



Planning Commission Staff Report

Meeting Date: October 4, 2016

Subject: Amendment of Conditions Case Number AC16-003 for Major Project Review Case Number MPR 7-6-88 and 5-year review of aggregate extraction operations.

Applicant(s): Martin Marietta Materials

Agenda Item No.: 9C

Summary: Clarify that asphalt batch plant operations and on-site ready-mix concrete plants are allowed to operate 24-hours per day, and to conduct the required 5-year review to extend that approval until 2021.

Recommendation: **Approval with Conditions**

Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development

Phone: 775.328.3622

E-Mail: rpelham@washoecounty.us

Description:

Amendment of Conditions Case Number AC16-003 (Spanish Springs Aggregate Pit) – Hearing, discussion, and possible action to approve an amendment to condition number 15 of Major Project Review Case Number MPR7-6-88 to clarify that asphalt batch plant operations and on-site ready-mix concrete plants are allowed to operate 24-hours per day and that all other equipment and machinery may be operated from 6 am to midnight only.

and

5-year Review for MPR7-6-88 Martin Materials, Inc. – Washoe County Code, Section 110.332.40, requires the Planning Commission to review aggregate facilities without a stated interval of review in their conditions of approval, at least every five years. The Code further requires that a date be established for the next scheduled review of conditions at the review hearing. The purpose of this review is to examine, discuss and deliberate whether the conditions of approval ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses.

- **Applicant:** Martin Marietta Materials, 7381 W. 133rd Street, Suite 401, Overland Park, KS 66213
- **Property Owner:** Martin Marietta Materials, 10170 Church Ranch Way, Suite 201, Westminster, CO 80021
- **Location:** 1500 Sha Neva Road, at the western terminus of the road.
- **Assessor's Parcel Numbers:** 089-160-51, 089-170-02 and 089-160-55
- **Parcel Size:** ± 658
- **Master Plan Category:** Rural

- Regulatory Zone: General Rural
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 332, Aggregate Facilities and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 15, T21N, R20E, MDM, Washoe County, NV

Staff Report Contents

Amendment of Conditions 4
Vicinity Map 5
Overhead Photo..... 6
Background and Evaluation of Amendment Request 7
Spanish Springs Citizen Advisory Board 8
Reviewing Agencies..... 8
Recommendation..... 9
Motion 9
Appeal Process.....10

Exhibits

Amended Conditions of ApprovalExhibit A
Agency Comments.....Exhibit B
Public Notice Exhibit C
Amendment of Conditions Application..... Exhibit D
SSCAB memorandum.....Exhibit E

Amendment of Conditions

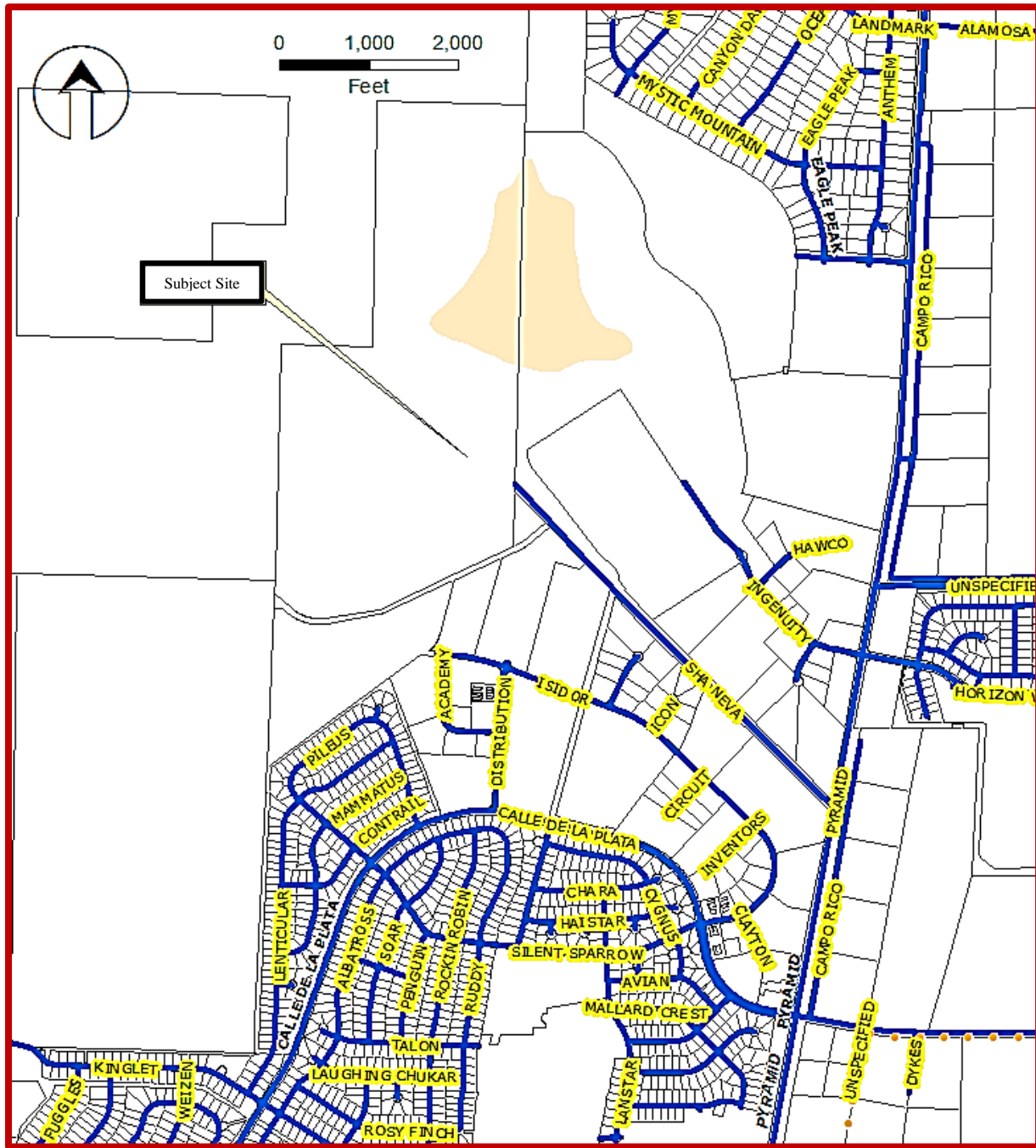
An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Planning Commission grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

The Conditions of Approval for Amendment of Conditions Case Number AC16-003 is attached to this staff report and will be included with the amended Action Order, if the amendment is approved by the Planning Commission.

This Amendment request is unusual in that the original approval was granted by means of a Major Project Review (MPR) by the Planning Commission in 1988. The MPR was a type of discretionary action that is no longer included in the Washoe County Development Code. The analogous type of discretionary action that is now used is a Special Use Permit. For this reason staff has used the findings, noticing and procedures for a Special Use Permit to process the requested amendment.



Vicinity Map



Overhead Photo

Background and Evaluation of Amendment Request

The applicant has two requests at this time. The first part of the request is to amend of one condition of approval from Major Project Review Case Number MPR 7-6-88, which was approved by the Washoe County Planning Commission in 1988.

The amendment request is as follows:

Existing Condition #15: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 a.m. to 12:00 a.m., but may be reviewed if operation during these hours creates a nuisance.

Condition #15 Proposed by Applicant: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours between 6:00 a.m. and 12-midnight., inclusive, but may be reviewed if operation during these hours creates a nuisance. On-site asphalt batch plants and on-site redi-mix concrete plants may be operated on a 24-hour basis to supply materials for night operations, as specified by contract.

Condition #15 Proposed by Staff: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 a.m. to 12-midnight, inclusive, but may be reviewed if operation during these hours creates a substantial negative impact. On-site asphalt batch plants and on-site redi-mix concrete plants may be operated on a 24-hour basis to supply materials for night operations, as specified by contract, but may be reviewed if operation during these hours creates a substantial negative impact.

There have been no validated complaints received by the Community Services Department from surrounding property owners since the last review of this aggregate facility. The location of the asphalt batch plant and redi-mix plants on the subject site is such that operation on a 24-hour basis is unlikely to create off-site impacts due to the distance between the proposed operations and adjacent uses. Staff has included an additional provision in the amended condition to allow additional review in the event that 24-hour operation of the redi-mix and batch plants create a substantial negative impact. Evaluation of conditions to be amended is limited to the request made by the applicant.

Washoe County Code, Section 110.332.40, requires the Planning Commission to review approved aggregate facilities, without an otherwise specified interval of review in their conditions of approval, at least every five years. The Code further requires that a date be established for the next scheduled review of conditions at the review hearing. The applicant is not required to submit for the next review for another two year, but chose to apply early in conjunction with the amendment of conditions request. The purpose of this review is to examine the conditions of approval to ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses. The Code has no required procedures, findings, or notification requirements for these reviews.

Staff reviewed the file and the approved conditions, and found the applicant complies with all conditions. Copies of current air quality permits and business licenses have been received as part of this review. No complaints have been received by the Department about the facility's operations over the past three years. Yearly reports detailing the facility's compliance with their conditions of approval have been submitted as required by the Development Code. This facility is located in the Spanish Springs area and is visible from much of that area. The facility is

accessed by Sha-Neva Road, which does not provide access to any residential parcels and likely accounts for the lack of complaints regarding facility operations. There has been no change in uses of surrounding properties and no requests from surrounding property owners to change any conditions of approval, therefore the current conditions appear to be effective in minimizing impacts to surrounding properties, and need no changes, other than the amendment requested by the applicant, at this time. The Planning Commission may discuss and deliberate, at the public hearing, whether they agree with Staff that the existing conditions of approval remain adequate.

Spanish Springs Citizen Advisory Board (SSCAB)

The amendment of conditions request was presented by the applicant at the regularly scheduled Citizen Advisory Board meeting on September 14, 2016. The CAB memorandum is attached to this staff report as Exhibit E. The CAB discussion included the following items:

- Noise and dust.
- Water usage, type and quality.
- Use of the Sha-Neva access road.
- Use of engine brakes by trucks leaving the facility.
- Blasting of rock.

The CAB took the following action: “John Gwaltney approved the amendment with a letter of request to encourage the County Sheriff and staff to pay special attention to the traffic in that area, especially trucks. Joe Healy seconded. The motion passed unanimously.”

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions Application for review and evaluation.

- US Bureau of Land Management
- State of Nevada
 - Department of Environmental Protection
 - Department of Mining
 - Department of Water Resources
 - Department of Wildlife
- Washoe County Community Services Department
 - Planning and Development
 - Engineering and Capital Projects
 - Traffic
 - Roads
- Washoe County Health District
 - Vector-Borne Diseases Division
- Truckee Meadows Fire Protection
- Regional Transportation Commission

- Washoe / Storey Conservation District

One out of the thirteen above listed agencies/departments provided comments and/or recommended conditions in response to their evaluation of the Amendment of Conditions application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. An Amended Conditions of Approval document is attached to this staff report and will be included with the Amended Action Order, the request is approved.

- Washoe County Planning and Development addressed the request for extended hours of operation, and recommended an amended condition that will be in effect for the life of the approved project.

Contact: Roger Pelham, 328-3622, rpelham@washoecounty.us

- Nevada Bureau of Mining noted that they do not have oversight of this type of operation.

Recommendation

None of the reviewing agencies recommended denial of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number AC16-003 is being recommended for approval with the amended conditions. Staff offers the following motion for the Commission's consideration.

Motion

I move:

That this Commission has reviewed the aggregate facility and finds that the conditions of approval ensure that adequate compatibility is provided between aggregate operations and surrounding land uses and further establish the next scheduled review of this facility shall take place on or before September of 2021. I further move that

After giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number AC16-003 for Martin Marietta Materials, with the amended conditions of approval included as Exhibit A for this matter, having made all five of the following findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Name of 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 type of development, the existing facility and the 24-hour operation of redi-mix and asphalt batch plants, and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the amendment will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the amendment will not have a detrimental effect on the location, purpose or mission of a military installation.

Appeal Process

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission 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 Development Division within 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant.

xc: Applicant: Martin Marietta Materials, Attn.: Pat Walker, 7381 W. 133rd Street, Suite 401, Overland Park, KS 66213

Property Owner: Martin Marietta Materials, Attn.: James Nicholson, 10170 Church Ranch Way, Suite 201, Westminster, CO 80021

Representatives: CFA, Attn.: Angela Fuss, 1150 Corporate Blvd, Reno, NV 89502

EXHIBIT A



AMENDED

Conditions of Approval

Major Project Review Case Number MPR 7-6-88

The project approved under Major Project Review Case Number MPR 7-6-88 shall be carried out in accordance with the Amended Conditions of Approval granted by the Washoe County Planning Commission on October 4, 2016. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Major Project Review 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 Development Division.

Compliance with the Conditions of Approval related to this Major Project Review 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 Major Project Review may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Planning and Development Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Department of Community Development recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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.

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

1. All plans shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal for any administrative permit.
2. All plans submitted for any administrative permit shall be in substantial compliance with plans and documents approved with and made part of this special use permit. A copy of the approved special use permit shall be attached to any application for administrative permit.
3. A dust control plan shall be submitted to and approved by the District Health Department. This plan must be in conformance with the Washoe County District Board of Health air pollution control regulations.
4. A note shall be placed on all plans and construction drawings approved as part of an administrative permit stating: “Should any prehistoric or historic remains/artifacts be discovered during site development, work shall be halted for no more than seventy-two hours, unless an extended period of time is agreed to by the developer, in order to provide notice and provide opportunity for recording and photographing the site to the Nevada State Historical Preservation Office.”
5. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided to the satisfaction of the County Engineer.
6. Occupancy permits shall be obtained from the Nevada Department of Transportation (NDOT) for access to and from roads and highways maintained by NDOT to the satisfaction of the County Engineer.
7. The applicant shall ensure that access to the unimproved road through Stormy Canyon is unrestricted, except for closures necessitated by the use of explosives, to the satisfaction of the County Engineer and the Department of Community Development. This provision is not intended to require access across the area of the mining operation.
8. Should a street and highway fee be determined by the Board of County Commissioners for construction of off-site road and highway improvements prior to the issuance of an administrative permit, the developer shall pay the calculated fee.
9. The applicant must demonstrate that the sewer facilities conform to the Washoe County District Health Department regulations governing sewage, wastewater, and sanitation to the satisfaction of the District Health Department.
10. The developer shall offer for dedication to Washoe County, all water rights necessary to serve the project. Acceptance shall be by the Department of Water Resources.
11. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the fire protection agency that has jurisdiction, concerning fire flows, fire hydrant location, access, firebreaks, fire resistant materials, and sprinklering of structures.
12. The developer shall participate in any applicable general improvement district or special assessment district formed by Washoe County in the Spanish Springs planning area.

13. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to storm drainage and erosion control, both during operation and to restore the site upon cessation of the operation to the satisfaction of the County Engineer. Once a plan is approved, applicant shall post a bond or other acceptable financial assurance in an amount approved by the County Engineer, to assure these measure are implemented
14. The applicant shall ensure that all lighting shall be adjusted so that impact of residential areas will be minimal, with the lighting to be shown on an approved mining plan to the satisfaction of the County Engineer.
15. The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 a.m. to 12-midnight, inclusive, but may be reviewed if operation during these hours creates a substantial negative impact. On-site asphalt batch plants and on-site redi-mix concrete plants may be operated on a 24-hour basis to supply materials for night operations, as specified by contract, but may be reviewed if operation during these hours creates a substantial negative impact. *[Amended by Washoe County Planning Commission on October 4, 2016]*
16. The applicant shall notify all affected property owners prior to any use of explosives and post warning signs specifying the dates and times of explosives use. Said notifications shall be furnished to the Engineering Division prior to the event.
17. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Administrative Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site or other change of operator under the Administrative Permit. Any subsequent purchaser/ operator of the site and/or the Administrative Permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
18. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, this special use permit shall become null and void.
19. The applicant shall submit an annual report for the review by the planning staff that specifically identifies the measures taken to comply with each of the conditions of approval of this special use permit, or any non-compliance and the reasons for such non-compliance. At this time, the Engineering Division will review the adequacy of any financial assurances and, if necessary, shall recommend adjustments to be made. Should complaints about the operation be received or other un-addressed concerns be identified, the planning staff may initiate amendment to the conditions of this special use permit. At a minimum, the conditions of approval may be amended or added to during each annual review of the special use permit through the process described by ordinance.
20. The applicant shall obtain an Industrial Stormwater Discharge Permit from NDEP and provide a copy to the Engineering Division.

*** End of Conditions ***

AC16-003 Exhibit B

From: Corbridge, Kimble
Sent: Monday, August 22, 2016 4:25 PM
To: Pelham, Roger
Cc: Vesely, Leo; Smith, Dwayne E.
Subject: AC16-003 Spanish Springs Aggregate Pit

Roger,
I have reviewed the referenced amendment and have no additional conditions or comments.
Thx,
Kimble

From: Joe Sawyer [mailto:jsawyer@ndep.nv.gov]
Sent: Tuesday, August 23, 2016 2:35 PM
To: Stark, Katherine
Subject: RE: August Agency Review Memo II

Katy
In response to your request below. Our program does not have oversight of this type of facility.
Regards,
Joe

Joe Sawyer, P.E., Chief
Bureau of Mining Regulation & Reclamation
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 3002
Carson City, NV 89701
p: 775.687.9397 f: 775.684.5259
jsawyer@ndep.nv.gov
www.ndep.nv.gov

AC16-003 Exhibit B

Brian Sandoval
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
www.water.nv.gov

August 22, 2016

RE: Comments on Amendment of Case Number AC16-003

To: Katy Stark
Washoe County Community Services Department
1001 East Ninth Street, Building A
Reno, NV 89512

Name: Spanish Springs Aggregate Pit

County: Washoe County – Pyramid Highway and Eagle Canyon Drive

Location: A portion of Sections 15 and 22, Township 21 North, Range 20, East, MDB&M.

Plat: Tentative: One (1) lot totaling approximately 269.64 acres and being Washoe County Assessor's Parcel Number 089-160-51 and a portion of Washoe County Parcel Number 089-170-02..

Water Service Commitment

Allocation: Water under Permit 48920, Certificate 11949 in the amount of 98.88 acre-feet annually and in the name of Rock Acres, Inc. is committed to this project.

Owner-Developer: Martin Marietta Materials, Inc.
10170 Church Ranch Way, Suite 201
Westminster, CO 80021

Water Supply: On-Site Commercial Well

General: A well on the property supplies the aggregate operation and is under Permit by the Division of Water Resources and is Permit 48920, Certificate 11949.

Action: No comment on Amended Case Number AC16-003.

Review Number AC16-003 (20874-T)
08/22/2016
Page 2 of 2

Best regards,

Steve Shell
Water Resource Specialist II

AC16-003 Exhibit B

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

September 7, 2016

Mr. Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
P.O. Box 11130
Reno, NV 89520-0027

RE: Spanish Springs Aggregate Pit; APN:089-160-51 and 089-170-02
Amendment of Conditions AC16-003

Dear Mr. Pelham;

The Washoe County Vector Division has reviewed the above referenced project and we have no comment. If you have any questions regarding the foregoing, please call Jim Shaffer at 785-4599.

Sincerely,

J. L. Shaffer
Vector-Borne Diseases Program
Environmental Health Services

JLS/ss

ENVIRONMENTAL HEALTH SERVICES
1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520
775-328-2434 | Fax: 775-328-6176 | washoecounty.us/health
Serving Reno, Sparks and all of Washoe County, Nevada | Washoe County is an Equal Opportunity Employer



AC16-003 Exhibit B



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

August 23, 2016

FR: Chrono/PL 183-16

Mr. Trevor Lloyd, Senior Planner
Community Services Department
Washoe County
P.O. Box 11130
Reno, NV 89520

RE: AB16-004 (Reichlin Family Trust)
AC16-003 (Spanish Springs Aggregate Pit)
SW16-002 (Henderson)

Dear Mr. Lloyd,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 775-332-0174 or rkapuler@rtcwashoe.com if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Kapuler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

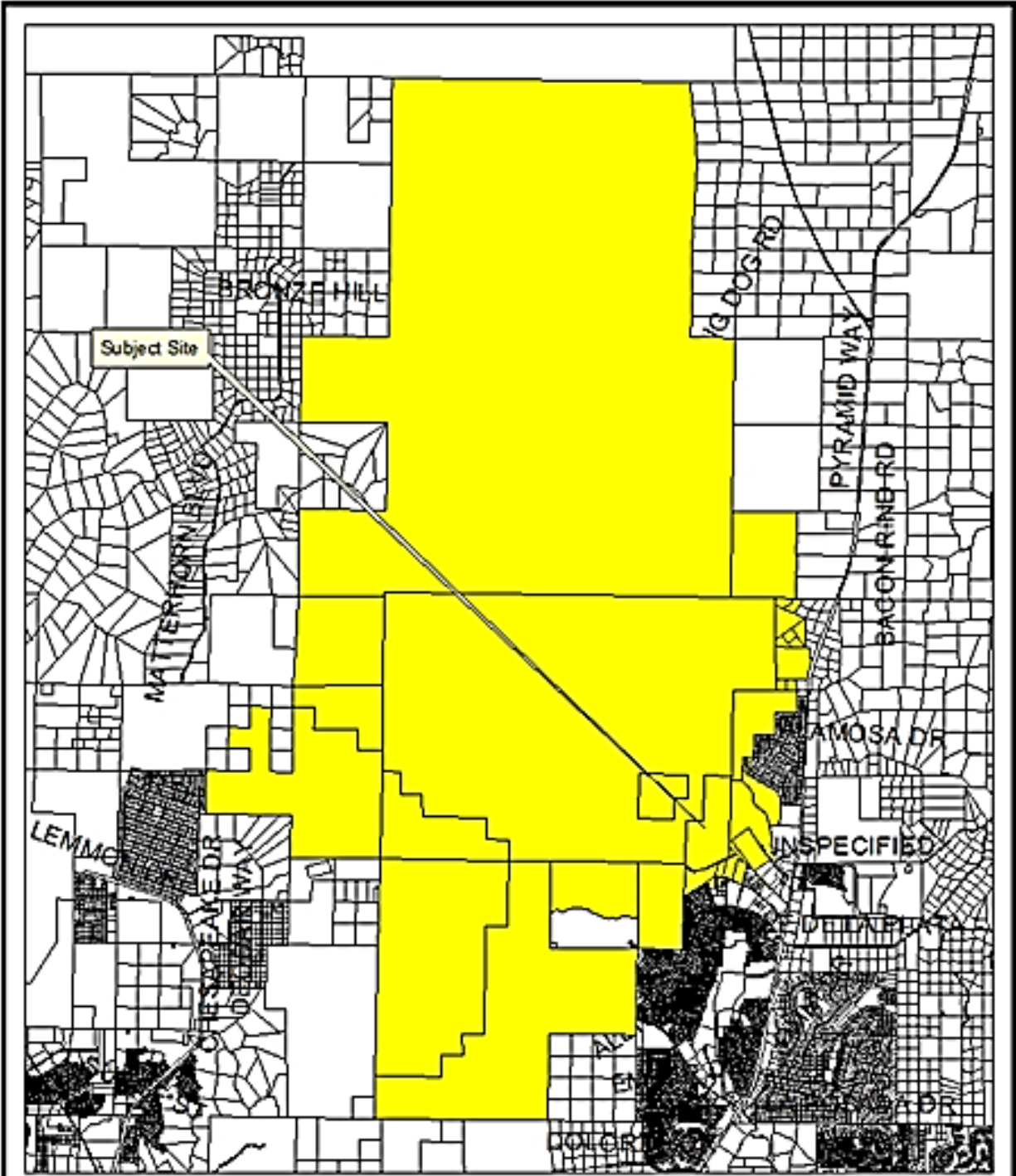
Rebecca Kapuler
Planner

RK/jm

Copies: Bill Whitney, Washoe County Community Services
Roger Pelham, Washoe County Community Services
Kelly Mullin, Washoe County Community Services
Daniel Doenges, Regional Transportation Commission
Julie Masterpool, Regional Transportation Commission
Tina Wu, Regional Transportation Commission
David Jickling, Regional Transportation Commission

Washoe County no comment 080616

AC16-003 Exhibit C



Mailing Label Map
Amendment of Conditions Case No AC16-003
Spanish Springs Aggregate Pit
56 Parcels selected at 1100 feet.



Community Services
Department
Planning and
Development Division
WASHOE COUNTY
NEVADA
Post Office Box 11120
Reno, Nevada 89520
(775) 228-2800

Source: Planning and Development Division

Date: August 2016

AC16-003 Exhibit D

1150 CORPORATE BLVD.
RENO, NV 89502
775.856.1150
CFARENO.COM



SPANISH SPRINGS AGGREGATE PIT AMENDMENT TO CONDITIONS OF APPROVAL

AUGUST 15, 2016



**AC16-003
EXHIBIT D**

Table of Contents

Project Request	1
Figure 1 - Vicinity Map	3
Figure 2- Zoning Vicinity Map	4
Figure 3 - Site Photographs	5
Special Use Permit Findings.....	6
Appendices	
Washoe County Development Applications (affidavits & checklists)	A
Annual Report from 2015	B
Final Order from June 17, 1998 – Amending Condition #15	C

Project Request

The Spanish Springs Aggregate Pit is located at the west end of Sha Neva road, approximately 1 ½ mile west of State Route 445 (Pyramid Highway). The site area encompasses approximately 839 acres of land zoned General Rural (GR) and master planned Rural (R). The three parcels (APN 089-160-51, 089-160-55 & 089-170-02) are part of the Spanish Springs Area Plan.

The Washoe County Development Code, Section 110.332.40, requires the Planning Commission to review aggregate plants without a stated interval of review in their conditions of approval at least every 5 years. On January 7, 2013, the Washoe County Planning Commission reviewed the Spanish Springs Aggregate Pit conditions of approval and extended the 5-year review until 2018.

This application is a request to complete the 5-year review of the conditions of approval to ensure they adequately provide for compatibility between aggregate operations and surrounding land uses, and to amend one condition. The Spanish Springs Aggregate facility produces road base, drain rock, rip-rap, decomposed granite, chips and other rock and sand products for construction uses in Washoe County. The operation conforms to Washoe County's approved zoning and special use permits and the approved land uses by the Bureau of Land Management (BLM).

This application package includes a request to amend the Conditions of Approval #15 from Major Project Review Case No. MPR 7-6-88 as follows:

Existing: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 a.m. to 12:00 a.m., but may be reviewed if operation during these hours creates a nuisance.

Proposed: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours between 6:00 a.m. and 12-midnight., inclusive, but may be reviewed if operation during these hours creates a nuisance. On-site asphalt batch plants and on-site redi-mix concrete plants may be operated on a 24-hour basis to supply materials for night operations, as specified by contract.

On June 2, 1998, the Washoe County Planning Commission approved an amendment to Condition #15 of the Major Project Review application to allow the Spanish Springs Aggregate Pit asphalt batch plant to be operated on a 24-hour basis in order to supply material for night paving operations as specified by contract. However, the condition language was not properly written into the conditions of approval and a formal request is needed to update the conditions of approval.

Granting of the amendment will allow 24-hour operation of the hot batch plant or redi-mix concrete plant when night work is required. This demand is in response to the Nevada Department of Transportation (NDOT) and other large users that require paving operations to be conducted at night. It is not possible to pave at night without a 24-hour source of material. This material must be applied fresh as it comes from the plant, and cannot be produced during the day and stockpiled for night time use.

The amended condition does not permit night time crushing, excavation or other operations at the facility. Effects will be limited to those resulting from the production of asphalt or concrete and additional night time truck traffic. The effects of night asphalt or concrete production are more than offset by the reduction in traffic congestion caused by paving during the daylight hours, when traffic is much heavier.

The property has been in use as an aggregate pit since 1984. The operation is isolated from other developments and is serviced by a haul road, exclusive to the mining operations, that is approximately 1 ½ miles from Pyramid Highway. The plant is surrounded by business park and industrial/commercial uses and by BLM land to the west.

The Spanish Springs Area Plan expressly recognizes and approves of mining and aggregate uses as described in the Character Statement and in the goals and policies described in goal #10.

The Character Statement within the Spanish Springs Area Plan acknowledges that “*Aggregate mining is a significant component of the local landscape and is found in both the suburban and rural areas.*”

Land Resources – Mining

Goal Ten: Maintain the existing and future viability of aggregate mining operations in the Spanish Springs planning area.

Policies

SS.10.1 New development will not impair the ability to meet the conditions of a special use permit for aggregate mining.

SS.10.2 The encroachment of industrial, commercial and residential uses on aggregate facilities will not be grounds to limit or eliminate aggregate facilities.

SS.10.3 Sand and rock resources are currently being mined within the Spanish Springs Area Plan. These common minerals are among the most important in Nevada in terms of market value based on annual production and to fill community needs for construction materials. The Spanish Springs Area Plan attempts to maintain the status quo regarding aggregate mining (aggregate facilities) and allows continued production of aggregates within the Spanish Springs Area Plan.

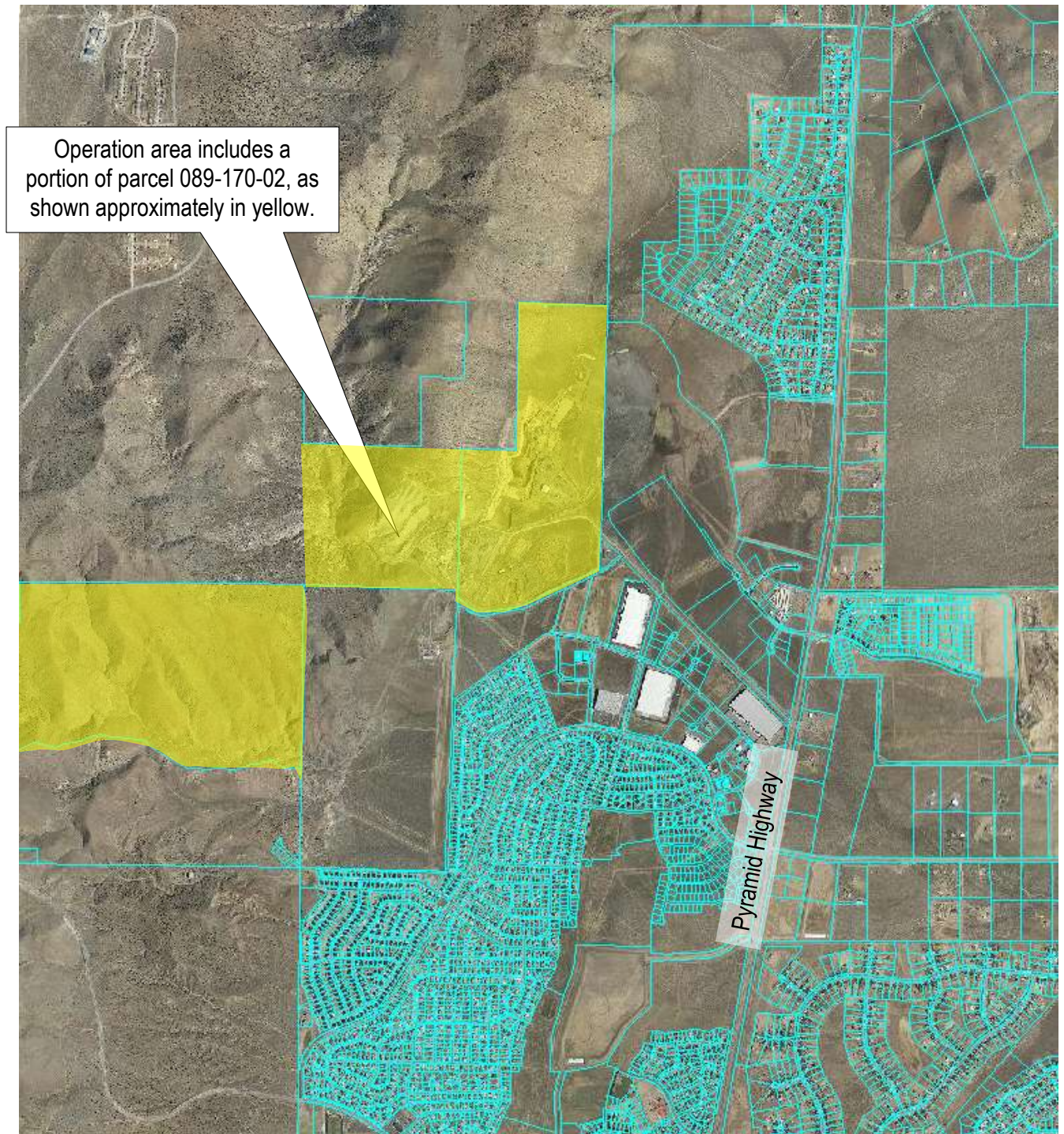
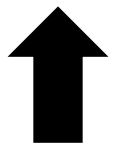


Figure 1 - Vicinity Map



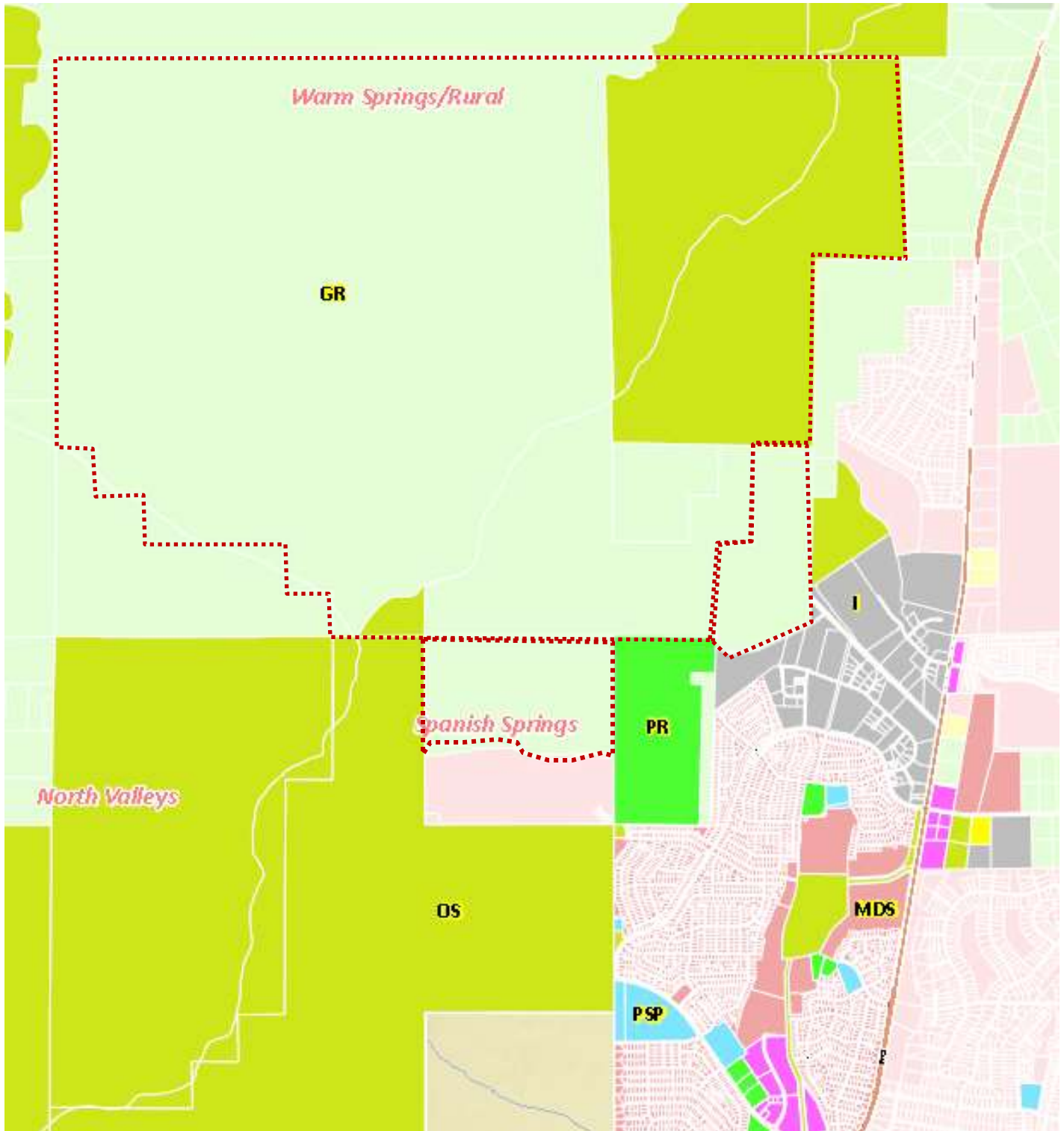


Figure 2- Zoning Vicinity Map



Figure 3 - Site Photographs

Special Use Permit Findings

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

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

The proposed amendment is consistent with the action programs, policies, standards and maps of the Washoe County Master Plan and the Spanish Springs Area Plan as specified below:

The Character Statement within the Spanish Springs Area Plan acknowledges that “*Aggregate mining is a significant component of the local landscape and is found in both the suburban and rural areas.*”

Specific goals and policies are directed at mining operations and the continued production of aggregate facilities in the Spanish Springs area.

Land Resources – Mining

Goal Ten: Maintain the existing and future viability of aggregate mining operations in the Spanish Springs planning area.

Policies

SS.10.1 New development will not impair the ability to meet the conditions of a special use permit for aggregate mining.

SS.10.2 The encroachment of industrial, commercial and residential uses on aggregate facilities will not be grounds to limit or eliminate aggregate facilities.

SS.10.3 Sand and rock resources are currently being mined within the Spanish Springs Area Plan. These common minerals are among the most important in Nevada in terms of market value based on annual production and to fill community needs for construction materials. The Spanish Springs Area Plan attempts to maintain the status quo regarding aggregate mining (aggregate facilities) and allows continued production of aggregates within the Spanish Springs Area Plan.

The Area Plan exempts aggregate facilities from certain design guidelines as described below:

Applicability

The Spanish Springs Character Management Plan map depicts the geographic area of applicability wherein these guidelines will be enforced. With the exception of land uses associated with mining and educational, and airport uses, these guidelines will be applied to all non-residential uses within the area designated on the Character Management Plan map.

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.

No changes have been requested in relation to utilities. The site provides for adequate utilities, roadways, sanitation, water supply, drainage and other necessary facilities have been provided in accordance with Division Seven.

c. Site Suitability – The site is physically suitable for the type of development and for the intensity of development.

The Spanish Springs mining operations were originally established in 1984. The operation is isolated from other developments and is serviced by a haul road exclusive to the mining operations, located approximately 1 ½ miles from Pyramid Highway. The nearest surrounding uses are industrial and business park. In addition to the 5-year review and approvals, yearly reports detailing their compliance with the conditions of approval have been submitted to Washoe County for review.

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;

The proposed request to amend condition #15 and allow the asphalt batch plant and redi-mix concrete plant to operate on a 24-hour basis will allow for night paving operations. This will significantly benefit the public, at large, because night paving reduces traffic congestion caused by paving during the daylight hours, when traffic is much heavier. The facility has been in operation since 1984. The operation is isolated from other developments and is serviced by a haul road exclusive to the mining operations, located approximately 1 ½ miles from Pyramid Highway. The nearest surrounding uses are industrial and business park.

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.

The project has no effect on military installations. The aggregate facility has been in operation for over 3 decades and has not had a detrimental effect on military installations.

Special Review Considerations

No changes are proposed with this application that would impact the review elements of Section 110.332.20 (a)-(j). The project is in compliance with the following considerations:

- (a) Conservation of topsoil
- (b) Protection of surface and subsurface water
- (c) Conservation of natural vegetation, wildlife habitats and fisheries
- (d) Control of erosion

- (e) Control of drainage and sedimentation
- (f) Provision of visual and noise buffering
- (g) Accommodation of heavy traffic on roadways
- (h) Provision of restoration and/or reuse of the site
- (i) Provision of a bonding program commensurate with the total costs of requirements imposed
- (j) Preservation of the recreation opportunities, air quality, archeological resources, character of the area and other conditions as necessary

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: _____	
Project Name: Spanish Springs Aggregate Pit Amendment to Conditions of Approval			
Project Description: Request to amend Condition #15 of MPR 7-6-88			
Project Address: 1500 Sha Neva Road			
Project Area (acres or square feet): 839 Acres			
Project Location (with point of reference to major cross streets AND area locator): Western terminus of Sha-Neva Road in Spanish Springs area			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
089-160-51	270	08-160-55	390
089-170-02	portion of 179		
Section(s)/Township/Range: Section 15, T21N, R20E			
Indicate any previous Washoe County approvals associated with this application:			
Case No.(s). MPR 7-6-88			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Martin Marietta Materials, Inc.		Name: CFA	
Address: 10170 Church Ranch Way, Suite 201		Address: 1150 Corporate Blvd.	
Westminster, CO	Zip: 80021	Reno, NV	Zip: 89502
Phone: (720) 245-6400	Fax:	Phone: 775-856-1150	Fax: 775-856-1160
Email: pat.walker@martinmarietta.com		Email: afuss@cfareno.com	
Cell:	Other:	Cell: 771-6408	Other:
Contact Person: Pat Walker		Contact Person: Angela Fuss	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Martin MariettaMaterials, Inc.		Name:	
Address: 7381 W. 133rd Street, Suit 401		Address:	
Overland Park, KS	Zip: 66213		Zip:
Phone: 913-378-1805	Fax: 913-390-6476	Phone:	Fax:
Email: james.nicholson@martinmarietta.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: James Nicholson		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

MARTIN MARIETTA MATERIALS, INC.

ASSISTANT SECRETARY'S CERTIFICATE

I, Eric S. Brown, do hereby certify that:

1. I am the duly appointed, qualified and acting Assistant Secretary of Martin Marietta Materials, Inc., a North Carolina Corporation (the "Corporation").

3. The person listed below has been duly elected or appointed to hold the office of the Corporation set forth opposite his name and is currently serving in such capacity.

<u>Name</u>	<u>Title</u>
Patrick Walker	President, Rocky Mountain Division

WITNESS my hand and seal of this Corporation this 10th day of August, 2016.

[SEAL]



Eric S. Brown
Assistant Secretary

Amendment of Conditions Application

(Information may be attached separately)

Required Information

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

On May 21, 1998, the Washoe County Planning Commission approved an amendment to Condition #15 of the Major Project Review application to allow the asphalt batch plant to be operated on a 24 hour basis to supply material for night paving operations as specified by contract. However, the condition language did not carry forward to today's Conditions of Approval. This is a request to add that language back into the Condition. The request is proposed to be amended as follows:

Existing: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 a.m. to 12:00 a.m., but may be reviewed if operation during these hours creates a nuisance.

Proposed: The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours between 6:00 a.m. and 12-midnight., inclusive, but may be reviewed if operation during these hours creates a nuisance. On-site asphalt batch plants and on-site redi-mix concrete plants may be operated on a 24-hour basis to supply material for night operations, as specified by contract.

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

Granting of the amendment will allow 24-hour operation of the hot batch plant or redi-mix concrete when night work is required. This demand is in response to the Nevada Department of Transportation (NDOT) and other large users that require paving operations to be conducted at night. It is not possible to pave at night without a 24-hour source of material. This material must be applied as it comes from the plant, and cannot be produced during the day and stockpiled for night time use.

The amended condition does not permit night time crushing, excavation, or other operations at the facility. Effects will be limited to those resulting from the production of asphalt or concrete and additional night time truck traffic. The effects of night asphalt or concrete production are more than offset by the reduction in traffic congestion caused by paving during the daylight hours, when traffic is much heavier.

The property has been in use as an aggregate pit since 1984. The operation is isolated from other developments and is serviced by a haul road, exclusive to the mining operations, that is approximately 1 1/2 miles from Pyramid Highway.

June 30, 2016

Bill Whitney - Director
Washoe County –
Planning and Development Division
P.O. Box 11130
Reno, Nevada 89520-0027

**Re: Martin Marietta Materials, Inc. – Spanish Springs Quarry
Special Use Permit Annual Report for 2015
MPR 7-6-88**

Dear Mr. Whitney:

This letter report is provided to satisfy the annual reporting conditions for the above referenced major project review permit.

Conditions:

1. All plans shall be in compliance with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal for any administrative permit.

It is Martin Marietta's understanding that this condition was met at the time the Special Use Permit was approved.

2. All plans submitted for any administrative permit shall be in substantial compliance with plans and documents approved with and made part of this major project special use permit. A copy of the approved special use permit shall be attached to any application for administrative permit.

Any future plans submitted by Martin Marietta will be in compliance with its approved major project special use permit. A copy of the approved special use permit will be attached to any future applications.

3. A dust control plan shall be submitted to and approved by the District Health Department. This plan must be in conformance with the Washoe County District Board of Health Air Pollution Control regulations.

Martin Marietta

7381 W. 133rd Street, Suite 401, Overland Park, Kansas 66213

t. (913) 378-1806 f. (913) 390-6476 m. (913) 481-1892 e. john.stafne@martinmarietta.com

www.martinmarietta.com

A dust control plan was submitted for the construction portion of quarry development. Conditions of the plan are incorporated into the current Permit to Operate for the processing facility and site activities.

4. A note shall be placed on all plans and construction drawings approved as part of an administrative permit stating: "Should any prehistoric or historic remains/artifacts be discovered during site development, work shall be halted for no more than seventy-two hours, unless an extended period of time is agreed to by the developer; in order to provide notice and provide opportunity for recording and photographing the site to the Division of Historic Preservation and Archeology, Department of Conservation and Natural Resources, State of Nevada."

Any plans and construction drawings, submitted as part of an administrative permit, will contain the required note.

5. All roadway improvements necessary to serve the project shall be designed and constructed to county standards and specifications and/or financial assurances in an appropriate form and amount shall be provided to the satisfaction of the Public Works Department.

No additional roadway improvements have been constructed or reconstructed since 1989. The roadway improvements are in compliance with Public Works Department regulations.

6. Occupancy permits shall be obtained from the Department of Transportation, State of Nevada (NDOT) for access to and from roads and highways maintained by NDOT to the satisfaction of the Public Works Department.

No additional occupancy permits have been applied for since the approval of the special use permit.

7. The applicant shall ensure that access to the unimproved road through Stormy Canyon is unrestricted, except for closures necessitated by the use of explosives, to the satisfaction of the Engineering Division and planning staff. This provision is not intended to require access across the area of the mining operation.

Access to Stormy Canyon has not been restricted by on site activities.

8. Should a street and highway fee be determined by the Board of County Commissioners for construction of off-site road and highway improvements prior to the issuance of an administrative permit, the developer shall pay the calculated fee.

No action required.

9. The applicant must demonstrate that the sewer facilities conform to the Washoe County District Board of Health Regulations governing sewage, wastewater, and sanitation to the satisfaction of the District Health Department.

No modifications have been made to the sewer system since the last annual report submittal. Martin Marietta understands its operations are in compliance with these requirements.

10. The developer shall offer for dedication to Washoe County, all water rights necessary to serve the project. Acceptance shall be by the Washoe County Board of County Commissioners upon recommendation of the District Attorney's Office and Public Works Department.

Dedication of 1.12 acre-feet of water to Washoe County was completed in 1989.

11. The plans submitted with a building permit application shall show evidence of compliance with the recommendations of the fire protection agency that has jurisdiction, concerning fire flows, fire hydrant location, access, firebreaks, fire resistant material, and sprinkling of structures.

No modifications have been made to the fire protection system since the last annual report submittal. Martin Marietta understands its operations are in compliance with these requirements.

12. The developer shall participate in any applicable General Improvement District or Special Assessment District formed by Washoe County in the Spanish Springs planning area.

No General Improvement District or Special Assessment District has been formed requiring participation.

13. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to storm drainage and erosion control, both during operation and to restore the site upon cessation of the operation to the satisfaction of the Engineering Division, and once the plan is approved, shall post an adequate bond as required by the Washoe County Code to the satisfaction of the Engineering Division.

No modifications to the mining plan have been made since the last annual report submittal. Martin Marietta understands its operations are in compliance with these requirements.

14. The applicant shall ensure that all lighting shall be adjusted so that impact on residential areas will be minimal, said lighting to be shown on an approved mining plan to the satisfaction of the Engineering Division.

No modifications have been made to the lighting since the last annual submittal. Martin Marietta understands its operations are in compliance with these requirements.

15. The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours of 6:00 am and 12:00 am, inclusive, but may be reviewed if operation during these hours creates a nuisance.

The hours of operation of all equipment and machinery are limited to the permitted hours or extended hours for asphalt plant night paving. Plant operations as permitted are not a nuisance.

16. The applicant shall notify all affected property owners prior to any use of explosives and post warning signs specifying the dates and times of explosives use. Said notifications shall be furnished to the Engineering Division prior to the event.

Martin Marietta began using explosives at the quarry in May of 2010. In a letter dated December 28, 2009 Martin Marietta notified Washoe County that we intended to start blasting in 2010. Martin Marietta met with the County Department of Community Development personnel and the Spanish Springs CAB to discuss our intentions regarding blasting and discussed our notification procedures prior to blasting.

The quarry posts a warning sign at the front gate to indicate whether or not blasting will occur that day. All blasting will occur between 11 a.m. and 3 p.m. The quarry also calls the following businesses and departments to notify them as to when blasting will occur:

*Spanish Springs Airport
Truckee Meadows Fire Protection District
Reno-Sparks Indian Colony Tribal Police Department (email)
NV Energy
On-site Customers*

All seismograph readings are forwarded to Washoe County Community Development following a blasting event.

17. (Delete) The applicant shall not oppose a commission-initiated zone change to change the M-1 (Industrial) zoning to an appropriate agricultural designation at such time as the excavation operation ceases.

This condition was deleted by the planning commission on January 9, 2007 status review.

17. The applicant and any successors shall direct any potential purchaser of the site and/or the special use permit to meet with the planning staff to review conditions of approval prior to the final sale of the site and/or special use permit. Any subsequent purchaser of the site and/or the special use permit shall notify the planning staff of the name, address, telephone number, and contact person of the new purchaser within 30 days of the final sale.

Any potential purchaser will be directed to meet with the planning staff to review conditions of the special use permit prior to any sale of the site or the permit.

18. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, this special use permit shall become null and void.

Adequate and approved financial assurance is maintained by Martin Marietta and a reclamation bond has been approved and posted as security for conformance with this permit.

19. The applicant shall submit an annual report, for review by the planning staff that specifically identifies the measures taken to comply with each of the conditions of approval of this special use permit, or any non-compliance and the reasons for such non-compliance. At this time the Engineering Division will review the adequacy of any financial assurances and, if necessary, shall recommend adjustments to be made by the Washoe County Board of County Commissioners. Should complaints about the operation be received or other un-addressed

concerns be identified, the planning staff may initiate amendment to the conditions of this special use permit. At a minimum, the conditions of approval may be amended or added to during each annual review of the special use permit through the process described by ordinance.

Martin Marietta complies annually with these requirements as approved by Washoe County.

20. The applicant shall obtain an Industrial Stormwater Discharge Permit from NDEP and provide a copy to the Engineering Division.

Martin Marietta has an Industrial Stormwater Discharge Permit from NDEP and provided a copy to the Engineering Division.

If you have any questions or concerns regarding this information please do not hesitate to contact me at 913-378-1806 or email @ john.Stafne@martinmarietta.com .

Sincerely,
Martin Marietta Materials, Inc.



John Stafne
Land Manager / Geologist



FINAL ORDER

CCVD - RENO
JUN 22 1998

Washoe County
Department of
Community
Development

1001 E Ninth St. Bldg A
Post Office Box 11130
Reno, NV 89520-0027
Tel: 702-328-3600
Fax: 702-328-3648

June 17, 1998

Rocky Ridge
11059 Pyramid Highway
Sparks, Nevada 89436

Dear Applicant:

As filed with the Department of Community Development, at its regular meeting of June 2, 1998, the Washoe County Planning Commission conditionally approved the following:

Amendment of Condition 15, Major Project Review Case No. MPR7-6-88: To amend the permitted hours of operation for the Rocky Ridge Aggregate Pit to allow 24 hour operation of the hot batch plant when night paving is required by contract. The ± 160 acre parcel is zoned General Rural (GR) and Specific Plan Area (SPA) in the Spanish Springs Area Plan. The property is located at 12435 Pyramid Highway in Spanish Springs and is within Section 15, T21N, R20E, MDM, Washoe County, Nevada. (APN: 89-160-14)

The approval of the amendment of Condition 15 was based on the following findings:

1. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Spanish Springs Area Plan;
2. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities to support occasional 24 hour operation of the asphalt batch plant are constructed on the site, 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. That the site is physically suitable for occasional 24 hour operation of a asphalt batch plant;
4. That due to the conditions imposed by the previously approved Major Project Review, approval of the requested amendment will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

John B. Hester, AICP
Director

W. Dean Diederich AICP
Planning Manager

Jess S. Traver, P.E.
County Building
Official



As no appeals have been filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



W. Dean Diederich, AICP
Acting Secretary to the Planning Commission

WDD/REK/ma (MR688F1)

Attachments: Amended Condition 15; Clerk's Order 88-1081; Clerk's Order 90-92

xc: Rusty Nash, DA's Office; Judy Ramos, Assessor's Office; John Faullover, Chief Appraiser, Assessor's Office; Terri Svetich, Utility Division; Robert M. Sader Esq., 462 Court Street, Reno, NV 89501-1796; ~~ACPA Earth & Environmental~~, 737 E. Glendale Avenue, Sparks, NV 89431-6408; Bureau of Land Management, 1535 Hot Springs Road, Ste. 300, Carson City, NV 89706; Bureau of Land Management; Attn: Joe MacFarlan, Surprise Field Office, P.O. Box 460, Cedarville, CA 96104; Spanish Springs Citizen Advisory Board; Attn: Elizabeth Younger, Chair, 340 Descanso Lane, Sparks, NV 89436.

**AMENDMENT OF CONDITION 15
OF
MAJOR PROJECT REVIEW CASE NO. MPR7-6-98
(ROCKY RIDGE)**

(As approved by the Washoe County Planning Commission on June 2, 1998)

15. The applicant shall ensure that operation of any equipment or machinery shall be limited to the hours between 6:00 a.m. and 12:00 p.m., inclusive, but may be reviewed if operation during these hours creates a nuisance. The asphalt batch plant may be operated on a 24 hours basis to supply material for night paving operations as specified by contract.

EXHIBIT E



Spanish Springs Citizens Advisory Board

MEMORANDUM

September 14, 2016

To: Commissioner Vaughn Hartung
Re: **Amendment of Conditions Case Number AC16-003 (Spanish Springs Aggregate Pit)**
From: Misty Moga, Administrative Recorder

The following is a portion from the Spanish Springs CAB meeting held on September 14, 2016.

7. DEVELOPMENT PROJECTS – The project description is provided below with links to the application or you may visit the Planning and Development Division website and select the Application Submittals page: http://www.washoecounty.us/comdev/da/da_index.htm.

A. Amendment of Conditions Case Number AC16-003 (Spanish Springs Aggregate Pit) – Request community feedback, discussion, and possible action to approve an amendment to condition number 15 of Major Project Review Case Number MPR7-6-88 to clarify that asphalt batch plant operations and on-site ready-mix concrete plants are allowed to operate 24-hours per day and that all other equipment and machinery may be operated from 6 am to midnight only. This action will also complete the required 5-year review of operations of the facility.

Applicant: Martin Marietta Materials, 7381 W. 133rd Street, Suite 401, Overland Park, KS 66213 Property

Owner: Martin Marietta Materials, 10170 Church Ranch Way, Suite 201, Westminster, CO 80021

Location: 1500 Sha Neva Road, at the western terminus of the road

Assessor's Parcel Number(s): 089-160-51 and 089-170-02

Staff: Roger Pelham, 775-328-3622, rpelham@washoecounty.us Reviewing Body: This item will be scheduled for review by the Planning Commission on October 4, 2016

Angela Fuss, Abram Woodward from Martin Marietta, and James Nicholson, Environmental Engineer

- Angela said they are presenting on the amendment to project review of the aggregate pit site.
- Major project review – that process is not in place anymore, it's now called a special use permit
- The old process was: every 5 years they review and approval which has changed. Now, you have to go through an administrative process. If you are going to make changes to the site, you come back before the Planning commission.

EXHIBIT E

She gave some background on the aggregate pit site:

- Approved in 1984
- In 1998, they were approved for 24 hour use at the asphalt batch plant
- In early 2000, the concrete plant was constructed which currently operates 6am – midnight
- They are asking to for an amendment to allow for 24 hour operation at the ready mix concrete plant. A lot of projects and improvements are 24 hours. The state often requires projects to be completed at night. It's based on project and needs.

Questions and comments:

George McKiernan asked about noise and dust. Abram said the have air admissions permit. Everything is subjected to air pollution and health department. There are other conditions on the permit that will still be enforced. The public health permit governs it. He said they take care of the road dust. Admissions and fugitive dust is taken care of.

Richard Zinnick asked where they are getting their millions gallons of water with the state of Nevada. Abram said their well; they have purchased effluent water from city of sparks to supplement their well water. They have a permit of a certain amount of water a year. James said they are regulated by the state of Nevada. James said they clarify the dirt and stock pile the mud and recycle the millions of gallon of water. He said they use effluent water as a supplement to reduce impact to ground water.

James Bradbury asked about the location of the open parcel behind. They said it's behind the airport. Nothing is being done on that parcel. Its reserves.

Claudia Zoehringer asked about production. Abram said they would be shipping concrete, not rock by contract. They have to have a contract with the specific operation hours. Claudia wants to know if you will be notified. He said no. Claudia said Sha Neva is a private road, and they were told to get off the road because it's dangerous. Abram said there are gates with barbwire to block, but those gates are currently down to stop people from trespassing; it their easement and they maintain it. Claudia asked to use their water. James said you have to get permits from the state for ground water. James said they would like to put a gate at Pyramid, however, we can't block Stormy Canyon BLM land. Abram said there is an effluent water station and a NV energy facility at the end of their property that they need access to.

Dan Herman said he lives right on Pyramid Hwy and Sha Neva road. He said it's a private road and we want to keep it that way. It's better for our community. He said noise carries at night. It's more perceptible at night. He said he doesn't like to change the hours at night. It's more nuisance noise. The trucks use the jake brakes. And they aren't allowed to use their jake breaks. He asked about the arsenic testing. James said they have a holding pond. He said they have done studies. It's no greater than the arsenic in the ground. Dan asked them to test for arsenic in the holding ponds. James said he will look into it. Dan said he is concerned about the noise.

EXHIBIT E

Kelly Mullen, Planning Department, said back in the 80s, it was a different permit, similar to special use permit. It will amend a Major Project Review. Its just titled differently. Angela explained the process of approval.

Dawn asked about their expected needs to operate at night. Abram said currently, in 2016, they haven't run their other operations past 6pm. It's based on Ready Mix's needs. Abram explained their specific needs for concrete curing for projects. And that's why they need their concrete during the night. That will displace the traffic to the nighttime.

James said if the Ready Mix plant had been in place with the asphalt plant, they would have both been approved for 24 hour operation. James said it's a big safety aspect for workers working on the roads at night.

Dave Hasco asked about the volume of trucks. Abram said if they can run during the night, the contractors have expanded hours. There will be more trucks on the road in the day, if they can only pour concrete during the day. Dave asked about water. Abram said they use effluent first, and well water secondary. This 24 hour operation won't use additional water. They aren't a heavy user of water. They would be within the amount of water they are allotted. They can't go passed their permitted use of water to minimize impact.

Joyce Lehman asked about the gallon of water from the wells do they use monthly. James said he can't remember off the top of his head. He said he can get that information. Angela said they have to report how much water they use per their permit. They water rights assigned to that property, and they meet that requirements.

Jim Lehman asked about current acre of water rights. James said he would have to look; he said he can report back. He regulates 27 plants. Jim talked about the density has increased over the years. The ratio of water rights has changed. James said they purchase the water rights to operate what they need. He said they purchase the effluent water from city of sparks. Jim said Martin Marietta is a good neighbor, and continue to be so. James said we aren't saying they will always operate 24 hours, but we want them to have that option. Onsite customers will alleviate traffic.

Roger McGibbon asked about concrete plants with auxiliary plants. He said they had been asked to cut back in water use. Abram said the economy has been down; therefore the water usage has been down. There is a certain number of tonnage they are allowed to produce. He said they are under that amount. James said they can purchase more effluent water. If the economy comes back, they can increase production and more effluent water usage. Abram said they pay for effluent regardless if they use all of it.

James said the equipment includes a loader to take aggregate to bins, a concrete truck and water truck.

Ken Fuller asked about explosive/blasting of rock. Abram said they have specific blasting hours, usually once a month. Ken asked about crusher hours. Abram said 6-midnight. James said they would like to get Ready Mix on the same schedule as asphalt.

EXHIBIT E

John Gwaltney said they are supervised by the health department. John asked if they have had any citations. James said there have been no citations for environmental concerns since he took over. John asked the audience if they have been bothered by dust or noise levels. People said they are bothered by the trucks, not necessarily the hours. John asked James if they can address the truck problem. James said the sheriffs can regulate the jake break issue. Abram said a public member complained about a truck driver. He said he followed the truck drive and called *NHP. He said they make sure they improve as much as they possibly can. Customers call up the trucking company to pick up DG for their yard. He said they provide the product and the customers bring in the trucks.

Pete Cox said he hears motorcycles which overshadow trucks every day. Abram said they do what they can to stop the kids from racing their bikes. Abram said he uses the sheriff's app to call out the sheriffs about dumping and racing.

Mike Hudson asked if this isn't approved, is there other providers in the area. Abram said there are concrete sites in Sparks, but that is more traffic to go back and forth. If there are contracts out here, then more trucks have to travel further, and it keeps costs down.

MOTION: John Gwaltney approved the amendment with a letter of request to encourage the County Sheriff and staff to pay special attention to the traffic in that area, especially trucks. Joe Healy seconded. The motion passed unanimously.

cc: Dawn Costa, Chair
Jennifer Oliver, County Liaison