporate Boulevard
 Reno, NV 89502
 Tel: 775.823.4068










WSUP20-0002

EXHIBIT E



 Site Location

Washoe County Zoning

-  LDR - Low Density Rural
-  MDR - Medium Density Rural
-  LDS - Low Density Suburban
-  MDS - Medium Density Suburban
-  NC - Neighborhood Commercial
-  I - Industrial
-  PR - Parks and Recreation
-  OS - Open Space
-  GR - General Rural

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus-DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Existing Zoning
Boneyard Flat Grading Phase 2 SUP
 Reno, NV
 February 2020




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 Tel: 775.823.4068 Fax: 775.823.4066

WSUP20-0002

EXHIBIT E

HAWCO
BONEYARD SUP

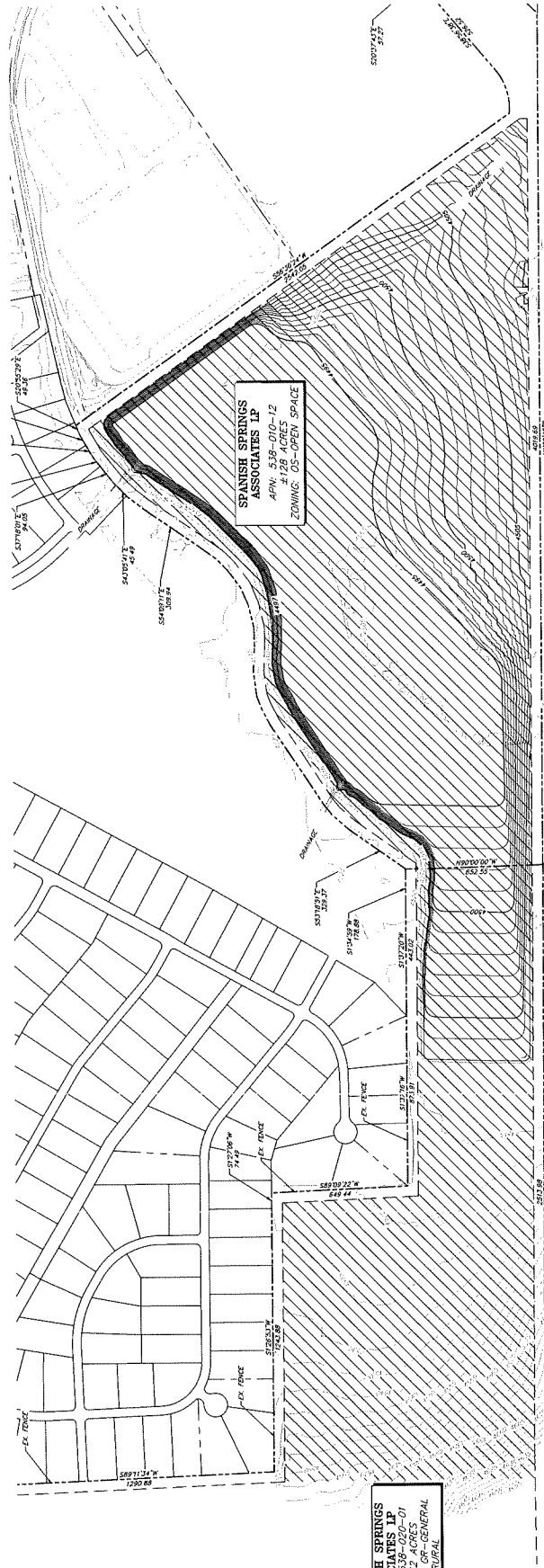
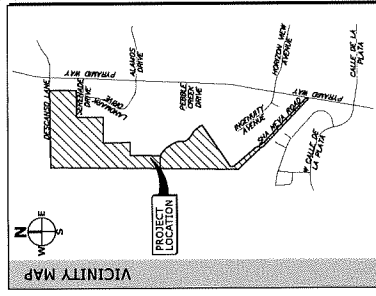
DATE: 02/17/20
SUBMITTAL: SUP SUBMITTAL

SPECIAL USE PERMIT
APN'S: 538-020-01 AND 538-010-12
SPANISH SPRINGS ASSOCIATES LIMITED PARTNERSHIP

TECTONICS
DESIGN GROUP
735 Spanish Road, Suite 250, Reno, NV 89521
TEL: 775-824-9986 FAX: 775-824-9986
www.tectonicsdesigngroup.com

DESIGNED: J.P.B.
CHECKED/DRAWN: J.P.B.
DATE: 1/28

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HAWCO BONEYARD SUP
SCALE: 1" = 250'

- NOTES:
1. NATURAL DRAINAGE AND FLOOD FROM EXISTING DRAINAGE CHANNELS INTO ONE AND THAT WILL BE MAINTAINED.
 2. PRIMARY EROSION AREAS OF EXISTING NATURAL AND MAINTAINED NATURAL OR AGRI-CULTURAL CHANNELS SHALL BE MAINTAINED AND NOT BE DISTURBED. IF ANY PART OF PRIMARY OR AGRI-CULTURAL CHANNELS ARE NEAR THE MAINTAINED ROUTE WILL BE MAINTAINED.
 3. NO BUILDINGS OR STRUCTURES ARE PROPOSED.
 4. CUT/FILL SLOPES 4:1 MAX.
 5. ALL SHADING MUST MEET PROVISIONS OF WYOMING COUNTY CODE, ARTICLE 43B.
 6. LOCATIONS OF DOWNS.
 7. ALL SHADING MUST MEET PROVISIONS OF WYOMING COUNTY CODE, ARTICLE 43B.
 8. CUT SLOPES SHALL BE SET BACK 50' FROM PERIMETER PROPERTY LINES.
 9. MAXIMUM DISTURBED SURFACE AREA IS 188 ACRES.
 10. ALL SHADING AND DRAINING OF ORGANIC MATERIAL SHALL REMAIN CAPABLE FOR USE AS NATURAL REGENERATION.

Attachment C

WSUP20-0002



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Kristina Hill, Vice Chair
Lee Lawrence
Brad Stanley
Kim Toulouse
Trevor Lloyd, Secretary

Thursday, April 16, 2020
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

Due to COVID-19: No members of the public were allowed in the BCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting was held by teleconference only.

The meeting was televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

Public comment was allowed as follows: As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public were able to submit public comment by logging into the ZOOM webinar by accessing the following link: <https://zoom.us/j/208521616>. NOTE: This option would require a computer with audio and video capabilities. Additionally, public comment could be submitted via email to washoe311@washoecounty.us or by leaving a voice message at: (775) 954-4664. Voice messages received were either broadcast into the Commission Chamber during the meeting or transcribed for entry into the record.

The Washoe County Board of Adjustment met in a rescheduled session on Thursday, April 16, 2020, at 1:30 p.m., in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, NV.

1. *Determination of Quorum

Chair Thomas called the meeting to order at 1:30 p.m. Chair Thomas provided announcements regarding the teleconference. The following members and staff were present:

- | | |
|------------------|---|
| Members present: | Clay Thomas, Chair
Kristina Hill, Vice-Chair (via teleconference)
Lee Lawrence
Brad Stanley (via teleconference)
Kim Toulouse (via teleconference) |
| Members absent: | None |
| Staff present: | Roger Pelham, Senior Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Chris Bronczyk, Planner, Planning and Building Division
Chad Giesinger, Planning Manager, Planning and Building Division
Donna Fagan, Recording Secretary, Planning and Building Division |

Katy Stark, Recording Secretary, Planning and Building
Division
Michael Large, Washoe County Deputy District Attorney

2. *Pledge of Allegiance

Clay Thomas led the pledge.

3. *Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

4. *Appeal Procedure

Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment and Discussion Thereof

Pete Todoroff, Chairman of CAB in Incline Village, said he wanted to speak about the May's Blvd. residential conversion. It is not a condo, it's an apartment complex. He said we can walk to the highway to catch a bus. All the schools are in walking distance. There are 28 spaces plus garages for that complex. You can walk to the market and post office. He said the applicant has indicated to him he doesn't want short term rental; it's strictly workforce housing for the Hyatt. Mr. Todoroff said the applicant is the only person to address workforce housing in the area.

As there were no further requests for public comment, Chair Thomas closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of April 16, 2020. Member Lawrence seconded the motion which carried unanimously.

7. Possible action to approve February 6, 2020 Draft Minutes

Member Lawrence noted he was not present for the February 6, 2020 meeting and abstained from voting on this item. Member Stanley moved to approve the minutes of February 6, 2020. Member Hill seconded the motion which carried unanimously. Member Lawrence abstained.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. Administrative Permit Case Number WADMIN20-0001 (Mays Building Residential Conversion)

– For possible action, hearing, and discussion to approve an administrative permit to allow the conversion of the first floor of an existing commercial office building into two residential apartments. There are six existing residential apartments on the second and third floors of the building. The first floor of the building is 3662 square feet in size.

- Applicant/Property Owner: Tim Carlson
- Location: 795 Mays Blvd, Incline Village NV. Approximately 150 feet south of the intersection of Mays Boulevard and Southwood Boulevard
- APN: 127-090-04
- Parcel Size: ± 0.54 acres
- Master Plan: Urban Residential (UR)
- Regulatory Zone: Medium Density Urban (MDU)

- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808
- Commission District: 1 – Commissioner Berkgigler
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Roger Pelham reviewed his staff report dated February 10, 2020.

Chair Thomas asked if this was the third time this application has been reviewed by BOA. Mr. Pelham said yes, the first time, nothing was acted upon within timeframe given; the second time, the request was different than what was submitted, and now the third time with more changes. Chair Thomas referenced page 10 of 13 of the staff report and stated previous version of the June 2019 application conditions of approval required substantial conformance with plans that were approved by BOA, but the plans that are now submitted are significantly different.

Chair Thomas said car ports and parking garages are identified per unit. But the two units that the applicant wants to add, one of them will have three bedrooms with a community kitchen, and the other unit will have six bedrooms with a community kitchen. Chair Thomas stated there may be nine individuals onsite, and seven would not have a car port or garage. Mr. Pelham said you can have a six-bedroom house, but you are only required one enclosed or covered parking space. That is code requirements. Chair Thomas said these are long term rentals. These aren't family members; you can rent out each bedroom to unrelated individuals. Mr. Pelham said we evaluated for each as a dwelling unit such as apartment unit or single-family unit. Chair Thomas spoke about conditions of approval and adding an additional car port. Mr. Lloyd referenced condition 1(g) the condition states it requires one parking space within a garage or a carport set aside and numbered for exclusive use by that resident or that apartment.

Applicant, Tim Carlson, owner of 795 May's Blvd., said he provided a letter and accepts staff's recommendation and hopes it gets approved.

Member Hill stated it's a great project and appreciates the ability to add a parking space. It's a perfect location for rental in Incline. She appreciated the project.

There were no requests for public comment.

Chair Thomas stated his concern is lack of covered parking for tenants there. An apartment with six bedrooms, not everyone is going to get a covered parking space.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN20-0001 for Tim Carlson, having made all required findings in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan; and
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; and
3. Site Suitability. That the site is physically suitable for residential apartments, and for the intensity of such a development; and

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.

B. Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) – Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) – For possible action, hearing, and discussion to approve a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

- Applicant: Spanish Springs Associates, LP.
- Property Owner: Spanish Springs Associates, LP.
- Location: North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision
- Assessor's Parcel Number: 538-020-01 & 538-010-12
- Parcel Size: ±262 and ±128 acres
- Master Plan Categories: Rural (R) and Open Space (OS)
- Regulatory Zone: General Rural (GR) and Open Space (OS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, Senior Planner
Washoe County Planning and Building
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Roger Pelham reviewed his staff report dated March 17, 2020.

Member Lawrence said it's in his view shed which is no problem. There is a lot of development going on. He asked about the dust mitigation. Mr. Pelham said a dust control permit is required which is issued through the Air Quality Management Division of the Health District – they monitor and enforce. He said that is standard code.

Member Toulouse said the Board heard grading operation at Boneyard Flat about a year ago. He said they requested conditions for specific operating hours. He stated the application currently says operations during daylight hours. In the past, for previous projects, the Board had limited those hours from 7:00 a.m. to 6:00 p.m., Monday through Saturday. Member Toulouse proposed to add the operating hours in condition 1(h), Monday through Saturday, 7:00 a.m. to 6:00 p.m.

Chair Thomas asked if this has been used as water retention in the past. Mr. Lloyd said this is necessary. It's a closed basin. It's preventing a situation like Swan Lake in Lemmon Valley in the event of flood. Chair Thomas asked if the location is in a low spot. Mr. Pelham said it's in a lower elevation and has been collecting water for a millennia.

Member Stanley asked was a limit to the length of time on this SUP. Mr. Pelham said standard SUPs are for two years. Mr. Pelham said first phase, they requested longer time.

Derek Kirkland with Wood Rodgers, the applicant's representative, said back in October an SUP was approved for phase 1. He said with this SUP, they aren't changing the project area. He said we are digging the pit deeper with the same conditions – 4:1 slopes and try to make it match the surrounding area.

Steve Strickland, Engineer with Wood Rodgers was available to answer questions.

Chair Thomas said 500,000 cubic yards have already been moved for phase 1. Mr. Kirkland said yes, that is underway right now. Chair Thomas asked where he is putting the material. Mr. Strickland said half material is identified to go to a project in Sparks and the rest of the materials would find a home later. Chair Thomas asked about unsuitable material. Mr. Strickland said that has been used on adjacent sites. Mr. Strickland said it is useful, just might not be suitable for structural but suitable for fill. Chair Thomas said this request goes to 2025, with a quick calculation, if you take 1.5 million cubic yards out of 188 acres, the standard dump truck holds 5 acres, you are at 1,595 truckloads per acre. That is a big hole you are digging. Mr. Strickland said ½ million will be moved to adjacent properties. It won't be trucked. The next portions may be trucked. You can fit 10-12 acres in a double truck. The number of trips is high for sure. Chair Thomas asked the estimated depth of the pit once this is completed. Mr. Strickland said phase 1 of application, grading started at existing bottom and sliced into the hill. This phase would take us down 10 more feet from the existing ground as it sits today. Chair Thomas said it would be 10 feet down of the 188 acres. Mr. Strickland said no, 188 acres is the entire property, he said it's significantly less than 188 acres going down 10 feet.

Member Lawrence asked how many acres will have the 10-foot depth. Mr. Strickland stated it would be about 60 acres.

Public Comment:

Lynn Starnes sent in comment via email:

I am a resident of Pebble Creek. I do not represent Pebble Creek but the actions discussed today affect me as a resident. Since by state statutes, this proposed work is a "borrow pit" in size, I am going to use that wording.

1) In wet years, Boneyard Flats has filled with drainage water. In fact last spring after a wet winter, there was a pool or lake that extended through the current excavation. With proposed deeper dredging in this borrow pit, all drainage from Hungry Ridge, Pyramid Way, and current permitted developments will go to the lowest point in the valley which will be the new earth borrow pit. Is the county permitting a lake at this location? A wetland? The County has a track history of allowing development that restricts floodplains. If the borrow pit fills with water who is responsible for flooding, children drowning, etc?.

2) Ditches in Pebble Creek were approved by the county. The County needs to require the owner of this borrow pit to connect their "pit" in the Boneyard sink with Pebble Creek's drains in an efficient manner and at no cost to us homeowners in Pebble Creek.

3) There is a county road across the property to the north of the burrow pit. There is a road built by Hamilton near the fences to the north of Serenade Drive and to the west of Ocean View Drive in Pebble Creek continuing south along the newer additions to Pebble Creek. In September 2019, BLM and local fire departments utilized these roads to control the Hungry Ridge fire. Spanish Springs Associates, LP cut off the southern end of these roads that used to go through what is now their borrow pit. Wildland fire fighting access needs to be re-created on or around the current and proposed borrow pit.

4) This proposed borrow pit lowers the water table below drainage ponds for the properly permitted rock/gravel mine to the south of this proposed project. The loose dirt berms installed by Spanish Springs Associates will do nothing to prevent ground water traveling to the new deeper, borrow pit! How will Spanish Springs Associates ensure hard rock/gravel mine drainage does not infiltrate to their borrow pit that will be getting deeper as mining continues in the borrow pit? This water will add to the drainage from Pyramid Way, Pebble Creek, the industrial complex and Hungry Ridge.

5) What is Spanish Springs Association's post mining plan for this property? Do they plan to line the final pit with clay and allow it to fill and become a lake? How will standing water be dealt with in the future?

Sam and Jeannine Eagan sent in comment via email:

Dear Washoe County Board of Adjustment:

We were most dismayed learning that an additional phase of Grading was being considered in boneyard Flat, as the first phase created major dust and debris in the Pebble Creek Community.

We had to replace our pool filter at a cost of \$423.00 per filter, as it was clogged with approximately 80

lbs of dirt.

We will have to have our house power washed due to the amounts of dirt and dust that have accumulated on our wind sills and doorways and solar.

We hear water trucks attempting to keep the dust at bay, however it isn't enough. During wind events, clouds of dust fly through the air and blanket Pebble Creek.

We have noticed an increase of bugs and critters who have been displaced by the first phase moving into our yards. We are very concerned with what Mosquito Season will bring.

We were told that the area would be replanted to mitigate the impact of this project which hasn't been done. We would like to see the first phase stabilized prior to a second phase being considered.

This project has had an impact on the value of the property in Pebble Creek, as well as our enjoyment of our homes. We feel it is irresponsible of Spanish Springs Associates, LP; to dig out the area and leave the property owners to deal with the aftermath.

Roger Evans comment via voicemail:

Is a resident in Pebble Creek subdivisions, which is north of proposed grading area. He said we have large drainage ditches through the subdivision going north and south into Boneyard Flat. There is east and west along Pebble Creek and turns into the basin. Will the project make sure these drainage ditches are altered properly so they drain into them. Without the drainage ditches flowing into it, what is the point. Please ensure the water from the ditches have unimpeded flow into the basin. Thank you for your time.

There was no further public comment. Chair Thomas closed the public comment period.

Member Lawrence asked Mr. Strickland regarding the concerns expressed during public comment. Lynn Starnes was concerned about additional drainage. Member Lawrence asked if it was designed to handle additional drainage going into the pit or is this standard drainage that has been going in there. Mr. Strickland said it's a natural low spot in the area. He said drainage in the area, Pebble Creek, and some areas of the east side of Pyramid Highway will find its way into Boneyard Flat. That storm water path is not changing with this project. This project will provide additional storage for all the water that comes there currently. There is more volume. The Washoe County Engineering Department hired a consultant to re-look at the area. He said they determined for every 600,000 cubic yards removed the basin will lower the 100-year water surface of the elevation of Boneyard Flat, about a foot. So, with this project and previous work, we have the ability to lower flood storage in that area significantly. There isn't additional water that will be going there. It's all going there today. We are providing more space for it.

Member Lawrence asked what is the ground water depth where this is taking place. Mr. Strickland said because the material is mostly clay, the water sits on top. He said they dug seven test pits out there about a month ago. In one test pit, we ran into free standing ground water and that was 7 feet deep. He said because there is a layer of clay, the water doesn't soak in that much. We aren't expecting any more water than what is there today. A lot will evaporate. Member Lawrence said he would like to hear that it's Mr. Strickland's belief what has been heard here today will have no effect on the ground water level in the valley. Mr. Strickland said he isn't a hydrogeologist, but he's not sure how it would. It's the same water that is going into there today. Member Lawrence said Ms. Lynn Starnes' concern was at the excavation point that you can encounter groundwater area. Essentially, you guys aren't fully convinced ground water levels are 100% protected. Mr. Strickland said he wouldn't say it that way. He said they found clay as they moved down further, so he's not seeing there would be an issue there.

Member Stanley said going back to the earlier questions about the amount being removed over the time period; what is the estimated truck trips per day, that might occur. Mr. Strickland said it's probably 30 trucks a day. Member Stanley said the outgoing materials are fill and where will it be used. Mr. Strickland said it will be used on a project on La Posada, east of Pyramid Highway. Member Stanley asked if it's being sold to the recipients. Mr. Strickland said he can't speak to that as he isn't privy. Jesse Haw said we haven't charged any money for materials removed from phase 1. Member Stanley asked about phase 2. Mr. Haw said there may be money charged in phased 2, but nothing is signed. Mr. Haw said going back, the County changed the way they measure or store water in the closed basin. It always had been a 24-hour event and last year, the County Engineer said they wanted to make it a 10-day event which will raise the flood level 8 feet. This is historically where the water goes in North Spanish Springs, into this closed basin. So, one of

the thoughts is to lower the base flood elevations to store more runoff water. It's the same amount of water. It will be a more controlled area. That is what phase 2 is going to do.

Chair Thomas asked Mr. Strickland, on the permit application, the square feet being disturbed, you said no new surface area will be disturbed, export material will be generated by deeper cuts of the previously approved 188 acres. He said he thought Mr. Strickland earlier said he was only using 60 acres out of 188 acres. Mr. Strickland said this permit and additional yards is going down from being graded. We won't be touching the other. 188 acres is the entire parcel. Disturbance is less than that. Chair Thomas said if this is approved you will be taking 1.5 million cubic yards within 60 acres. Mr. Strickland said no, it's adjacent. He said as mentioned earlier, the original permit started at the bottom and went into the hill north of the bottom of Boneyard Flats. He said some of those slopes have been built. We will start at that location and go down. We will be excavating in areas that have already been cleared. We will just be going down further.

Dwayne Smith, County Engineer, said he wanted to make sure to provide some perspective to help the Board. He said these are important questions to ask when grading is involved next to residential. He said the dust control permit from Air Quality will be put in place. He said we are active to make sure all permits are applied and adhered to. He said a year ago, based on experiences with other closed hydro basins within Washoe County, it came to his attention there is a gap in the data of understanding the base flood elevation of Boneyard Flat. He said they conducted a study and from that study determined better techniques, hydrology, and topography information, the recommended change in the storm durations that the Boneyard Flat elevation go up. When that elevation went up, it had impacts. It has impacts to industrial and residential areas. He said it also impacts Washoe County roads and lift stations. Because of those concerns, he asked what can be done to mitigate these flood impacts if we do see a 100-year flood event. What can be done to lower that flood pool. There aren't a whole lot of options that are cost effective. In this area, due to size, due to the type of material, and due to need for raising building pads, adjacent area and Sparks area, there was an opportunity to remove materials from this closed basin and effectively lower base flood elevation. The team provided technical information, we reviewed the information, we have been part of that, and support it. It provides flood mitigation. They are flattening the slopes and re-vegetating the area. In this area, the geology allows water to infiltrate the ground more than other closed basins. He said Swan, Silver, and Whites Lakes are also closed basins and still have standing water from devastating events from 2017. This area doesn't pool in the same way as in terms of long-term water storage. It can receive significant volumes of water. He said he supports the efforts to mitigate flood impacts. There is an opportunity in the flood pool elevation. Chair Thomas asked what affect will 500, 000 cubic yards do to help mitigate any type of flooding. Mr. Smith said 600,000 cubic yards per 1 vertical foot, we are able to see with approximately 1.5 million-acre feet, that will lower effective flood pool by 3 feet. That significantly reduces potential impacts during 100-year flood storage event to adjacent properties, roads, and utility infrastructure. Chair Thomas asked about the water table. Mr. Smith said information provided to Mr. Strickland is the same information that we have. These closed basins, due to geology and nature of each basin, how they release the water into the water table is unique to each location. He said we don't anticipate that the removal will get into groundwater table. There may be a storm where we see run off from Stormy Canyon, from west and east, pass through residential into the basin. Ground water table is below excavation limits.

Member Toulouse said overall this not a bad project and will allow for flood storage, so we don't end up like Swan or Silver Lake. He referenced page 204, condition 1(h)(2); he propose changes to hours of operation of 7:00 a.m. – 6:00 p.m., Monday through Saturday.

Member Lawrence said he wished a hydrologist was present. He said there is a clay layer out there. He said removal of a clay layer is concerning as well as ground water depths being affected by potentially draining water in surrounding area. He said he assumes all waters will flow into this retention basin from Pebble Creek and roads. He said the materials will sink through the granular soils as there are pits out there with good DG. He said he is concerned about unprocessed waters leaching into the ground water table. He said he has a 600-foot. deep well at his house. He said the comments received have not answered his concerns about the ground water situation or contaminations by any contaminant from industrial parks, houses, or roads that will now flow into a place where the clay was removed. He said he is not supportive of this project at this time.

Member Stanley asked what sort of insurance is part of the proposal. Given the relatively recent unpleasant related issues, is there insurance to cover the downside of this project.

Chair Thomas said he sees it as an active open pit mine. He said with the 1.5 million cubic yards, it's 800 trucks per acre that they are hauling material. Even if they do 60 acres of the 188 acres, that is still a fairly deep hole they'll be digging. He said he doesn't believe there has been answers about the water table, depth, and haul. He said we agree that was a lot of truck traffic out there. He said there is more information he would like to have before he votes. Perhaps after 500,000 cubic yards have been removed, consideration can be given to next million.

Member Toulouse said he is sympathetic to his and Mr. Lawrence's points. He said it's a requirement laid on the developer from the County. He asked Mr. Haw what is the alternative. Mr. Haw said if it's denied and there's no appeal, nothing would happen, and unfortunately, the potentially base flood elevation would be that much higher. The water will still come with the same elevation. There were questions about moving materials and trucks. If the project off La Posada moves forward, they will have to get material from another source. He said this material is unsuitable, meaning it's not structural.

Member Stanley asked for clarification about official mandate to take place passed on to Spanish Springs Associates, LP. Is it a suggestion or requirement. Mr. Smith said there is not a mandate to the property owners out there to lower the pool elevation. It's an opportunity to lower the elevation in this closed basin. It's not direction from Washoe County.

Member Toulouse asked Mr. Smith if this was not done, what is the potential impact to the industrial area south, south east and residential area with higher flood pool. Mr. Smith said as indicated by Mr. Haw and indicated by Mr. Strickland, any reduction in the base flood pool elevation under flooding events is a good thing. If it cannot be contained in the existing, it would have impacts to whatever developments are surrounding the basin and infrastructure. This would lower the flood pool and allow for more flood pool storage. In the event of water runoff or precipitation events, that would be positive for industrial and residential surrounding this closed basin.

Chair Thomas said back in 2017 with issues with runoff, was there a negative impact on Eagle Canyon or the industrial park. Were they flooded at that time. Mr. Smith said no, that flood event we experienced impacted the closed basins on the other side of the mountain chain. While there were flood waters contained within the Boneyard Flat closed basin, it didn't receive the same amount of precipitation patterns and the same runoff. It wasn't impacted the same ways as the other basins. Chair Thomas asked, in any event, taking 500,000 cubic yards out of Boneyard Flats would mitigate future runoff to some degree, at least a foot of water. Mr. Smith said any material removed from the perimeter of the basin will help with flood elevations. He said there are some elevations he would like to see based on elevations of roadways, surrounding residential, and if we can remove additional 3 feet of vertical elevation that would be very beneficial if they experience similar runoff event.

Member Lawrence asked what the usable materials will be used for. Mr. Strickland said a portion identified will be used in residential areas in Spanish Springs in new construction. Mr. Strickland said ½ million cubic yards can be used. Member Lawrence said the benefit would be to remove the usable materials for new homes in Spanish Springs. Mr. Strickland said we would be using it to raise homes out of the flood plain they are in. It will be a double benefit. Member Lawrence asked where they are and how are they identified. Mr. Strickland said south of La Posada. He said the County has a large drainage facility just to the south of Boneyard Flat and all that water goes through drainage under Pyramid Highway towards the proposed development. The development has always been in a flood plain. The ground needs to go up enough to raise above flood plain. Member Lawrence asked in order to build these houses, you need this soil. Mr. Strickland confirmed they need the soil to build the houses. Chair Thomas asked if they approved houses to be built in a flood plain. Mr. Strickland said the area has been channelized and the area for residential construction is not in a flood plain anymore. In order for the drainage that gets to the channel and make sure the sewer works, we still need fill in that area.

Member Stanley stated Member Lawrence has asked about testing with the water level, and the answer has been no testing, just best guessing. He asked about testing. Mr. Strickland said testing has been done.

Seven test pits have been dug in the area of the proposed excavation and it revealed clays all the way down to 12-13 feet deep. At one of the test pits they found water at 11 feet. Mr. Strickland said it will go down 10 feet.

Member Lawrence asked of their seven test pits, were they all 11 feet deep. Mr. Strickland said most of the test pits went to 14 feet deep, 11 feet is where they found water in one test pit. Member Lawrence said if ground water was found at 11 feet and your pit is going to be 10 feet deep, he said he is concerned with mingling surface water with ground water and what the ramifications of that will be. Mr. Strickland said there was water in one test pit, not in all of them so it's not their expectations to find ground water at 11 feet at all the locations. Member Lawrence said one is enough. Mr. Strickland said we aren't changing the water that is going there today. The same water that is soaking in today is the same water that will be going there. We aren't removing clay materials. Member Lawrence stated he recalled Mr. Strickland stating clay was the barrier to prevent water from going down into the ground water. Mr. Strickland said clay, in most test pits, were throughout the test pit. Even if we dig down, there is still going to be clay. We are not removing the clay lens. Member Lawrence said you are removing 10 feet of it. Mr. Strickland confirmed.

Chair Thomas stated his position. He said he still isn't satisfied. He said the Board have granted 500,000 cubic yards that would reduce flood to some degree in heavy winter. He said the heavy snow year of 2017 did not really affect Eagle Canyon residential or Spanish Springs park, so 500,000 cubic yards would be beneficial to some degree. Chair Thomas is not convinced of removing another million cubic yards from Boneyard Flats, at this time. Member Lawrence agreed.

Chair Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Special Use Permit Case Number WSUP20-0002 for Spanish Springs Associates, LP, having been unable to make the following findings in accordance with Washoe County Code Section 110.810.30. Member Lawrence seconded the motion which carried unanimously.

The Board was unable to make the following findings:

3. Site Suitability. That the site is physically suitable for major grading for excavation of fill material and to increase flood water storage capacity, 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.

Mr. Lloyd read the appeal process.

C. Special Use Permit Case Number WSUP19-0029 (Summit Christian Church) – For possible action, hearing, and discussion to approve a special use permit to allow for the expansion of religious assembly uses to include the construction of a 34,225 sq. ft. worship center at 7075 Pyramid Highway. The proposed expansion will also involve grading which includes ±50,000 cubic yards of cuts from the site with ±30,000 cubic yards to be placed on the north end of the site and ±20,000 cubic yards to be exported.

- Applicant/Property Owner: Summit Christian Church
- Location: 7075 Pyramid Highway
- APN: 083-730-13
- Parcel Size: 36.7 acres
- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Medium Suburban Density (MDS) & General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading

- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Service Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. There were no Member disclosures.

Julee Olander reviewed her staff report dated February 18, 2020.

Chair Thomas noted that Board members received updated conditions of approval documents and noted item 5 is from State of Nevada Department of Transportation (NDOT) inclusions for recommendation.

Kerry Rohrmeier, the applicant's representative, was available to answer questions and provided an update. She noted they concur with the conditions. She stated this has always been part of the master plan for this site. Lonnie Johnson, Engineer, was also available to answer questions. There were no questions for the representatives.

Public Comment:

Donna Moore via voicemail:

Her comment is about traffic. She said she lives next door to the church. She said her concern is with traffic. She asked how the flow of traffic from the church will be impacted. She asked how that will be addressed. She provided her phone number. She said she wasn't able to attend the meeting as she was out of town.

There was no further public comment. Chair Thomas closed the public comment period.

Kerry Rohrmeier said the church has their own traffic management program with a one-way loop with traffic enforcement to help people with arrival and departure and help with efficient circulations. It's a shared use development. The worship center will serve the same amount of people, but the old facilities will become a family center and won't add to much more traffic. Lonnie Johnson said he conducted a traffic study that was reviewed by NDOT; they had questions and comments which were addressed and updated in the traffic report. The only suggestions they had was with respect to Sunday peak period and the northbound lane on Pyramid at Golden View intersection. The two-hour period with Sunday peak period, the que gets longer in the pocket that is currently there. Mr. Johnson described the location of the updated condition. He said just south of the pocket, the center two-way left turn lane, the requested revision from NDOT was to extend the length of the turn pocket and eliminate inflection in the turn pocket to the southern end which will transition into the two-way left turn lane while protecting southbound traffic on Pyramid Highway and that turn left at Blue Gem Estates. He said they did a traffic report to update that request and those are the two new conditions that were presented by Julee from NDOT. It was updated April 2020.

Member Lawrence moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with the additional conditions Special Use Permit Case Number WSUP19-0029 for Summit Christian Church, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Toulouse seconded the motion which carried unanimously.

1. Consistency yards. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs;
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 religious assembly 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.

Recess: 3:25 – 3:30

D. Administrative Permit Case Number WADMIN20-0002 (Mommies and Daddies Daycare) – For possible action, hearing, and discussion to approve a daycare facility for 45 children from 0 to 12 years old at 100 Deli Street in an existing 2,932 sq. ft. building.

- Applicant/Property Owner: Nikole Jacob-Jones
- Location: 100 Deli Street
- APN: 080-191-06
- Parcel Size: .045 acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 302, Article 304, Article 810
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Planning and Building
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Chair Thomas opened the public hearing.

Julee Olander reviewed her staff report dated March 12,2020.

Applicant, Nikole Jacob-Jones, was available to answer questions via zoom.

Chair Thomas asked if there is enough parking for families and staff. Ms. Olander stated she spoke with the applicant about parking. The conditions in the report from engineering have specific requirements that Ms. Jacob-Jones will have to meet. The applicant won't have to make significant changes to the building. Conditions will have to be met before the business license can be signed-off.

Chair Thomas asked if there will be meals on site. Ms. Olander stated it's an all-day daycare, so she assumed lunch at least, and possibly breakfast meal or evening meal.

Nikole Jacob-Jones, the owner and applicant, said there is an area for a kitchen. She said they currently provides full-service including breakfast and lunch. Chair Thomas asked how many staff she will have. Ms. Jacob-Jones stated it depends on the age groups. For infants, there are two teachers with max of eight kids. As the kids get older, they can add more kids per teacher. She said she intends to have four to six employees which includes the cleaner, cook, and breaker.

She provided a presentation and showed current school pictures.

There was no public comment. Chair Thomas closed the public comment period.

Member Hill said it looks like a great project.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative

Permit Case Number WADMIN20-0002 for Nikole Jacob-Jones, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North 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 child daycare *center* 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.

E. WVIO-PLA19-0176 (3765 Moorpark) – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer’s confirmation of a code enforcement violation concerning an alleged violation of WCC Section 110.306.35(j), placement of a manufactured home on vacant property without the required set up permit.

- Appellant/Property Owner: William Anthony
- Location: 3765 Moorpark Ct., Sun Valley
- APN: 026-021-36
- Parcel Size: ± 0.62 acre (± 27,007 square feet)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Articles 306, 910, and 912
- Commission District: 5 – Commissioner Herman
- Staff: Chad Giesinger, Planning Manager
Washoe County Planning and Building
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Thomas opened the public hearing.

Member Toulouse disclosed he spoke to Ms. Pat Anthony on four separate occasions. None of the conversations focused on the meat of the issue, but rather procedural. DDA Large said he doesn’t foresee any conflict.

Chad Giesinger reviewed his staff report of February 18, 2020.

Member Hill asked about the compliance date in the possible motion provided back in February, it states April 1, 2020. Chair Thomas stated the Board must determine the date. Mr. Giesinger stated a lot of time has passed to review this, but it’s at the Board’s discretion. He said he recommended ASAP.

Member Stanley asked if ASAP means a month. Mr. Giesinger stated 30 days would be reasonable. He believes this will be appealed to District Court.

Pat Anthony, the appellant asked for clarifying questions. She said they had technical issues with Zoom.

Chair Thomas reminded her of her speaking time of 15 minutes. She objected. She stated she and Bill are United State Nationals, Nevadans domicile (inaudible). She said she will be correcting some errors and omissions in Chad's presentation and adding pertinent information and speaking to the flow chart of sovereign government status and standing and directing reversal per your Board directive. She spoke about how men, woman, or people are not mentioned in NRS code. It doesn't apply to us, except by our consent. She said they are consistently denied in this matter. We are outside the jurisdiction of NRS and County code. She said they are not corporate entities in which they don't give consent. She said she is not a member of the matrix, which is fictional, dead, and illusionary to control and enslave in their confines which is used when trespassed by foreign agents. Mr. Trump is aware and have vetted our sovereignty on behalf of the people. Much is going on behind the scenes. It is never our intent to argue. Rather we make claims and notices and rebutted with specificity, with true fact, and evidence establishing the law in the case. Neither are we residents or our property residential zoned. We are outside and beyond Washoe County code jurisdictions. We take exception and object to allegations of recording fake or unauthenticated documents at the recorder's office. Administrative Officer Elizabeth has inappropriately challenged the validity of certificate of acceptance and land patent and ignored our challenge to Washoe County code and alleged jurisdiction over us. (inaudible). She said she is happy to bring you as a civilian, not corporate employees as Elizabeth and Washoe County code agents are. When she asked at January 15th hearing, she asked if anyone was a land patent expert, she was ignored, given no answer and interrupted with a ruling against them to which they objected and timely refused for cause. We also wanted lawful reasons finding specified in writing which were not provided. NRS and Washoe County Code are not public law, only apply to statutory entities, and person who volunteer to be subject to the same law which we do not. Please remember consent of the governed is necessary to consent as we the people and has been consistently denied in this matter. Further speaking to Elizabeth's allegations that our process was lacking components for protecting land patent. We offer public notice on the record of all necessary components of our fiduciary and head of state supported by living law firm and people, especial state nationals, organizing and upholding the people's government. Elizabeth has refused comments which were out of order from her as a hearing officer. She said they have consulted with Ron Gibson, author of two books. With permission, we are giving oral testimony, and met with Ron on February 26, and in-person review of process and documents and addition of page 1 doc # 4976305, he affirmed it was all in order and accepted, declared, recorded, and published lawful claim of land patent upon 3705 Moor Park Place, indeed notice and law outside and beyond Washoe County jurisdiction, no longer 3765 Moor Park Court as stated by Washoe County agents stated in this matter. Further verify check our claims with online sources with what we share with sources. You can add above IRS, mortgage. As we now have a means to lawfully perform mutual offset credit exemption exchange process to satisfy. We claim Elizabeth's January 15 order is contrary to the constitution and establish law of the case is an error of law and substantive evidence of whole record shows same exceeds jurisdiction and authority of Washoe County in this matter. One might consider the January 15th order arbitrary, capricious, and misuse of discretion. From the beginning, we have challenged the alleged Washoe County jurisdiction and their code, consistently, and it has not been proved on the record; contrarily, we have established proved to show lack of jurisdiction of both incorporated Washoe County entity, territory, and municipal, thus requiring a reversal of this matter per your Board directive, item 3a-f. Thank you for hearing and lawful rights of the people in this matter. She quoted references from Ron Gibson books.

Public comment:

Vicky via voicemail:

Over 180 years of unanimous Supreme Court have proven the land patent are valid and no court case has made them invalid. Stone vs. United States, 1865, a patent is best evidence of title. Patents are protected under treaty law. All treaties are made under the authority of the United States shall be supreme law of the land, evidence constitution of the United States article six, clause two. The right of land ownership come from Genesis in the Bible. Genesis 28-13, 14 and Genesis 47, and other references in the bible as well. No county, city, or municipalities have jurisdiction over private property. Supreme Court says all private corporations' codes and ordinances and regulations do not apply to the people without our consent. Plaintiff was granted \$8million for code violations for code enforcements illegally trespass in

restrictions. What do private property rights mean. Washington State Supreme Court Richard B. Sanders said property as a thing consist not in ownership and possession, but in unrestricted right of use for enjoyment and disposal. John Adams said property is as sacred as the law of god and if there is not authority in public justice to protect then anarchy and tyranny exists. President Coolidge said property rights and personal rights are the same thing. Private property rights means the owner has the exclusive authority to determine how his private property issues including peaceful possession, enjoyment, granted deeded private property and no city, county, state, of federal government has the right to impose directives, ordinances, or fines, fees, zoning on such private property. Case Mitchell vs. City of Rockland, Maryland. You have private property and the right to use it. And if we lose the right to our land then we are not free. The Bible, and all law is from the Bible, will prove such. Thank you.

Elena Brady via voicemail:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. The land patent is permanent and cannot be changed by a government after it's issuance. For the United States has parted with title (inaudible), and surveys made by self and approved by the proper department, the title so granted cannot be impaired by a subsequent survey made by the government on purpose. In the history of this County, no land patent has lost in the appellate review in courts. In fact, during (inaudible) vs. California, the supreme court has ruled the land patent would always win over any form of title. It is one of the best sites describing how our land patents work the court noted they had ruled again. The land patent is supreme title to land. Treaties are supreme law. People are the source of authority. (inaudible) The right of the individual is not derived from the government agencies municipal, state, federal or even the constitution. This exist inherently in every man by endowment by our creator, and merely affirmed by the constitution, and restricted to the existent that they have been voluntarily surrendered by citizenship to agencies. The people's rights are not derived from the government, but the government's authority comes from the people. The constitution states this right already existed. People are supreme, not the State.

Joy Christine via voicemail:

Article 1, section 10, clause one of the US constitution, no state can legislate a bill of attainder nor can a state pass an ex post facto law nor a law impairing the obligation of contract it violates. Article 4, Section 3, clause 2, Article 6, clause 2, it violates the intent of Congress and treaty law but most of all it violates God's law. The right to own land is an unalienable, God given right as so stated 11 times in the Bible. When land title is transferred by patent, title and rights as bona fide claimed the purchaser will be protected per United States vs. (inaudible). Numerous protective safeguards: one, the constitution; two, supremacy clause; three, article 1, section 10, clause 1; four, treaty law; five, relation back doctrine; six, vested rights; seven, Fifth Amendment; eight, over 180 years of Supreme Court cases, not one single case has lost at the Supreme Court. Specific jurisdictional challenge question regarding over 6 million United States land patents that forever recognized a previous French, Spanish, or Mexican land grant that originally transferred those governments solvent, allodial land ownership title, right, interest, and control to the private sector, the people. Demand is hereby made, please provide us with your title that is superior to that of our land patent issued by the United States General Land office. You can't do it. She referenced Ron Gibson, an engineer, a counselor at law, and expert witness regarding land cases and other land issue cases. (inaudible). He is also president of the Jefferson Mining district, which is the largest mining district in the United States and a Vietnam veteran. Your people are claiming our American governance of by and for the people peacefully and lawfully (inaudible). We must act peacefully and lawfully for ourselves and our fellow Americans. Freedom via knowledge and patriotic action www.americanstateassembly.net. What if you could free yourself from IRS, mortgage and other debt. Are you a creditor or debtor. Read the 20-page story at www.annavonreitz.com/visitatgrandmashouse.pdf. (inaudible). It reveals the problems and solution.

Ron Gibons via voicemail:

He is an author of the books that have been presented and he is a counselor-at-law. He said he want to address the issue property rights and titles. In particular, land patent titles. Land patents are the only true

title there is to land, and that is verified in numerous cases over the years. It is prohibitive for county and cities to infringe upon those rights. There are numerous cases such as City of Dallas vs. Mitchell case in which the rights of the individual are not derived from the government agencies in municipal or federal or even constitution. They exist inherently in every man by the endowment of their Creator and are merely affirmed in the constitution and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. The people's rights do not derive from the government. The government authority comes from the people. The constitution but states again and again that these rights already exist and when the legislative encroachment by the nation state or municipality invades these original and permanent rights, it is a duty of the courts to so declare and afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen except those within the preservation of public health, safety and welfare. It's just one of the many statements out of that case. Monterrey versus (inaudible) El Monte Dunes states very clearly as well as (inaudible) Pasallio vesus Rhode Island that the county, the city, the state to have jurisdiction of which to infringe upon private rights of the owner of the land, the county, city, state must have ownership of the property. That is verified in a case Zuma Corporation versus (end of public comment).

Joannah via voicemail:

Issues of sovereignty number 1, pertinent excerpts from annavonreitz.com, issues of sovereignty. When any president of the United States looks upon and sees to cause to know better than to claim that I am his citizen, very clearly he is my citizen under international law and every word I say to him or to the British monarch concerning their operations on this continent has the force of law and sovereign power. I hear record my sovereign mandate regarding all these false commercial claims advanced by the United States against the American states and people via secretive and non-consensual process. The sovereign letters of patent and declaration of joint sovereignty with the Native American nations issued in November of 2016 stand alone and together as the reclamation of the land. In my capacity is a free sovereign American and son of the revolution. They also stand as remedy for grievous errors made by administrators of the United State. All property and titles are properly, rightfully belong to the Americans, including the copyrights and trademarks associated with the given names is to be returned to them. So as to provide lasting remedy to the American States and people for all the wrongs and the violence which had been perpetrated against them by their (inaudible) servants and foreign powers acting in breach of trust. December 14th, 2015 to John Kerry US Secretary of State: This is a matter of urgent importance. It concerns either mistaken identity or identity theft of the free and sovereign independent people at the United States that have been noncombatants and protected persons recognized and honored as such successively by the Labor Code and the Geneva Convention protocols of 1949. The word state, lowercase, in United States, uppercase, were formally redefined to mean District of Columbia Municipal Corporation and the word person was redefined to mean Corporation by politicians acting without delegated authority. The free sovereign and independent people of the United States were not even afforded the opportunity to exercise the protections of the usurpation act. Because they were not informed of Roosevelt's action to arbitrarily change their political status to that of inhabitants and were equally not informed of the federal corporation's claim that they were voluntarily standing in sureties for its debt everyone on earth would agree that it is impossible to object to a contract if you don't know the contract even exists, and that is essentially the position that the free sovereign and independent people of the United States have been in as a result of criminal conspiracies on the part of our employees.

Joe Crocco via voicemail:

Issues of sovereignty #2, as of 2011, United States incorporated at its stated state franchises were shown to be in administrative and commercial default. As of 2015, the free sovereign and independent people of the United States have been forced a new declaration of joint and sovereign letters patent in behalf of the sovereign independent people in the United States. Their states are defined by geographic boundaries for living citizens and have joined with Native Americans to claim their land and jurisdiction of the United States owed to us free and clear. The free, sovereign people of the United States are in fact the priority creditors of the national debt. And the employers and benefactors of those who have propagated these criminal abuse of our trust. It's time for this outrage to end.

Juanita Cox via voicemail:

11/12/2015 open letter to General Dunford and the Joint Chief of Staff with bond copy of affidavit of probable cause, copy of Declaration of Joint Sovereignty and sovereign letters patents, copy of editorial. So what does this mean. Who's owns what. Number 952, the people on the republics, the republic's own the States and the states own all the various states of states, national territorial and municipal United States of America unincorporated delegated certain enumerated powers via three constitutional agreements any invented the delegated powers cannot be exercised properly by those entrusted to exercise them they revert back to the donor grantor of those enumerated powers. The United States of America unincorporated now both the territorial United States and the states of the States and the municipal States, and the states of the states in capitals are bankrupt in receivership. All three levels of government exercising and delegating powers are incompetent so all powers they held revert back to the United States of America unincorporated which retained all undelegated powers from the start and has taken the necessary steps to reclaim the national territorial and the municipal assets and acknowledge and accept and reconvey the delegated powers it has renewed and reissued its sovereign letters, patents and preserve the constitutional system has some in the actual land jurisdiction states of the union Federation to assemble and they are doing so. It remains as the only international incompetent government representing this country and its people. We discovered that are delegated powers have been abused by the territorial and municipal United States and that our copyrights have been infringed and that our patents and trademarks office had been abused without our knowledge or consent. It was the intent of the perpetrators to run up unsurmountable debts against us and our assets seeking bankruptcy protection for themselves and leaving us holding the bag. They are counted at on us to remain asleep and acquiescence to their false claims of abandonment of our assets. This country may and many other countries around the world have suffered an equivalent of identity theft in credit fraud and still the central banks and international trustees responsible are trying to avoid the necessary correction. We're not being unreasonable or unkind or seeking any unjust enrichment. By the same token, we resolved not to bear any odious debts, false title claims, and further breach of trust. We require that what is ours would be returned to us.

Jill Coleen via voicemail:

In 2015, Americans who have become aware of the fraud, returned to the land jurisdiction of their birth. The unincorporated government of the actual States and people doing business as the United States of America revised itself. The new government issues new sovereign letters patent for the states on November 4th and for the Indian nations November 6th and also issues an express trust, the declaration of Joint Sovereignty. In 2017, after extensive due process given to all the principle parties responsible, the liens against all the municipal and territorial government corporations and their franchises are completed and cured by the creditors, us. We are the lawful owners of all that several generations of dishonest employees and men have amassed in which they have hoped to claim as abandoned property. The success of this scheme would have ended private property rights worldwide. We also require a public accounting to be conducted throughout all sectors of the government that has been provided by the bankrupt governmental services corporations state of, county of, and municipal entities and their hired subcontracting agencies beginning with the most recent Annual Financial Reports or the APR's of agencies and departments and public trusts in each state. The most recent Comprehensive Annual Financial Reports, or CAFRs, of the state of the states organizations. Our credit maybe access to pay for these services leading to an accurate public accounting for the first time since 1946. People are claiming American governance of, by, and for the people peacefully and lawfully. Paul Revere wake up. We must act for ourselves and our fellow Americans. What if you could free yourself from IRS and mortgage and other debt. Are you a creditor or debtor. Learn and qualify. There is a free 20-page story at annavonreitz.com/visitatgrandmashouse.pdf. This reveals problem and solution. Thank you.

LG G-PAD via Zoom:

He said he would like to address issues regarding the case with Anthony's. (inaudible). In the same room as Mr. Anthony. Jack, resident in Sparks, he said he wanted to speak about the people's legal rights to use their home or land patent property as they wish, peacefully enjoy, and give it to the relatives as an inheritance or a power they allow me to choose. On March 23rd 2020, the Washoe County City Council did

an emergency powers provision to ban guns which is the constitutional right. They got over 700 very angry emails immediately. People are born or move to Nevada to stay and enjoy our constitutional rights to choose whatever type of state, religion, home, family, friend, food they choose to enjoy in our pursuit of happiness. Lands of Arizona, Utah, Nevada are 60-85% BLM property in which state citizens can use, protect, and control. City, state, and federal employees that are servants and citizens of America. In Nevada, BLM properties have leases and ownerships, patents given to ranching, farming, mineral mining, glass, gas, salt, etc. we protect them. Hunting, camping, fishing rights of Nevadans. Recently, politicians have illegally pocketed after selling BLM resources worth of hundreds of millions of dollars. Taking from a rancher in Oregon to give to Russia. We have a right and responsibility to protect our rights and resources from enemies foreign and domestic. BLM lands were established hundreds of years ago and are legally protected. BLM lands create jobs and feeds our families and have minerals and resources important to our jobs that allow us to thrive and survive in our state and communities. I have seen our life, and others, violators trying to stop BLM businesses and landholders' rights from ranching, camping, etc. That is direct and indirect harm. Many people who were born in Nevada want to enjoy our constitutional rights, choose what type of religion, home, state, family, friends, jobs, and what we choose to enjoy in our pursuit of happiness. We are lucky and fortunate to have BLM in the state of Nevada. Join our support cause to keep food, jobs, and resources. Don't let any politician or businessman destroy your future and community. Stand up and speak up.

There was no further public comment. Chair Thomas closed the public comment period.

Member Hill said she has a Bible, she looked up the verses quoted. She doesn't see where it says you don't have to comply with the law. I know there is many points of view, I'm of the point of view, these are not relevant to this case. If you put a vacant home on a piece of property, you need a permit. It's not safe. It could start a fire and hurt your surrounding neighbors. That's not right.

Member Stanley commended Chad and his team for their ongoing responsiveness and information.

Member Lawrence said there was a lot of effort put into this. He didn't mean to degrade it, but it's a manifest of sorts, stating constitution and laws. He said he thinks it's beyond him at least in the fact of their ownership of the land and how they hold that. He said he thinks, in interest of populist, rules and regulation ensure where we live is safe and not harming or infringing on others' rights, in case their house burns down or sewer runs into the street which happens. He said he is of the opinion that permits are warranted and required to make this a safe habitat for those who live around them. If the vote goes in the way that requires a permit, judicial review will shed more light on their concerns and questions.

Chair Thomas said the issue at hand wasn't about property rights or sovereign nation or the Bible. It's a hearing in which it was determined the Anthony's had put a manufactured home on a property they owned and failed to get a permit which costs \$172 to get or remove it. He said going through the documents, they list their property 3765, and they say they own the property of the manufacture home. It's evident, a manufactured home is on property owned by the Anthony's. They were asked to remove it, which they failed to do. They followed the appeal process which is why it's before the Board to make a determination on whether the facts before us, by the hearing officer, support the position is illegally on the property or needs to be removed.

DDA Large said in regards to this, the Board has the power to affirm, reverse, or modify the decision of the hearing officer. He encouraged the Board if they affirm, they set a date of removal or when a permit needs to be obtained. The motion needs to be modified to include a specific date. Chair Thomas stated we need to make a decision on a date. Member Hill stated when she asked about the date before, Chad had said 30 days, she said she wrote down May 18. She confirmed she was in favor of a 30-day window.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(j), and uphold the hearing officers' order to either remove the subject manufactured home or obtain a set up permit (and final inspections) by May 18, 2020; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the

Secretary of the Board of Adjustment, a copy of which shall be served to the appellant. Member Toulouse seconded the motion to deny the appeal, which carried unanimously.

F. Administrative Case Number WADMIN20-0003 (Marce Herz Middle School Sign) – For possible action, hearing, and discussion to approve the installation of 253.2 sq. ft. sign with the school name and will be visible from Arrowcreek Parkway for Marce Herz Middle School at 13455 Thomas Creek Road.

- Applicant/Property Owner: Washoe County School District
- Location: 13455 Thomas Creek Road
- APN: 152-921-03
- Parcel Size: 51.49 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Authorized in Article 505, Sign Regulations and Article 808, Administrative Permits

- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Chair Thomas opened the public hearing.

Julee Olander reviewed her staff report dated March 10, 2020.

Tony McMillian, the applicant's representative, was available to answer questions. He thanked the Board and community for their support.

Chair Thomas asked Ms. Olander if this sign is the same design and square footages as the other signs that are going up at the schools in Washoe County. Ms. Olander confirmed yes. It's the new design they have come up with. She said because the County Code only allows up to 120 sq. ft. these are coming before the Board.

Tony McMillian stated the signs' designs and sizes are based on the school name. He stated he wanted to provide clarification this design is not like the elementary school's sign design.

Member Stanley asked where the sign is going to be placed. Ms. Olander said it will be visible from Arrowcreek Parkway. It will be installed on the gymnasium, facing south towards Arrowcreek Parkway.

Member Hill said it indicates different elevations in the applications. She asked how many signs there are and what will it say. Ms. Olander said it'll say Marce Henz Middle School. The other signs are under 120 sq. ft. Ms. Olander referenced a map of the sign location. Member Hill asked if this will set a precedent for others who want larger signs. Ms. Olander said Mr. McMillian stated they are coming up with specific logo type sign for elementary, high school, and middle school, depending on the school, it will drive the type of the sign. Mr. McMillian clarified when you see 'to be named,' the school hasn't been named yet. He said the entrance sign over the door, numbers located on the back of the school, and music sign is a wayfinding sign because the music wing doubles as lunchroom and stage. He stated occasionally you will see a backlit sign, but that is handled with its own permit after construction. He noted Depoli Middle School signs are the same. The new Desert Skies and Sky Ranch have identical signs to this.

Public Comment:

Tobin S. Bechtel via email:

Head of the school for the Sage Ridge School, providing commentary for Merce Herz Middle School Sign. The sign should be limited to the same size as Hunsberger Elementary School sign on the corner of Arrowcreek and Crossbow Court. I don't see why a blaze and wall sign is needed for a suburban school. This is not a commercial property nor a commercial zone. Signage should also clearly indicate that access to the school is via Thomas Creek Rd. Thank you.

With no further public comment, Chair Thomas closed the public comment period.

Member Lawrence moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN20-0003 for Board of Adjustment, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Hill seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest 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 exterior sign 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.

G. Administrative Case Number WADMIN20-0004 (Saint Francis of Assisi Catholic Church Expansion) – Administrative Permit Case Number WADMIN20-0004 (Saint Francis of Assisi Catholic Church Expansion) – For possible action, hearing, and discussion to approve an administrative permit to allow the expansion of an existing church building (Religious Assembly Use Type), by means of a two-story addition of approximately 976 square feet on each level for a total expansion of the building of approximately 1,952 square feet. The existing building is approximately 12,156 square feet in size.

- Applicant: Saint Francis of Assisi Catholic Church
- Location: 701 Mt. Rose Highway, on both the north and south sides of its intersection with Kelly Drive, in the Incline Village area.
- APN: 124-032-01 and 124-062-62
- Parcel Size: ± 9.17 and ± 3.14 acres
- Master Plan: Rural (R)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 302
- Commission District: 1 – Commissioner Berkgigler
- Staff: Roger Pelham, Senior Planner
Washoe County Planning and Building
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. Member Hill disclosed she is the applicant for this project. She recused herself from voting. She asked if she can listen and provide comment. DDA Large said she must abstain from deliberation, but as an applicant, she has the right to speak as any member of the public. She can be called upon to answer any questions. There were no further Member disclosures.

Roger Pelham reviewed his staff report dated March 10, 2020.

Member Stanley asked if we received a letter that conditions were addressed in an earlier agreement. Mr. Pelham said that is the contentions of the applicant. These are standard code conditions that would have to be addressed at building permit stage for this expansion in any case. It's more of a courtesy.

Kristina Hill, the applicant's representative, said the church is in the middle of the forest. You look out of the floor to ceiling windows and you see forest. Indicated in the letter by Collaborative Design, she said we are requesting that we don't have to install landscape islands. The photo matrix survey is not a big deal because we already had one done which was part of the letter. She said it would be important for the church to see if they have light spilling off their site. The conditions regarding landscape island is not necessary because it's already beautifully landscaped in the middle of the forest. Parking is a valuable commodity and landscape islands would take away from that, and there is no need for landscaping. It's shady and would create a hardship on the parishioners due to the lack of parking. It's not necessary. She said they submitted a Director's modification. She said she would recommend eliminating condition 1(e). Mr. Lloyd said the item is an administrative permit, it doesn't provide the Board the same latitude that a special use permit (SUP) would, barring certain code requirements. Under the conditions of approval, this was included as a courtesy to show that it is, in fact, code. There is opportunity with their submission of the Director's modification for possible elimination of this requirement. We are seeking direction from the Board in terms that is appropriate, however, the Board doesn't have the official authority to wave that requirement.

Kristina Hill introduced Kevin Merkley, the Collaborative Design representative. Mr. Merkley had a clarifying question. He asked for specific landscape plan requirements. We are requesting we don't have to install landscape islands. He said they are disturbing a small portion of land that was originally done in 2017 and it's the intention of the church to re-landscape the area once the construction has been completed. He asked about the conditions of approval. He asked if the landscape plan needs to be submitted and approved or just submitted prior to groundwork. They are going into the limited Tahoe Basin construction time. Ms. Hill said they didn't have an issue with the submittal of a landscape plan if they show the existing. They have an issue with condition 1(f) as they will have to do landscape, screening, satisfy requirement as set forth prior to issuance of certificate of occupancy. She said that is the provision we are asking for in a Director's modification. It would require a landscape island for every five spaces and it would take away spaces and interrupt the circulation of the parking lot. It's not necessary as there is plenty of landscaping. Code requires landscape islands and that is the issue they are asking in alleviating that requirement.

Chair Thomas asked Mr. Lloyd for clarification regarding Director's modification when it comes to landscaping. He asked if that request defaults to Mr. Lloyd and if their application does not include a plan for landscaping, can you grant it or not. Mr. Lloyd said the code grants certain latitude to the Director of Planning and Building. There would be an analysis provided. If there is extenuating circumstances to remove it, the Director has that authority. Chair Thomas stated the Board can decide to leave it in, and they can apply to request that be condition be removed. Mr. Lloyd confirmed. Mr. Lloyd said he isn't sure this condition is necessarily needed in this list of conditions since it's a code. Mr. Pelham said this is a courtesy to the applicant. Planning staff doesn't have any authority to approve any building permit that does not meet all required provisions of the county code. He said not every provision is applicable in every instance but you must meet all of the requirements that are applicable. In this case, a landscape plan is required, and it must meet all the applicable provisions of article 438. He said he doesn't have authority to approve unless the plans submitted for a building permit meet code. Whether the condition of approval is including, or it is removed. The fact remains the same. They must meet code. Under circumstances or extraordinary conditions then the Director has certain latitude and that is done by a different process. We are not styled today to grant a variance. Some of the landscape standards do include landscape island. It's one for every 10 spaces with no more than 12 in a row.

Mr. Lloyd stated it may be wise to remove these conditions. He said he doesn't want to anticipate granting the Director's modification; however, he doesn't want there to be a conflict if the conditions are still part of this request. Chair Thomas said if the Board removes conditions e and f, it's still possible to apply for Director's modification. Mr. Lloyd confirmed. Ms. Hill said she already submitted for Director's modification to request they don't have to install a landscape island every 10 spaces. She understands the requirement, but it's not applicable to this case since it's well forested. Kevin Merkley agreed with the conditions being removed to prevent conflicting conditions and difficulties in applying for a Director's modification.

Member Lawrence asked how many parking space and snow storage space. Mr. Pelham said he couldn't speculate.

With no requests for public comment, Chair Thomas closed the public comment period.

Chair Thomas said he doesn't see a problem eliminating conditions 1(e) and 1(f) in order to prevent any confusion. He said the applicant also wanted conditions 1(g)(h)(i) eliminated. He said he doesn't agree with removing those.

Chair Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN20-0004 for Saint Francis of Assisi Catholic Church, with the removal of condition 1(e) and 1(f), having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously. Member Hill recused herself for this item.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 expansion of an existing church, 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.

9. Chair and Board Items

*A. Future Agenda Items

Member Toulouse requested that the Soule case be placed on a future item. Member Stanley agreed. Mr. Lloyd said he understands the passion from this Board; however, the decision has been made by a Board higher than himself. This item will not be returning to this Board. Member Toulouse said he requests the person who made that decision explain that decision to the Board of Adjustment and why our request for that item to come back to the Board be denied. Mr. Lloyd said he could provide a memo for that justification. Member Stanley said what would be helpful in the response is how we might improve the thought process on these matters. Any additional guidance as to the limit of our concern would be helpful. Chair Thomas agreed, and said guidance as to what others in higher positions than ours think is appropriate of what we are spending our time on. Member Stanley said there was a lot of time spent on guiding us on this process.

Chair Thomas asked DDA Large about Incline Village/Crystal Bay CAB voting authority. Mr. Pelham said he attended the last IV/CB CAB board meeting and informed them they could vote on items. They were pleased about that. Member Hill asked if next time, we could upgrade Zoom to enable the video

capabilities to see the presentations. Member Toulouse said he would like to see the audio quality improve for the next meeting.

***B. Requests for Information from Staff**

None

10. Director's and Legal Counsel's Items

***A. Report on Previous Board of Adjustment Items**

None

***B. Legal Information and Updates**

DDA Large said due to the appeals we are seeing and COVID-19 outbreak, we are up against a wall with hearing those items. Staff is doing what they can in a timely manner. Our applicants have been working with staff. These meetings have become more vital. He asked that if members cannot attend the meeting or need to reschedule, please notify them sooner than later so we can plan for a time all of us can be here.

11. *General Public Comment and Discussion Thereof

Chair Thomas thanked staff for putting everything together. It's well appreciated. Trevor Lloyd thanked the two admin staff members, Donna and Katy.

Roger Pelham said Mr. Lloyd stole his thunder. He wanted to compliment Donna and Katy for all their hard work.

With no further requests for public comment, Chair Thomas closed the public comment period.

12. Adjournment

Meeting adjourned at 5:44 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on _____, 2020

Trevor Lloyd
Secretary to the Board of Adjustment

Attachment D

WSUP20-0002



Conditions of Approval

Special Use Permit Case Number WSUP20-0002

The project approved under Special Use Permit Case Number WSUP20-0002 shall be carried out in accordance with the conditions of approval granted by the Board of County Commissioners on June 16, 2020. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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

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

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

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

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

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

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

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

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

Washoe County Planning and Building Division

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

Contact Name – Roger Pelham (775)328-3622 rpelham@washoecounty.us

- a. **The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building and grading permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit complete construction plans and initial building (grading) permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete grading within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. This special use permit shall be valid until April 2, 2025. No additional grading permits shall be approved after that date. Any grading permits issued prior to that date may be completed in accordance with the time specified by the building permits.
- e. All final slopes shall be 4 horizontal to 1 vertical (4:1) or flatter.
- f. No grading shall take place within 50 feet of any exterior property line.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- d. The following **Operational Conditions** shall be required for the life of the special use permit:
 - i. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by Planning and Building.
 - ii. Grading shall take place during daylight hours only.

Washoe District Health, Air Quality Management Division

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

Contact Name – Mike Wolf, 775.784.7206, mwolf@washoecounty.us

- a. The applicant shall obtain a dust control permit prior to any grading activity. The permit must be maintained throughout the life of the project.

Washoe County Engineering and Capital Projects

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

Contact Name – Leo Vesely (775)328-2313, lvesely@washoecounty.us

- 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 (BMPs) 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 developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklists and Inspection Fee shall be submitted with the grading permit.
- d. All mitigation shall be done in accordance with the Washoe County June 15, 2019 Boneyard Flat Closed Basin Interim Drainage Policy and updates.
- e. The cut slope adjacent the Pebble Creek Estates residential area shall be setback at least 50 feet from the subdivision boundary and shall be no steeper than 4:1, all other cut and fill slopes, shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438.
- f. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- g. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- h. All grading shall be in accordance with Article 110.438 Grading Standards.
- i. Grading plans shall identify the basis of elevation. NAVD88 is preferred for design. If NAVD88 is not used, the conversion factor to NAVD88 shall be provided.
- j. 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. Specifications for revegetation procedure and seed mix shall be prepared by a licensed landscape architect.
- k. For each project which proposes to utilize material excavated from Boneyard Flat as mitigation of volume of fill material placed at or below the 100-year, 10-day flood pool elevation, the following shall be apply:
 - i. For each grading permit submitted for approval, a table shall be provided on the grading plan which estimates both the project volume of fill and the

borrow area volume of excavation which shall be reported for each incremental foot of elevation (incremental volume) and cumulative volume. The incremental and cumulative volume of excavation from the mitigation area shall exceed the incremental and cumulative volume placed on the project site.

- ii. There shall be no volume mitigation credited for excavation within the borrow area at an elevation greater than the established 100-year, 10-day flood pool.
- l. A project specific drainage report shall be prepared for each grading permit and shall address the flow velocities of the existing drainage channels that enter Boneyard Flat and any required mitigation of increased volume of runoff and/or displaced flood water storage volume.
- m. Provide the design of erosion control measures will be installed in the existing drainage channels where they enter the playa. Drop-off into the playa may require energy dissipating structures such as rock gabions or other approved design.
- n. All topsoil and non-structural materials stockpile locations shall be shown on the grading plans. All stockpile locations shall be at least 100 feet from all property lines and shall be at least 200 feet from any dwelling. Slopes shall not be steeper than 3:1. Stockpile locations shall not be placed on any natural slopes of 15% or greater.
- o. Add note shall be added to the plans requiring an as-built topographic survey documenting final fill and excavation quantities affecting the Boneyard Flat base flood elevation (BFE) shall be submitted prior to any permit CofO or final.
- p. Contractors exporting, at least 10,000 cubic yards or more, of material from Boneyard Flat and importing to projects utilizing Washoe County roadways shall submit a haul route plan to the Washoe County Engineering Division for review and approval prior to the export of material. A Haul Route Mitigation Fee may be assessed for each project utilizing County roadways as compensation for the accelerated deterioration of roadway used as a construction haul route.

*** End of Conditions ***

Attachment E

WSUP20-0002

Washoe County Appeal of Decision to Board of County Commissioners

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

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>April 30, 2020</u>	
Date of action by County: <u>April 16, 2020</u>	
Date Decision filed with Secretary: <u>April 22, 2020</u>	
Appellant Information	
Name: Spanish Springs Associates L.P.	Phone: 775-560-6922
Address: 550 W. Plumb Lane, Ste. B 505	Fax: N/A
	Email: jesse@hawcoproperties.com
City: Reno State: NV Zip: 89509	Cell: 775-560-6922
Describe your basis as a person aggrieved by the decision: I am the property owner and applicant of the proposed SUP. The decision for denial was not based on facts or substantial evidence to not make findings #3 - Site Suitability and #4 Issuance not Detrimental. Not only does the decision for denial impact my property it also impacts Washoe County and Spanish Springs as the denial blocks a great opportunity to lower the flood elevation for the greater Spanish Springs area.	
Appealed Decision Information	
Application Number: WSUP20-0002	
Project Name: Boneyard Flat Grading Phase 2	
State the specific action(s) and related finding(s) you are appealing: The Applicant, Spanish Springs Associates, LP is requesting the Board of County Commissioners reverse the Board of Adjustment (BOA) Denial of the SUP based on the BOA failing to provide any substantial evidence to justify not making findings #3 - Site Suitability and #4 - Issuance not Detrimental. It was an abuse of discretion for the BOA to deny the SUP as the Applicant and Washoe County Staff provided substantial evidence as well as appropriate conditions to make those findings. See attached supplemental information in addition to the original application that support the findings. Furthermore, Washoe County Staff recommended approval of the SUP, the CAB provided a recommendation of approval, and Washoe County Staff provided additional information during the Public Hearing that support the findings.	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:

On behalf of the Applicant Wood Rodgers presented a strong application and supporting information as to why the SUP request is a benefit for the greater Spanish Springs Area. The SUP request was supported by Washoe County Staff who recommended approval. See attached supplemental information to support findings #3 & #4.

Cite the specific outcome you are requesting with this appeal:

The Applicant is requesting that the Board of Adjustment decision to deny the SUP be overturned on the basis that all the findings can be met as identified by Washoe County Staff, CAB recommendation of approval, and supplemental information attached to this application. The Applicant requests that the Washoe County Board of Commissioners approve the SUP request.

Did you speak at the public hearing when this item was considered?

- Yes
- No

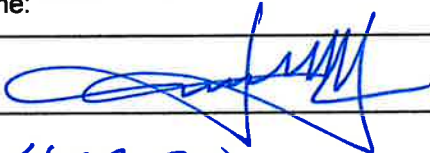
Did you submit written comments prior to the action on the item being appealed?

- Yes
- No

Appellant Signature

Printed Name: Jesse Haw, President Hawco Properties, GP for Spanish Springs Assoc LP

Signature:



Date:

4-29-20

Board of Adjustment Appeal Supplemental Information

On April 16, 2020 the Board of Adjustment (BOA) denied the Applicant’s Grading Special Use Permit (SUP) request. The Applicant’s representative, Wood Rodgers, and the Applicant, Spanish Springs Associates, LP as well as Washoe County Staff presented substantial evidence to the BOA as is evident in the testimony and presentations provided during this item. Following the discussion, Washoe County Engineer Dwayne Smith followed up providing additional supporting evidence regarding the findings and the benefits the project provides for Spanish Springs and Washoe County to protect against future flooding. The BOA disregarded the testimony and the substantial evidence provided by their own Staff and moved to deny the SUP stating they could not make findings #3 – Site Suitability, and #4-Issuance Not Detrimental. The BOA failed to provide any substantial evidence to justify not making those findings; therefore, it is an abuse of discretion for the BOA to deny the SUP.

Below please find supplemental information that address findings #3 and #4, which was presented to the BOA to address their questions. This supplemental information and supporting evidence were disregarded by the BOA during the public hearing.

Finding #3 – Site Suitability: *The site is physically suitable for the type of development and for the intensity of development*

- On October 3, 2019 the BOA approved the Phase 1 Grading SUP and were able to make all the findings. The proposed Phase 2 Grading is within the same Project Area and will simply lower the area by up to 10 additional feet creating additional flood control benefits for Spanish Springs.
- As presented by Washoe County Staff, the Project Area is a naturally low area where flood water collects now. The additional 10-feet of excavation will result in an additional reduction of approximately 1.7 feet in the 100-year flood elevation for the surrounding Spanish Springs Area. This reduction will add additional flood protection for homes, businesses, and Washoe County infrastructure.
- The Project Area and surrounding community is within a closed basin. The proposed Phase 2 SUP is a **proactive** way to reduce the risk and destruction of a future flood event should Spanish Springs see a similar event as the North Valleys recently had occur.
- There is no evidence that shows additional grading would impact ground water. Six test pits were dug down to 11-feet within the Project Area. All test pits showed clay materials past the proposed 10-feet of excavation and only one test pit showed ground water, which was at a depth of 10-feet.
- Truck Traffic from additional grading will not impact the surrounding area any more than what is already approved.
 - There is already existing truck traffic utilizing the proposed haul route
 - The additional grading would result in approximately 10 trucks per hour
 - The approved development projects in the area that are most likely to use the fill material would have to have material trucked in from one source or another. In either case the imported material will create temporary truck traffic. This is a typical activity for new development projects.
 - The County road being utilized for the proposed haul route is in an industrial zoned area and has been designed for truck traffic at larger volumes than what will be generated through the grading activities.

Findings #4 – Issuance Not Detrimental; *Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and*

The Project Area is an existing flood storage area and approved borrow pit. The proposed SUP does not change the overall area of excavation and simply digs the pit approximately 10-feet deeper. The same conditions will be applied to the Phase 2 grading SUP as were required for the approved Phase 1 grading SUP. Washoe County Staff have testified to the benefits the additional grading will have on the surrounding area in terms of flood benefits.

As described in Finding #3 above, the site is suitable for this type of activity and will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or determinantal to the character of the surrounding area. More specifically these finding elements are met through the following:

- *Will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties*
 - The Phase 2 SUP is within the same Project Area as grading that has already been approved by the BOA. The additional grading is subject to the same conditions of approval as the Phase 1 SUP setup to protect the adjacent properties. The additional grading will provide significant benefits to the adjacent properties, public health, safety or welfare by providing additional flood storage.
 - Washoe County Engineer Dwayne Smith testified to the BOA of the benefits the proposed Phase 2 grading SUP would have for Washoe County infrastructure should a future flood event occur. These benefits include lowering the flood elevation to protect roadways and utilities.

- *Will not be significantly determinantal to the character of the surrounding area.*
 - The Phase 2 SUP is within the same Project Area as grading that has already been approved by the BOA. The additional grading is subject to the same conditions of approval as the Phase 1 SUP. These conditions include revegetation and grading 4:1 slopes with curvilinear sides to better blend the retention area into the natural environmental.
 - The existing Project Area already serves as a natural retention area.

Please contact Derek Kirkland, AICP at Wood Rodgers via email dkirkland@woodrodgers.com or by phone 775-771-0066 should you have additional questions.



WOOD RODGERS

July 21, 2020

Mr. Dwayne Smith
Director, Engineering and Capital Improvements
Washoe County Community Services Dept.
1001 E. Ninth Street
Reno, NV 89512

Re: Boneyard Flats Nitrate Testing

Dear Mr. Smith,

As requested, we have performed additional soils sampling at Boneyard to better understand the presence of nitrates in the existing soil at the proposed excavation project site at Boneyard Flats. Based upon the findings, we believe the proposed excavation can occur without a detrimental impact to ground water in the area. A summary of the findings follow.

After discussions with Chris Kropf at TMWA, my understanding is that nitrates are naturally occurring in desert soils throughout the west. If water, which is not normally present, is introduced over those soils the nitrates can be pulled through into the ground water increasing the nitrate concentrations. However, the nitrate concentrations will decline over time as they are flushed through the soils. In the case of Boneyard Flats, it is the natural low area in a closed basin. Meaning it is regularly inundated with stormwater. There are several questions to answer.

- What is the concentration of nitrates in the existing soil?
- What is the potential for nitrates to migrate due to the project?
- Is there a negative impact from the excavation project?

Three test pits we dug. Two were dug in the area of the proposed excavation, and one was dug north of the project area to potentially serve as a baseline for comparison. A site map is attached. There has been some grading done in the area as part of the Phase I special use permit. One test pit was outside of the construction silt fence in undisturbed area and one was dug inside the silt fence. The test pit outside the silt fence was limited to a depth of 16' due to the limitation of the equipment reach. The other two test pits were dug to a depth of 20'. The soil profiles on the test pits are attached. The soils in the area of the proposed excavation consisted primarily of fat clays in the area of the proposed project (TP-2 and TP-3). Clayey sands were found in the test pit to the north (TP-1).

Samples were pulled at depths of 5', 10', 15' and 20' where possible. Those samples were sent to Silver State Analyticals for analysis. The results of the tests are attached. My understanding is that there is a reasonable correlation between nitrate concentration in soils measured in milligrams per kilogram (mg/kg) and groundwater concentrations in parts per million (ppm). That is a 1 mg/kg concentration in soil correlates to approximately 1 ppm in water. The EPA has set maximum contaminant level (MCL) desired for nitrate in groundwater is 10 ppm. Using this threshold and the correlation between soil concentrations and groundwater concentrations, the samples at Boneyard Flat can be evaluated.

Between the three test pits a total of eleven soil samples were taken. Only one sample test had a nitrate concentration above 10 mg/kg. This was in a 5' deep sample taken in TP-2 and the concentration was found to be 150 mg/kg. A highly elevated concentration. Based upon the 10 other samples tested this was an

anomaly. The next highest reading was 5.2 mg/kg, well below the MCL. It should be noted that the samples tested in TP-1, the potential baseline sample, was found to have nitrate concentrations in between the other two test pits. It was anticipated that sample is that area might reveal concentrations higher than those in the area regularly inundated.

After analyzing the results of the tests we offer the following answers to the question posed at the beginning.

What is the concentration of nitrates in the existing soil?

All but one of the soils samples tested have nitrate levels below the level anticipated to cause negative impacts to the ground water. The high nitrate soil sample was taken at a 5' depth. The excavation project is proposing to remove 10 feet of material in this area. The project will actually reduce the potential for ground water contamination by removing it from the area. The soil is proposed to be used for fill in a nearby housing development and will be covered by streets and homes. The impervious surfaces found in a development will reduce the potential for the contaminated soils to infiltrate into the groundwater at a different location when compared to being located in an area known to be inundated by water.

What is the potential for nitrates to migrate due to the project?

The mechanism for moving naturally occurring nitrates into the groundwater is for surface waters to migrate through the soils and flush the nitrates with it to the ground water. In the case of Boneyard Flats, surface water is surely present, but the soils types that exist do not lend themselves to water migration. Previous geotechnical investigations had limited the test excavations to 15'. This time, soils were excavated to 20' deep, approximately 10' below the proposed bottom of excavation. Fat clay soils were present the entire depth of the test pit. Fat clays are typically used as liner material in ponds because once wet the soils particles swell and do not allow water or liquids to pass unimpeded. Therefore after the proposed excavation at Boneyard Flats, a fat clay liner with a thickness of at least 10 feet will remain. The potential for nitrate migrations is negligible.

Is there a negative impact from the excavation project?

The impacts due to the proposed project should be seen as positive based upon the information gained through the sample testing. The nitrate concentrations in the soil were found to be well below the threshold expected to produce concentrations in the ground water above the MCL, with one exception. The soils that contain this high concentration of nitrates will be removed by the project thereby eliminating the possibility of the high nitrate concentration soils being a source of contamination. Outside of the discussion about nitrates it's worth noting here that the proposed project will reduce the flood elevations in the area by creating additional flood storage in the closed basin.

We believe this analysis adequately addresses and dispels concerns raised about the potential for nitrates to migrate into the ground water due to this project.

Please contact me if you have additional questions.

Sincerely,



Steve Strickland, P.E.
Vice President

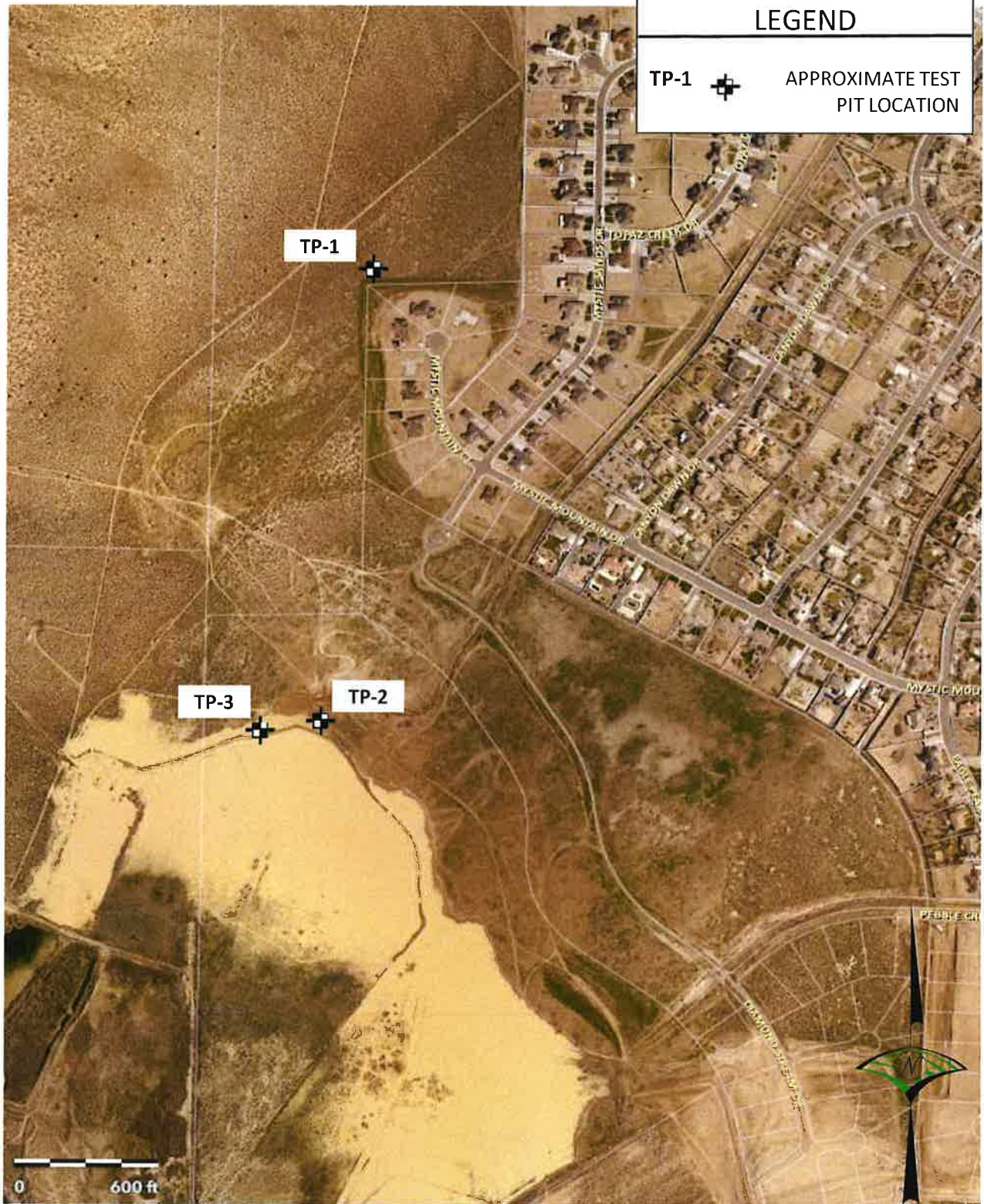


Image Reference: Washoe Regional Mapping System, Accessed 7/13/2020


WOOD RODGERS
1361 Corporate Boulevard, Reno, NV 89502
Phone 775.823.4068 Fax 775.823.4066

SITE MAP

Geotechnical Investigation
Boneyard
Stonebrook Sparks, LLC
Washoe County, Nevada

Project No.: 1407041

Date: 07/10/20

PLATE
A-1



Wood Rodgers, Inc.
1361 Corporate Blvd
Reno, Nevada 89502
Telephone: 775-823-4068
Fax: 775-823-4066

TEST PIT NUMBER TP-1

PAGE 1 OF 1

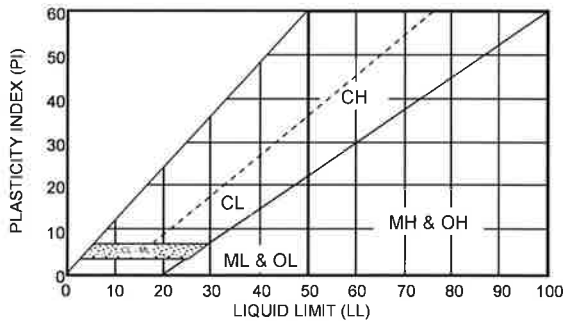
CLIENT RRW Stonebrook, LLC PROJECT NAME Boneyard
 PROJECT NUMBER 1407041 PROJECT LOCATION Washoe County, Nevada
 DATE STARTED 7/9/20 COMPLETED 7/9/20 GROUND ELEVATION 4519 ft TEST PIT SIZE 24 inches
 EXCAVATION CONTRACTOR Joy Engineering GROUND WATER LEVELS:
 EXCAVATION METHOD Komatsu 360 AT TIME OF EXCAVATION --- NO FREE WATER ENCOUNTERED
 LOGGED BY Seth Barton CHECKED BY Justin McDougal AT END OF EXCAVATION --- NO FREE WATER ENCOUNTERED
 NOTES: AFTER EXCAVATION --- NO FREE WATER ENCOUNTERED

GEOTECH BH COLUMNS PLATE - GINT STD US LAB.GDT - 7/14/20 12:20 - \\WOODRODGERS.LOC\PRODUCTION\DATA\JOBS-RENO\JOBS\1407-STONEBROOK\BONEYARD-STRUCTURAL FILL IMPORT INVESTIGATION\2020.07.NITRATE INVESTIGATION\GINT\BONE

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	R-VALUE	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS			FINES CONTENT (%)
									LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	
0		CLAYEY SAND, (SC) medium dense, dry, tan, low to medium plasticity	GB AA									
5		CLAYEY SAND, (SC) medium dense, dry, tan, medium plasticity	GB AB				23.7					
10		SILTY CLAYEY SAND, (SC-SM) medium dense, dry, tan, slightly plastic	GB AC				5.4					
15		Decrease in fines	GB AD				8.4					
20			GB AE				10.5					

Practical Refusal at 20.0 Feet.
Bottom of Test Pit at 20.0 Feet.

MAJOR DIVISION					TYPICAL NAMES
COARSED-GRAINED SOILS MORE THAN HALF IS COARSER THAN NO. 200 SIEVE	GRAVEL MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES		GW	WELL GRADED GRAVELS WITH OR WITHOUT SAND, LITTLE OR NO FINES
		GRAVELS WITH OVER 12% FINES		GP	POORLY GRADED GRAVELS WITH OR WITHOUT SAND, LITTLE OR NO FINES
		GRAVELS WITH OVER 12% FINES		GM	SILTY GRAVELS, SILTY GRAVELS WITH SAND
				GC	CLAYEY GRAVELS, CLAYEY GRAVELS WITH SAND
	SAND MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES		SW	WELL GRADED SANDS WITH OR WITHOUT GRAVEL, LITTLE OR NO FINES
		SANDS WITH OVER 12% FINES		SP	POORLY GRADED SAND WITH OR WITHOUT GRAVEL, LITTLE OR NO FINES
				SM	SILTY SANDS WITH OR WITHOUT GRAVEL
			SC	CLAYEY SANDS WITH OR WITHOUT GRAVEL	
FINE-GRAINED SOILS MORE THAN HALF IS FINER THAN NO. 200 SIEVE	SILT AND CLAY LIQUID LIMIT 50% OR LESS			ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTS WITH SANDS AND GRAVELS
	SILT AND CLAY LIQUID LIMIT GREATER THAN 50%			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY CLAYS WITH SANDS AND GRAVELS, LEAN CLAYS
				OL	ORGANIC SILTS OR CLAYS OF LOW PLASTICITY
	SILT AND CLAY LIQUID LIMIT GREATER THAN 50%			MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOLID, ELASTIC SILTS
				CH	INORGANIC CLAYS OR HIGH PLASTICITY, FAT CLAYS
				OH	ORGANIC SILTS OR CLAYS MEDIUM TO HIGH PLASTICITY
HIGHLY ORGANIC SOILS				Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS



CONSISTENCY		RELATIVE DENSITY	
SILTS & CLAYS	SPT BLOW* COUNTS (N)	SANDS & GRAVELS	SPT BLOW* COUNTS (N)
VERY SOFT	0 - 2	VERY LOOSE	0 - 4
SOFT	3 - 4	LOOSE	5 - 10
MEDIUM STIFF	5 - 8	MEDIUM DENSE	11 - 30
STIFF	9 - 15	DENSE	31 - 50
VERY STIFF	16 - 30	VERY DENSE	50 +
HARD	30 +		

* The Standard Penetration Resistance (N) in blows per foot is obtained by the ASTM D1585 procedure using 2" O.D., 1 3/8" I.D. samplers.

DESCRIPTION OF ESTIMATED PERCENTAGES OF GRAVEL, SAND, AND FINES	
TRACE	Particles are present but est. < 5%
FEW	5% - 10%
LITTLE	15% - 20%
SOME	30% - 45%
MOSTLY	50% - 100%

NOTE: Percentages are presented within soil description for soil horizon with laboratory tested soil samples.

DEFINITIONS OF SOIL FRACTIONS	
SOIL COMPONENT	PARTICLE SIZE RANGE
COBBLES	ABOVE 3 INCHES
GRAVEL	3 IN. TO NO. 4 SIEVE
COARSE GRAVEL	3 IN. TO 3/4 IN.
FINE GRAVEL	3/4 IN. TO NO. 4 SIEVE
SAND	NO. 4 TO NO. 200
COARSE SAND	NO. 4 TO NO. 10
MEDIUM SAND	NO. 10 TO NO. 40
FINE SAND	NO. 40 TO NO. 200
FINES (SILT OR CLAY)	MINUS NO. 200 SIEVE



WOOD RODGERS
1361 Corporate Boulevard, Reno, NV 89502
Phone 775.823.4068 Fax 775.823.4066

UNIFIED SOIL CLASSIFICATION AND KEY TO SOIL DESCRIPTIONS

Geotechnical Investigation
Boneyard
Stonebrook Sparks, LLC
Washoe County, Nevada
Project No.: 1407041
Date: 07/14/20

PLATE A-3



Silver State Labs-Reno
1135 Financial Blvd
Reno, NV 89502
(775) 857-2400 FAX: (888) 398-7002
www.ssalabs.com

Analytical Report

Workorder#: 20070504
Date Reported: 7/14/2020

Client: Wood Rodgers **Sampled By:** Client
Project Name: 1407041/ Bone Yard Geotech/ TP-1 @ 5'-7'
PO #:

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-01	TP - 1 @ 5'-7'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	220	mg/Kg	5	JF	07/13/2020 10:33	
Nitrate as N	EPA 9056	0.9	mg/Kg	0.5	JF	07/13/2020 10:33	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-02	TP - 1 @ 10'-10'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	82	mg/Kg	5	JF	07/13/2020 10:54	
Nitrate as N	EPA 9056	0.8	mg/Kg	0.5	JF	07/13/2020 10:54	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-03	TP - 1 @ 15'-17'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	68	mg/Kg	5	JF	07/13/2020 11:14	
Nitrate as N	EPA 9056	1.8	mg/Kg	0.5	JF	07/13/2020 11:14	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-04	TP - 1 @ 19'-20'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	41	mg/Kg	5	JF	07/13/2020 11:35	
Nitrate as N	EPA 9056	1.9	mg/Kg	0.5	JF	07/13/2020 11:35	



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**CHEMICAL
TESTING
RESULTS**

**Geotechnical Investigation
Boneyard
Stonebrook Sparks, LLC
Washoe County, Nevada**

Project No.: 1407041
Date: 07/14/20

**PLATE
A-4a**



Silver State Labs-Reno
1135 Financial Blvd
Reno, NV 89502
(775) 857-2400 FAX: (888) 398-7002
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Analytical Report

Workorder#: 20070504
Date Reported: 7/14/2020

Client: Wood Rodgers **Sampled By:** Client
Project Name: 1407041/ Bone Yard Geotech/ TP-1 @ 5'-7'
PO #:

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-05	TP - 2 @ 5-7'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	89	mg/Kg	5	JF	07/13/2020 11:56	
Nitrate as N	EPA 9056	150	mg/Kg	0.5	JF	07/13/2020 11:56	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-06	TP - 2 @ 10-12'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	12	mg/Kg	5	JF	07/13/2020 12:16	
Nitrate as N	EPA 9056	5.2	mg/Kg	0.5	JF	07/13/2020 12:16	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-07	TP - 2 @ 15-17'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	14	mg/Kg	5	JF	07/13/2020 12:37	
Nitrate as N	EPA 9056	2.4	mg/Kg	0.5	JF	07/13/2020 12:37	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-08	TP - 2 @ 20'-21'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	11	mg/Kg	5	JF	07/13/2020 12:58	
Nitrate as N	EPA 9056	2.8	mg/Kg	0.5	JF	07/13/2020 12:58	



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**CHEMICAL
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Boneyard
Stonebrook Sparks, LLC
Washoe County, Nevada**

Project No.: 1407041
Date: 07/14/20

**PLATE
A-4b**



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Analytical Report

Workorder#: 20070504
Date Reported: 7/14/2020

Client: Wood Rodgers **Sampled By:** Client
Project Name: 1407041/ Bone Yard Geotech/ TP-1 @ 5'-7'
PO #:

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-09	TP - 3 @ 5-6'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	7	mg/Kg	5	JF	07/13/2020 13:19	
Nitrate as N	EPA 9056	0.8	mg/Kg	0.5	JF	07/13/2020 13:19	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-10	TP - 3 @ 10-11'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	9	mg/Kg	5	JF	07/13/2020 13:39	
Nitrate as N	EPA 9056	0.8	mg/Kg	0.5	JF	07/13/2020 13:39	

Laboratory Accreditation Number: NV015/CA2990

Laboratory ID	Client Sample ID	Date/Time Sampled	Date Received
20070504-11	TP - 3 @ 15-16'	07/10/2020 10:00	7/10/2020

Parameter	Method	Result	Units	PQL	Analyst	Date/Time Analyzed	Data Flag
Chloride	EPA 9056	8	mg/Kg	5	JF	07/13/2020 14:41	
Nitrate as N	EPA 9056	<0.5	mg/Kg	0.5	JF	07/13/2020 14:41	



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Stonebrook Sparks, LLC
Washoe County, Nevada**

Project No.: 1407041
Date: 07/14/20

PLATE A-4c
