



Conditions of Approval

Special Use Permit Case Number WSUP23-0020

The project approved under Special Use Permit Case Number WSUP23-0020 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on September 5, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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

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

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

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

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

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

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

Washoe County Planning and Building Division

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

Contact Name –Julee Olander, Planner, 775.328.3627, jolander@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- d. The facility shall be exempted from the landscaping requirements found in the Washoe County Development Code (Chapter 110), Article 412.
- e. The transmission line, transmission poles and any attachments shall be permitted to reach a maximum height of 65 feet.
- f. The applicant shall provide detailed soils and geo-technical studies as part of the required grading permit plans per High Desert Policy 11.1. These plans shall comply with WCC 110.438.45-100.
- g. In conformance with the High Desert Area Plan Policy 2.2, prior to the issuance of building or grading permits, the applicant shall prepare a noxious weed management plan in consultation with the Washoe County Health Department, the University of Nevada Cooperative Extension, and/or the Washoe Storey Conservation District.
- h. Construction hours are 7am to 7pm Monday through Saturday.
- i. All proposed lighting shall comply with current best practice "dark-sky" standards, in conformance with High Desert Policy 2.5.
- j. Transmission line poles shall include anti-perch devices or deterrents wherever possible.
- k. The following **Operational Conditions** shall be required for the life of the business:
 - i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
 - iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with Planning and Building 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 Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

- iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

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

Contact Name – Robert Wimer, P.E. 775.328.2059, rwimer@washoecounty.gov

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- c. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink, P.E. 775.328.2050, mfink@washoecounty.gov

- d. Provide a construction haul route plan and address the construction traffic impacts to the local streets and Washoe County maintained roadways for accessing the project site. The haul route plan shall also include the proposed mitigation to these impacts to the satisfaction of the County Engineer.

Truckee Meadows Fire Protection District

3. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Brittany Lemon, Fire Captain, 775.326.0584, blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>

Washoe County Regional Parks and Open Space

4. The following conditions are requirements of Regional Parks and Open Space, which shall be responsible for determining compliance with these conditions.

Contact Name – Faye-Marie Pekar, Parks Planner, 775.328.6100, fpekar@washoecounty.gov

- a. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.

- b. All undeveloped areas disturbed as a result of project activities shall be revegetated utilizing a native seed mix as reviewed and approved by the Washoe Storey Conservation District and/or Washoe County Regional Parks and Open Space.

Washoe County Health District

5. The following condition is a requirement of the Health District, which shall be responsible for determining compliance with this condition. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name – Genine Rosa, Senior Air Quality Specialist, 775.784.7204, grosa@washoecounty.gov

- a. Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant, or undeveloped. If disturbance will be greater than 1 acre, then a Dust Control Permit will be required prior to breaking ground.

6. Nevada Division of Wildlife (NDOW)

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

Contact Name: Katie Andrlle, 775.688.1145, kmandrle@ndow.org

- a. NDOW recommends avoiding construction activities between March 1 – May 15, to avoid impacts sage-grouse that are sensitive to noise.
- b. All surface disturbing activities should occur outside of the migratory bird nesting period (March 1 to July 31). If surface disturbing activities are to occur during this period, migratory bird pre-construction avian surveys should be conducted in appropriate habitats by qualified biologists prior to surface disturbing activities commencing. The exact area to be surveyed would be based on the scope of the surface disturbing. If ground disturbing activities do not take place within 14 days, the areas would need to be resurveyed. If nesting migratory birds are present, appropriate buffers determined by the NDOW, in coordination with the USFWS, would be applied until an approved biologist determines the young have fledged or the nest has failed.
- c. Transmission lines and all electrical components should be designed, installed, and maintained in accordance with the Avian Power Line Interaction Committee's (APLIC's) Suggested Practices for Avian Protection on Power Lines (APLIC 2006) and Reducing Avian Collisions with Power Lines (APLIC 2012) to reduce the likelihood of large bird electrocutions and collisions.
- d. NDOW encourages that a noxious and invasive species plan be developed and implemented to prevent the introduction and spread of undesirable species into adjacent habitat. Such a plan should include prevention measures, inventory, monitoring, and

treatment. Noxious and invasive species plans ensure wildlife compatibility with new development by protecting and conserving adjacent habitat.

- e. NDOW recommends using the best management practices and other tools to reduce the risk of fire ignitions during construction and operation.

*** End of Conditions ***