



Planning Commission Staff Report

Meeting Date: March 5, 2024

Agenda Item: 8A

SPECIAL USE PERMIT CASE NUMBER:	MPR 12-8-90 (Mustang Quarry)
BRIEF SUMMARY OF REQUEST:	5-year review of Conditions of Approval
STAFF PLANNER:	Tim Evans, Planner Phone Number: 775.328.2314 E-mail: TEvans@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve the 5-year review of Conditions of Approval for aggregate operations for MPR 12-8-90 for Mustang Quarry. 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 in accordance with WCC 110.332.40. The Development Code requires that a date be established for the next scheduled review of Conditions of Approval.

Applicant: Q&D Construction
 Property Owner: Kinder Limited
 Location: 12050 Interstate 80 E & 2411 Canyon Way
 APN: 084-060-11; 084-050-12
 Parcel Size: 515.64 & 160.00 acres
 Master Plan: Rural
 Regulatory Zone: General Rural (GR)
 Area Plan: Truckee Canyon
 Development Code: Authorized in Article 332, Aggregate Facilities
 Commission District: 4 – Commissioner Andriola



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that the Washoe County Planning Commission accept the 5-year review of the Conditions of Approval for aggregate operations for Special Use Permit Case Number MPR 12-8-90 for Q & D Construction on the grounds that the Conditions of Approval adequately provide for compatibility between the facility's operations and the surrounding land uses. The next scheduled review of Conditions of Approval shall occur no later than January of 2029.

(Motion with Findings on Page 4)

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Project Application Exhibit C



Site Plan

Background

Washoe County Code (WCC), Section 110.332.40, *Periodic Review of Conditions*, requires a review of aggregate facilities, without an otherwise specified interval of review in their Conditions of Approval, at least every five (5) years. WCC requires a date to be established for the next scheduled review of conditions at the review hearing. The purpose of this review is to examine the current Conditions of Approval to ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses. WCC has no required procedures, findings, or notification requirements for these reviews.

On January 24, 1991, Major Project Review (MPR) Case No. 12-8-90 was approved by the Planning Commission for the construction and operation of an asphalt and concrete processing plant and an asphalt and concrete recycling plant in conjunction with an aggregate extraction operation. After being approved by the Planning Commission, the project went before the Board of County Commissioners on March 1, 1991, where it, due to a moratorium on aggregate pits, was denied.

On September 10, 1993, Order 93-780 was approved by the Board of County Commissioners for the reconsideration of Change of Land Use District Case No. C12-35 90 and MPR 12-8-90 for the aggregate mine and asphalt concrete batch plant on this parcel.

In July 1995, Condition No. 4 of MPR 12-8-90 concerning the completion of construction of the Mustang Quarry was amended from two (2) years to five (5) years.

On February 6, 2002, Condition No. 4 of MPR 12-8-90 was extended via Special Use Permit Case. No. SW01-025 to extend the time frame for construction for another ten (10) years.

On March 6, 2007, a 5-year review of the Conditions of Approval for Special Use Permit Case No. SW01-025 was conducted by the Planning Commission and conditions 9, 12, 13, 17, 18, 19, 21, and 23 were removed as they were no longer applicable.

The last 5-year review was conducted before a hearing examiner on January 30, 2018, and the aggregate operations were found to be in compliance with the Conditions of Approval for MPR 12-8-90 (Exhibit A). No conditions were modified at the January 30, 2018, hearing.

Project Evaluation

The Mustang Quarry produces road base, drain rock, rip rap, hot mix asphalt, and other rock, sand and asphalt products.

The application was distributed to various agencies for review and comments. The project was determined to be in conformance with the conditions and no changes or additional conditions were recommended by any of the agencies. (see Exhibit B).

No complaints have been filed with Washoe County Code Enforcement concerning the facility's operations over the past five (5) years and there are no open code enforcement cases.

There has been no change in uses of surrounding properties and no requests from surrounding property owners to change any conditions, so the current conditions are effective in minimizing impacts to surrounding properties, and do not necessitate any changes at this time. A detailed

review of the project file, agency comments received for this 5-year review, and the Conditions of Approval from 2018 was conducted by staff and the project is compliant with all conditions.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation. However, the review is not required by Washoe County Code.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NDOT (Transportation)	X	X		Jeffrey Graham, jeffrey.graham@dot.nv.gov
NV Water Resources	X	X		Steve Shell, sshell@water.nv.gov
Washoe County Building and Safety	X			
Washoe County Water Rights	X			
Washoe County Engineering (Land Development)	X	X		Rob Wimer, rwimer@washoecounty.gov; Janellae Thomas, jthomas@washoecounty.gov
NNPH Air Quality	X			
NNPH Environmental Health	X			
TMFPD	X			
Washoe-Storey Conservation District	X			
Nevada State Historic Preservation	X			

No additional conditions were recommended by other agencies and the project was found to be in compliance with the conditions set forth in Exhibit A.

Recommendation

After a thorough analysis and review, the 5-year review of Conditions of Approval for Special Use Permit Case Number MPR 12-8-90 is being recommended for approval with conditions (Exhibit A). Staff offers the following motion for the Commission’s consideration:

Motion

I move that the Washoe County Planning Commission accept the 5-year review of the Conditions of Approval for aggregate operations for Special Use Permit Case Number MPR 12-8-90 for Q & D Construction on the grounds that the Conditions of Approval adequately provide for compatibility between the facility’s operations and the surrounding land uses. The next scheduled review of the Conditions of Approval shall occur no later than January of 2029.

Applicant: Frank Cavalier, Q & D Construction; fcavalier@qdconstruction.com

Property Owner: Lynn Kinder, Kinder Limited; 1725 Davis Lane, Reno, NV 89511

Professional Consultant: Mike Robinson, Mike Robinson LLC; mike@mikerobinsonllc.com

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SW01-025 / MPR12-8-90
SNC AGGREGATE PIT
As Amended by the Planning Commission on March 6, 2007**

*****IMPORTANT—PLEASE READ*****

Unless otherwise specified, all conditions must be met or financial assurances must be provided to satisfy the conditions prior to submittal for a building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurances. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the county engineer and the department of community development.

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

Any operations conditions are subject to review by the department of community development prior to the renewal of a business license each year. Failure to adhere to the conditions may result in withholding renewal of the business license until conditions are complied with to the satisfaction of the department of community development.

Washoe county reserves the right to review and revise the conditions of this approval should it determine that a subsequent license or permit issued by Washoe county violates the intent of this approval.

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

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall

- notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
4. Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.
 5. During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
 6. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation. Haul routes for all vehicles and equipment to and from the site shall be subject to approval by the Washoe County Engineering Division.
 7. Applicant shall submit a yearly compliance report as required in Section 332.30 of the Development Code. In this report the applicant shall detail how they have complied with each condition of the special use permit. If not in compliance with a particular condition, applicant shall detail how compliance will be reached together with a fixed timeline to reach compliance. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and subject to the provisions of Article 910, Enforcement, of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners.
 8. The Planning Commission shall review the conditions of approval at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. This review shall conform to the requirements of Section 332.40(a) of the Washoe County Development Code. The next review shall be March 2012.
 9. DELETED
 10. Sufficient water rights to serve the project, as determined by the Truckee Canyon Area Plan, and actual fixture unit count within the facility, shall be dedicated to Washoe County in accordance with the Development Code prior to the issuance of a building permit.
 11. Applicant shall obtain and maintain the appropriate business license from Washoe County.
 12. DELETED
 13. DELETED
 14. The applicant shall obtain an occupancy permit from the Nevada Department of Transportation (NDOT), if required, for access to and from roads and highways maintained by NDOT and for any work performed within the State's right-of-way.

15. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to, storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon cessation of mining activities for each phase of the operation to the satisfaction of the Engineering Division and the District Health Department. The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The Engineering Division shall annually review the financial assurance and adjust its amount as deemed appropriate by that division.
16. During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
17. DELETED
18. DELETED
19. The Nevada Department of Wildlife shall determine if a habitat modification permit is required and if so, the applicant shall be required to obtain said permit prior to issuance of the a building permit. Requirements of this permit shall be included as part of this special use permit.
20. If the operation should cease for a period of 12 months, this special use permit shall become null and void. The applicant will be required to file a new application for appropriate review and approval.
21. DELETED - *Combined with Condition 25.*
22. Any storm drainage discharged into natural drainage channels or irrigation ditches must have pretreatment for petrochemicals and silts.
23. DELETED
24. The applicant shall post a performance bond to ensure proper site clean-up and reclamation upon cessation of the proposed operation, to the satisfaction of the County Engineer. 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.
25. Regarding the off-site road improvement fees, the applicant shall either: (1) enter into an agreement with Washoe County, requiring financial assurances and approval by the District Attorney's office to pay the future off-site road impact fee upon its adoption, or (2) pay any interim fee imposed by Washoe County, be released from the responsibility of paying the future impact fee, and be eligible for a refund should the future impact fee charge be less than the interim fee.

26. The applicant shall relocate all public utility easements to the satisfaction of and at no expense to the existing public utilities that originally accepted and approved said easements as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
27. The access road from the frontage road to the project site shall be paved or sealed; the service roads within the site may be hard packed, to the satisfaction of the Engineering Division.
28. The use of radios with frequencies that could activate a detonator shall be prohibited.
29. Any security lighting, parking lot lighting, or lighting attached to the outside of the buildings at the site shall be down-shielded.
30. The owner shall obtain from the Nevada Division of Environmental Protection a permit for material pit/mining operations and storm water discharge. A copy of the permit shall be provided to the Engineering Division.

Reno Fire Department

31. All new construction shall comply with all Washoe County Codes and Ordinances in effect at the time of building application.
32. All buildings on the property shall have automatic fire sprinkler systems.
33. Fire protection water shall be provided. Duration and flow shall meet the provisions of Chapter 60 of the Washoe County Code.
34. Two separate and independent means of access shall be provided to the facility.
35. All inhabited buildings placed on the site must be a distance of 2,000 feet from any unbarricaded storage/manufacturing facility, and is to be approved by the Reno Fire Protection District in compliance with ATF (Alcohol, Tobacco & Firearms) codes, explosive laws, and regulations.
36. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.

**** END OF CONDITIONS ****

From: [Thomas, Janelle K.](#)
To: [Evans, Timothy](#)
Subject: RE: Mustang Quarry 5-year Aggregate Pit Review - 12050 Interstate 80 E & 2411 Canyon Way, Sparks, NV; APN 084-060-11 and 084-060-12.
Date: Tuesday, January 16, 2024 8:17:50 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Tim,

I have reviewed the 5-Year Review for the Mustang Quarry and do not have any comments or objections to the request for renewal.

Janelle



Janelle K. Thomas, P.E., C.F.M. (she/her/hers)
Senior Licensed Engineer | Community Services Department
jkthomas@washoecounty.gov | Office: 775.328-3603 | Cell: 775.813.3894
1001 E. Ninth Street, Building A, Reno, NV 89512



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From: Evans, Timothy <TEvans@washoecounty.gov>
Sent: Friday, January 12, 2024 12:31 PM
To: Evans, Timothy <TEvans@washoecounty.gov>
Subject: Mustang Quarry 5-year Aggregate Pit Review - 12050 Interstate 80 E & 2411 Canyon Way, Sparks, NV; APN 084-060-11 and 084-060-12.

Good Afternoon,

The Washoe County Planning Program received a 5-year Aggregate Pit Review application from Q&D Construction as a 5-year review of the conditions of approval for the Mustang Quarry (MPR 12-8-90) is due pursuant to Washoe County Code Sec. 110.332.40, Periodic Review of Conditions. The Mustang Quarry is located at: 12050 Interstate 80 E & 2411 Canyon Way, Sparks, NV; APN 084-060-11 and 084-060-12.

Attached is information on this project. 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 in accordance with WCC 110.332.40. The Development Code requires that a date be established for the next scheduled review of conditions of approval.

Please review the attached documentation and Exhibit A of the 2018 Staff Report and let me know whether the applicable conditions from your agency are being met. If you have no comment on the review, I would appreciate being told by replying to this email with a "No comment."

Please respond by Friday, January 26, 2024, whether or not you have a comment.

Feel free to contact me with any questions and thank you for your assistance.

Regards,



Tim Evans

Planner, Planning & Building Division | Community Services Department

CSD Main Phone: 775-328-3600 Direct Line: 775-328-2314

Visit us first online: www.washoecounty.gov/csd

From: [Steve Shell](#)
To: [Evans, Timothy](#)
Subject: RE: Mustang Quarry 5-year Aggregate Pit Review - 12050 Interstate 80 E & 2411 Canyon Way, Sparks, NV; APN 084-060-11 and 084-060-12.
Date: Tuesday, January 16, 2024 8:41:38 AM
Attachments: [image001.png](#)

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The subject parcel lies within the Truckee Meadows Water Authority service area. Permit 63547, held in the name of Sierra Stone Company and valid for 110.20 acre-feet annually, is appurtenant to the subject property.

As of June 1, 2021, the Office of the State Engineer is open to the public. Please call 684-2800 upon arrival and a representative will come down to escort you to our office.

Steve Shell
Nevada Division of Water Resources
775-684-2836

From: Evans, Timothy <TEvans@washoecounty.gov>
Sent: Friday, January 12, 2024 12:31 PM
To: Evans, Timothy <TEvans@washoecounty.gov>
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WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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Please review the attached documentation and Exhibit A of the 2018 Staff Report and let me know whether the applicable conditions from your agency are being met. If you have no comment on the review, I would appreciate being told by replying to this email with a "No comment."

Please respond by Friday, January 26, 2024, whether or not you have a comment.

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Regards,



Tim Evans

Planner, Planning & Building Division | Community Services Department

CSD Main Phone: 775-328-3600 Direct Line: 775-328-2314

Visit us first online: www.washoecounty.gov/csd

From: [Graham, Jeffrey](#)
To: [Evans, Timothy](#)
Subject: RE: Mustang Quarry 5-year Aggregate Pit Review - 12050 Interstate 80 E & 2411 Canyon Way, Sparks, NV; APN 084-060-11 and 084-060-12.
Date: Wednesday, January 24, 2024 1:04:35 PM
Attachments: [image003.png](#)
[image001.png](#)

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

Good afternoon Tim,

D2traffic has no comments.

Thank you,



Jeff Graham
Traffic Engineer
District II

Nevada Department of Transportation

O 775.834.8382 M 775.443.7462

e jeffrey.graham@dot.nv.gov | w dot.nv.gov

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Please respond by Friday, January 26, 2024, whether or not you have a comment.

Feel free to contact me with any questions and thank you for your assistance.

Regards,



Tim Evans

Planner, Planning & Building Division | Community Services Department

CSD Main Phone: 775-328-3600 Direct Line: 775-328-2314

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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: Mustang Quarry 5-Year Review			
Project Description: 5-Year Review of MPR 12-8-90			
Project Address: 12050 Highway 80 East, Sparks, NV 89434			
Project Area (acres or square feet): +/- 676 acres			
Project Location (with point of reference to major cross streets AND area locator): North of Interstate 80 and east of the Mustang Exit			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
084-060-11	515.64	084-060-12	160
Indicate any previous Washoe County approvals associated with this application: Case No.(s). MPR 12-8-90			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Kinder Limited		Name: Mike Robinson LLC	
Address: 1725 Davis Lane, Reno, NV		Address: 101 Upper Canyon Loop, Ten Sleep, WY	
Zip: 89511		Zip: 82442	
Phone: (775) 853-1280 Fax:		Phone: (307) 213-0223 Fax:	
Email:		Email: mike@mikerobinsonllc.com	
Cell: Other:		Cell: (307) 213-0223 Other:	
Contact Person: Lynn Kinder		Contact Person: Mike Robinson	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Q&D Construction		Name:	
Address: 1050 S. 21st Street, Sparks, NV		Address:	
Zip: 89431		Zip:	
Phone: (775) 342-6000 Fax:		Phone: Fax:	
Email: fcavalier@qdconstruction.com		Email:	
Cell: (303) 827-8670 Other:		Cell: Other:	
Contact Person: Frank Cavalier		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Q&D Construction

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, LYNN KINDER
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): APN 84-060-11 and APN 84-060-12

Printed Name LYNN KINDER

Signed Lynn Kinder

Address 1725 DAVIS LAKE
RENO, NV 89511

Subscribed and sworn to before me this
5 day of January, 2023.

Washoe County, NV
Notary Public in and for said county and state

My commission expires: 7-6-2025

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship



www.mikerobinsonllc.com

January 13, 2023

Trevor Lloyd, Planning Manager
Washoe County Community Services
1001 E. 9th Street
Reno, NV 89520-0027

Re: MPR 12-8-90 – Mustang Quarry 5-Year Review

Dear Mr. Lloyd:

This is a formal request on behalf of Q&D Construction for the 5-year review of MPR 12-8-90, Mustang Quarry. The Mustang Quarry is located east of the Mustang Exit on Interstate 80 in the east Truckee River Canyon. The site encompasses approximately 676 acres of land zoned General Rural (GR). The two parcels, APN 84-060-11 and APN 084-060-12, are part of the Truckee Canyon Area Plan. The facility is approximately nine miles east of Sparks, one mile north of Interstate 80, and is surrounded by vacant land.

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 five years. On January 31, 2018, the Washoe County Planning and Building Department issued a *Five-Year Aggregate Pit Administrative Review Written Decision / Action Order* accepting the previous five-year review and establishing the next five-year review for 2023¹. This application is a request to complete the five-year review of conditions of approval to ensure they adequately provide for compatibility between aggregate operations and surrounding land uses.

The Mustang Quarry produces road base, drain rock, rip rap, hot mix asphalt, and other rock and sand and asphalt products for construction uses in Washoe County and the surrounding area. The facility is serviced by a private haul road connecting the mining and processing operations with Interstate 80 at the Mustang

¹ The 2017 five-year review was submitted by Sierra Nevada Construction, who was the operator at the time. Q&D Construction became the new operator on January 1, 2019. The Department of Community Development was notified in the cover letter for the 2018 Annual Compliance Report in accordance with Special Use Permit Condition 17. Q&D has submitted the subsequent Annual Compliance Reports.



exit. MPR 12-8-90 authorizes aggregate mining and processing and the manufacturing of concrete and asphalt within section 4, T19N, R21E. A Major Project Permit Bond (Bond #30051447) was posted with Washoe County on December 10, 2018, by Q&D Construction and remains in place in accordance with General Conditions 11 and 18 of the Special Use Permit.

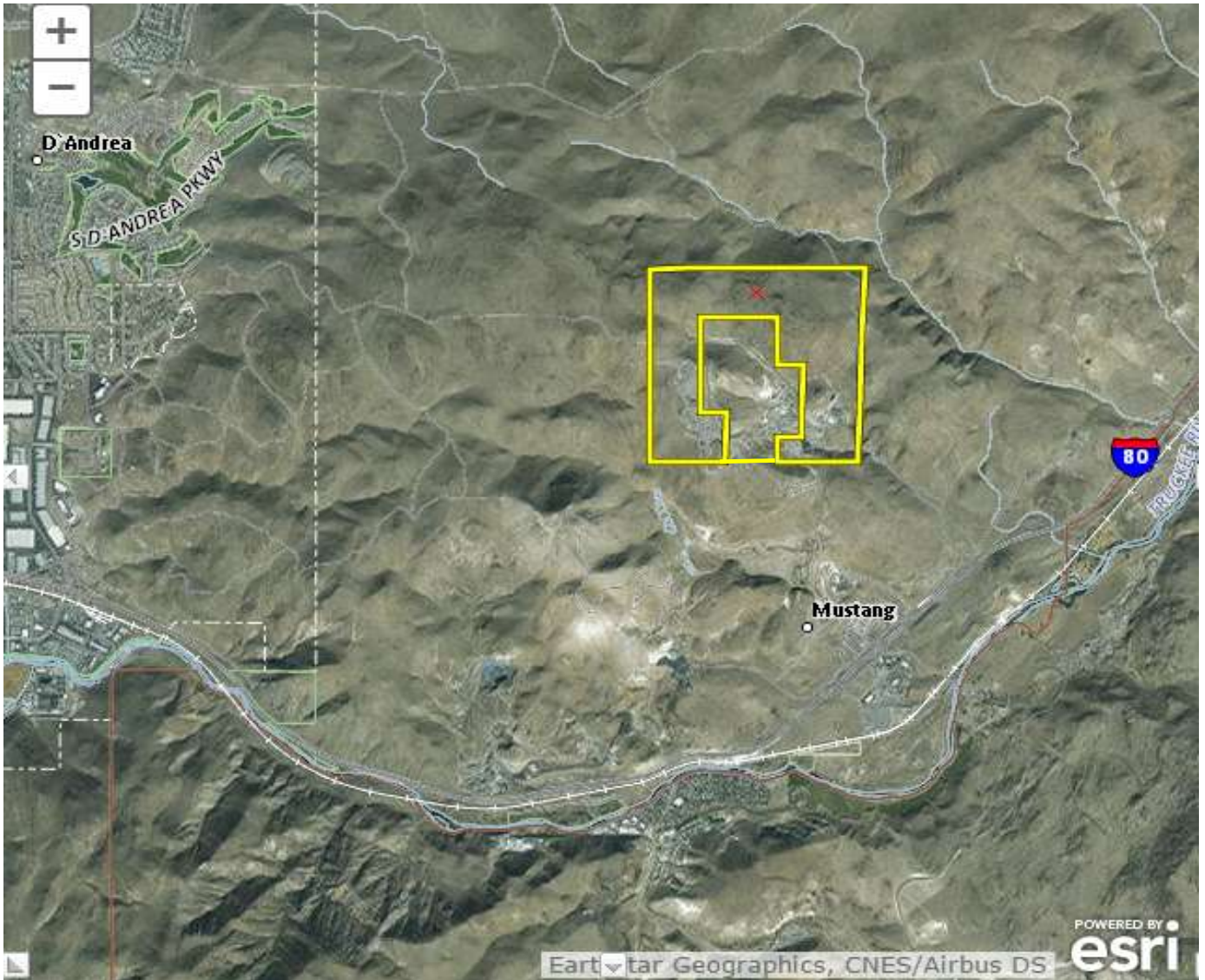


Figure 1: Vicinity Map



Regulatory agencies reviewing the operations at the Mustang Quarry include the Washoe County District Health Department, Air Quality Management, through which an air quality permit is maintained; the Nevada Division of Environmental Protection for stormwater permitting; and the Mine Safety and Health Administration for a safety plan. Q&D Construction also coordinates with the Truckee Meadows Fire Protection District for storage and handling of flammable materials, and, although not required, maintains a Spill Prevention Control and Countermeasures Plan. All operations have consistently been found in conformance with existing land uses, zoning, area plans, and other applicable land use controls, including the Truckee Canyon Area Plan goals and policies.

110.810.30 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 extension is consistent with the action programs, policies, standards and maps of the Washoe County Master Plan and the East Truckee Canyon Area Plan as specified below:

Cultural and Scenic Resources

TC.1.3 – Preserve and enhance the visual qualities of the Truckee Canyon planning area as viewed from Interstate 80.

TC.1.3.1 - Proposed developments shall be reviewed to ensure the view from Interstate 80 is preserved. Height limitations and setbacks will help preserve the visually predominant ridges and escarpments.

Mustang Quarry operations are not visible from the Interstate 80 corridor.

Industrial Uses

Additional industrial uses in the Truckee Canyon planning area are aggregate pits. Some of the more visible aggregate pits adjacent to Interstate 80 are now being reclaimed or phased out. Future expansion of existing aggregate pits or development of new sites will be reviewed and recommended to be located in areas not visible from the Interstate 80 corridor.



Mustang Quarry operations are not visible from the Interstate 80 corridor.

Land Use

TC.3.2 - Allow use and development of natural resources under the following conditions:

TC.3.2.1 - Development of such resources shall not be detrimental to surrounding properties, land uses and the environment in general.

TC.3.2.2 - Review of special use permits required for aggregate pits shall consider access, surrounding land use, visual aspects and site rehabilitation. Site rehabilitation shall include, as a minimum, provisions to return all affected areas to their original condition.

Land Use conditions consistent with the East Truckee Canyon Area Plan are incorporated into the Special Use Permit conditions and have been complied with throughout the life of the operation.

- 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.***

Adequate utilities, roadways, sanitation, water supply, drainage, and other necessary facilities have been provided and maintained 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 Mustang Quarry operations are located approximately one mile north of Interstate 80 and nine miles east of the City of Sparks. The operation is surrounded by vacant land and blocked from views by mountainous terrain. The facility has been in operation since the early 1990s and continues to provide a valuable resource to the community.

- 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 operation is isolated from other developments and is serviced by a haul road exclusive to the mining operations, located approximately one mile north of Interstate 80.



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.

110.332.20 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

Please consider this a formal request for the 5-year review of the Mustang Quarry operation.

Sincerely,



Michael B. Robinson, PE

Registered in Wyoming, California, Nevada, Idaho, Colorado, Nebraska, and Arizona

cc: Frank Cavalier, Q&D Construction





Five Year Aggregate Pit Administrative Review
Written Decision/Action Order

Major Project Review Case Number: MPR12-8-90

Applicant: Sierra Nevada Construction, Inc.
Project Summary: 5-year Review of Major Project Review Conditions of Approval for Aggregate Facility and establishing the next scheduled review of conditions
Decision: **Accept the Review Report and Establish Next Scheduled Review for no later than January 31, 2023.**
Decision Date: January 30, 2018
Decision Mailing Date: January 31, 2018
Assigned Planner: Trevor Lloyd – Planning Manager
 Washoe County Community Services Department
 Planning and Building Division

Phone: 775.328.3617
E-Mail: tlloyd@washoecounty.us

Project Description

5-year Review for MPR12-8-90, Mustang Quarry – Section 110.332.40, requires the review of aggregate facilities without a stated interval of review in their conditions of approval, at least every five years. The Development Code 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 the conditions of approval to ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses.

- Applicant: Sierra Nevada Construction, Inc
- Property Owner: Kinder Limited
- Location: 12000 Highway 80 East
- Assessor’s Parcel Number: 084-060-11 & 12
- Parcel Size: ±675 Acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 332
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 4, T19N, R21E Washoe County, NV

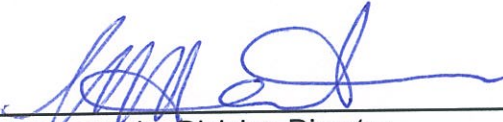
MPR 12-8-90
EXHIBIT C



To: Mike Robinson LLC
Subject: Major Project Review Case Number MPR12-8-90
Date: January 31, 2018
Page: 2

Notice is hereby given that on January 30, 2018, I conducted an administrative review and accepted the 5-year review for the above described aggregate pit with a finding that the current conditions of approval adequately provide for compatibility between the facility's operations and the surrounding land uses. The next scheduled review of conditions of approval will occur not later than May 3, of 2023.

Washoe County Community Services Department
Planning and Building Division



Mojra Hauenstein, Division Director

Action Order xc: Nathan Edwards, District Attorney's Office; East Truckee Canyon
Citizen Advisory Board, Chair.



Hearing Examiner – 5 Year Review Staff Report

Meeting Date: January 30, 2018

Agenda Item: 1

CASE NUMBER: MPR12-8-90 (Mustang Quarry 5 Year Review)

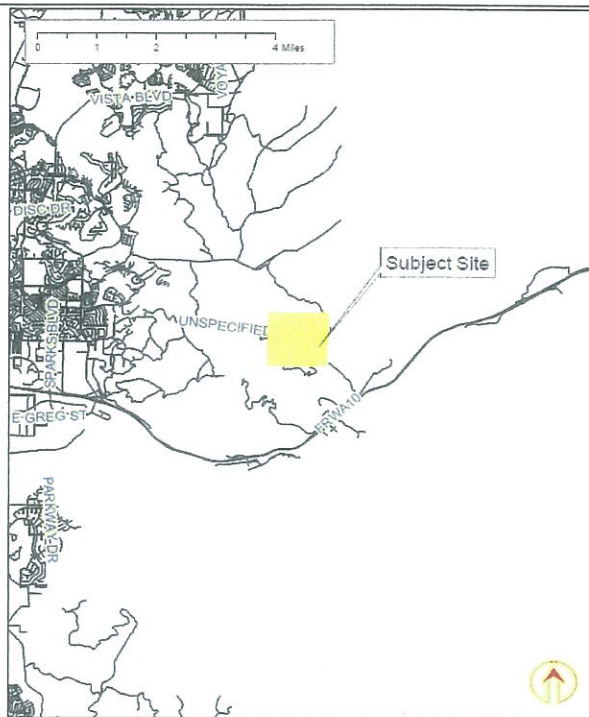
BRIEF SUMMARY OF REQUEST: 5 year review for Mustang Aggregate Facility

STAFF PLANNER: Planner's Name: Trevor Lloyd
Phone Number: 775.328.3617
E-mail: tlloyd@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion, the Washoe County Development Code, Section 110.332.40, requires the review of aggregate facilities without a stated interval of review in their conditions of approval, at least every five years. The Development Code 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 the conditions of approval to ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses.

Applicant:	Sierra Nevada Construction, Inc.
Property Owner:	Kinder Limited
Location:	12000 Highway 80 East
APN:	084-060-11 & 12
Parcel Size:	±675 Acres
Master Plan:	Rural (R)
Regulatory Zone:	General Rural (GR)
Area Plan:	Truckee Canyon
Citizen Advisory Board:	East Truckee Canyon
Development Code:	Authorized in Article 332
Commission District:	4 – Commissioner Hartung
Section/Township/Range:	Section 4, T19N, R21E



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

The Hearing Officer accepts this review report with a finding that the current MPR conditions of approval adequately provide for compatibility between the facility's operations and the surrounding land uses. The Hearing Examiner further sets the next scheduled review of conditions of approval to occur not later than January of 2023.

(Proposed Action on Page X)

Project Evaluation

The Washoe County Development Code, Section 110.332.40, requires a 5 year review of aggregate facilities, without an otherwise specified interval of review in their conditions of approval, at least every five years. The Development Code 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 the conditions of approval to ensure that they adequately provide for compatibility between aggregate operations and surrounding land uses. The Development Code has no required procedures, findings, or notification requirements for these reviews.

The Mustang Quarry produces road base, drain rock, rip rap, hot mix asphalt, and other rock and sand and asphalt products. Staff reviewed the file and the approved conditions, and found the applicant complies with all conditions. Copies of current air quality and business licenses have been received as part of this review. No complaints have been registered about the facility's operations over the past five years. Yearly reports detailing the facility's compliance with their conditions of approval have been submitted as required by the Development Code. There has been no change in uses of surrounding properties and no requests from surrounding property owners to change any conditions, so the current conditions appear to be effective in minimizing impacts to surrounding properties, and need no further changes at this time.

East Truckee Canyon Citizen Advisory Board (ETCCAB)

As the Development Code has established these as an informal review process before the Planning Commission, there is no mandated CAB review. Therefore, the letter requesting the review was not sent to the ETCCAB members.

Reviewing Agencies

The review request was not sent to any agencies; as such review is not required by the Development Code.

Recommendation

Staff recommends that the Hearing Officer accept this report as the required review that the existing MPR conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. Staff further recommends that the next scheduled review of conditions occurs no later than January of 2023.

Proposed Action

The Hearing Officer accepts this review report with a finding that the current MPR conditions of approval adequately provide for compatibility between the facility's operations and the surrounding land uses. The Hearing Examiner further sets the next scheduled review of conditions of approval to occur not later than January of 2023.

xc: Property Owner:	Kinder Limited, Attn: Stan Kinder, 1725 Davis Lane, Reno, NV 89511
Applicant:	Sierra Nevada Construction, Inc., Attn: Frank Cavalier, 2055 E. Greg Street, Sparks, NV 89431
Consultant:	Mike Robinson, LLC, 101 Upper Canyon Loop, Ten Sleep, WY, 82442

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. MPR4-2-
90 MUSTANG AGGREGATE PIT**

1. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made a part of this special use permit to the satisfaction of the planning staff. A copy of the approved special use permit shall be attached to any application for a required permit.
2. The applicant shall dedicate 1.12 acre-feet of permitted water rights from permit No. 41413 for the domestic use at the plant site (watchman's quarters/scale house) to the satisfaction of the Department of Water Resources.
3. If water is necessary, the applicant shall execute an agreement with an appropriate water purveyor acceptable to Washoe County for water supply or shall show evidence of an ability to supply water service. A copy of said agreement or evidence must be submitted to the Department of Water Resources and the Nevada Division of Water Resources.
4. The applicant shall maintain the required business license.
5. If required by the District Health Department, the Nevada Division of Environmental Protection must submit a letter certifying its approval of the project prior to the issuance of any building permit.
6. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads, and for any material processing to the satisfaction of the District Health Department.
7. During the period of operation, all loads of material existing the site shall not generate dust or loose material onto roadways to the satisfaction of the District Health Department and the Nevada Department of Transportation.
8. The applicant must demonstrate to the District Health Department that the waste-water facilities conform to the Washoe County District Health Department regulations governing sewage, wastewater, and sanitation.
9. If explosives are to be used, the applicant shall develop a plan for use and notification of affected property owners to the satisfaction of the applicable fire protection agency.
10. The applicant shall notify the Department of Community Development and any other agency from which approval to operate has been received, and any other applicable agencies of any seasonal, temporary or permanent shutdown occurrences in the mining operation.
11. 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 and after the operation to the satisfaction of the County Engineering Division and the District Health Department. The area directly adjacent to I-80 is not to be included in any mining plan. The Washoe-Storey Conservation District shall review the slope stabilization and re-vegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The

Conditions for MPR12-8-90

County Engineering Division shall annually review the financial assurance and adjust its amount as deemed appropriate by that division.

12. During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
13. The applicant shall obtain an "Authority to Construct/Permit to Operate" from the District Health Department.
14. If the District Health Department determined the proposed project falls under the prevention of significant deterioration (PSD) regulations, any requirements to be met and any subsequent permits issued by the District Health Department, shall be made part of this special use permit.
15. If the mining operation should cease for a period of 24 months, this special use permit shall become invalid. The applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
16. During the period of operation, this special use permit shall be reviewed by the Department of Community Development on an annual basis. This review shall be based upon submittal of a report by the applicant detailing compliance with the conditions of the special use permit.
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 invalid.
19. An archaeological/historic study shall be conducted during the planning stages of an excavation pit or mine. If the State Historic Preservation Office determines that the project is located in an area of archaeological sensitivity that has not been previously surveyed; said archaeological report shall be forwarded to the Office for their review.
20. Regarding off-site road improvement fees, the applicant shall either (1) enter into an agreement with Washoe County, requiring financial assurances and approval by the District Attorney's Office, to pay the future off-site road impact fee upon its adoption, or (2) pay any interim fee imposed by Washoe County, be released from the responsibility of paying the future impact fee, and be eligible for a refund should the future impact fee charge less than the interim fee. The calculation of these fees shall be based only on traffic generated by the manufacturing of asphalt and concrete.

21. The applicant shall submit an architectural design plan to the Design Review Committee for review and approval of the type and color of structural material. The review shall be limited to these specified facets.
22. The applicant shall obtain an Industrial Stormwater Discharge Permit from NDEP and provide a copy to the Engineering Division.