



Board of Adjustment Staff Report

Meeting Date: February 6, 2014

Subject: Amendment of Conditions Case Number AC13-011
for Special Use Permit Case Number SB0007-020

Applicant(s): Spanish Springs Associates, LTD, Partnership

Agenda Item No.: 8D

Project Summary: To add 118.6 acres to the approved standards and conditions of SB0007-020 for grading and construction of drainage facilities to facilitate future development within the Spanish Springs Business Center.

Recommendation: **Approval with Conditions**

Prepared by: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description:

Amendment of Conditions Case Number AC13-011 (Spanish Springs Associates, LLC) –
To amend Special Use Permit Case Number SB0007-020 to add 118.6 acres to the approved standards and conditions of the original special use permit for grading and construction of drainage facilities to facilitate future development within the Spanish Springs Business Center.

- Applicant/Owner: Spanish Springs Associates, LTD, Partnership
- Location: Spanish Springs Business Center
- Assessor's Parcel Numbers: 538-171-07 & 538-010-02
- Parcel Size: 118.6 Acres
- Master Plan Category: Industrial and Suburban Residential
- Regulatory Zone: Industrial and Low Density Suburban
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sections 14, 22 and 23, T21N, R20E MDM
Washoe County, NV

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Exhibits Contents

Conditions of Approval (Amended) Exhibit A
Amendment of Conditions Application Exhibit B
Spanish Springs Citizen Advisory Board Notes Exhibit C
Public Notice Exhibit D

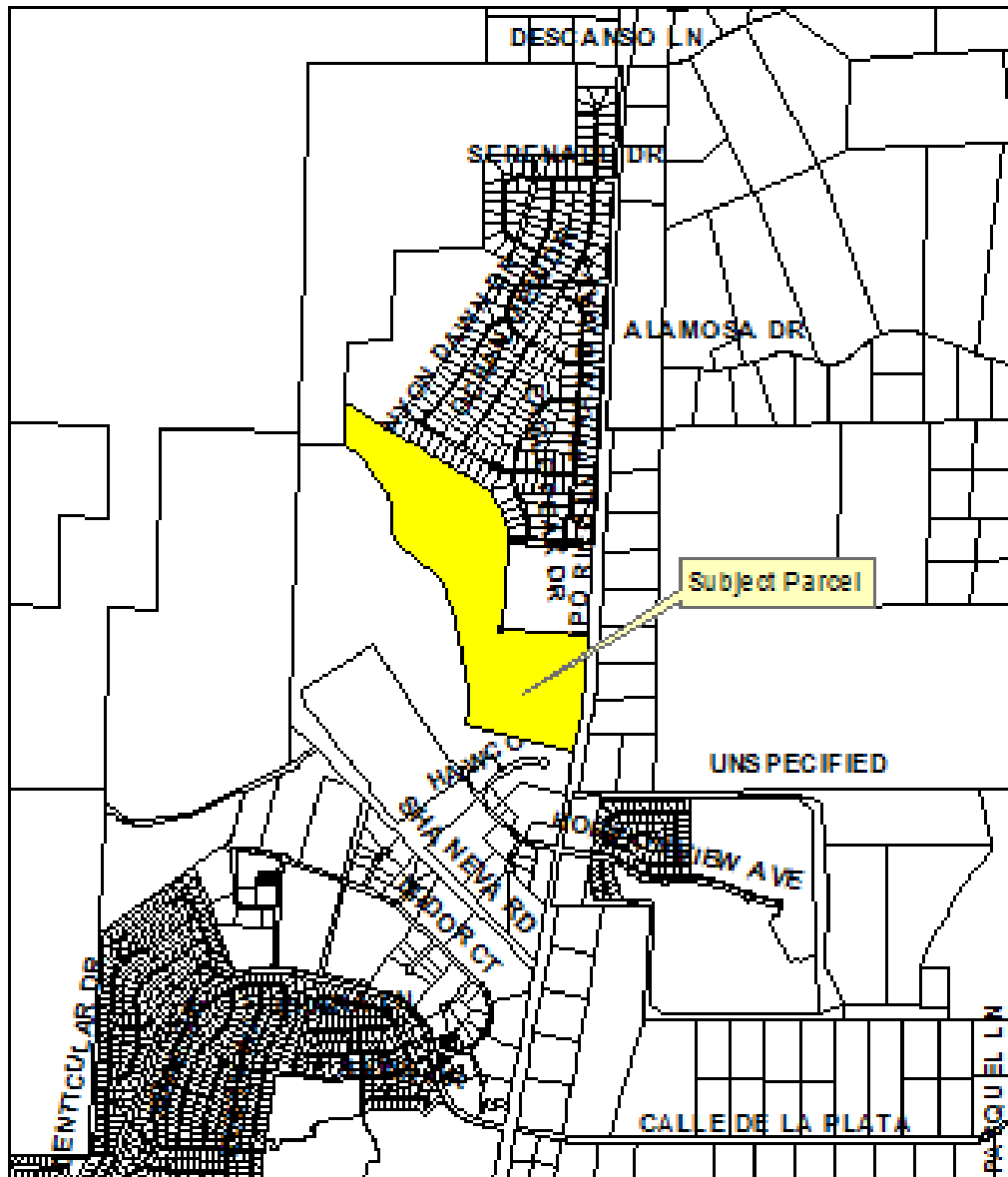
Amendment of Conditions

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:

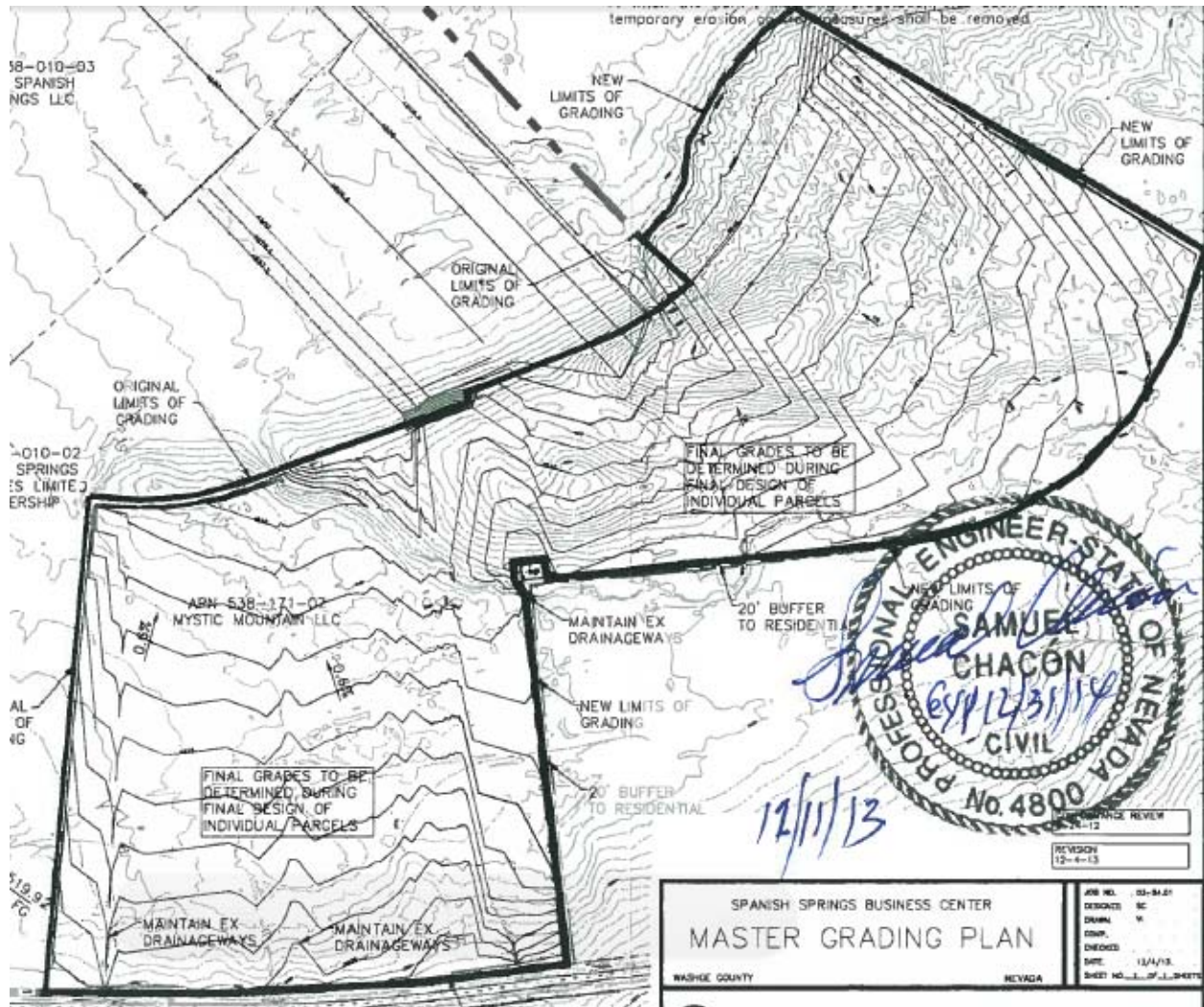
- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

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 Board of Adjustment 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 AC13-011 is attached to this staff report and will be included with the amended Action Order.



Vicinity Map



Site Plan

Background and Evaluation of Amendment Request

On September 7, 2000, the Washoe County Board of Adjustment approved a special use permit that provides standards for mass grading and the construction of drainage facilities to facilitate development of the Spanish Springs Business Center. On June 1, 2007, the Board of Adjustment approved an extension of time for the approval of grading through May 2022 by Amendment of Conditions Case Number AC07-004. The applicants own a large parcel (APN: 538-171-07) directly north of the Spanish Springs Business Center. This property is zoned low density suburban (LDS) in the Spanish Springs Suburban Character Management Area (SSSCMA).

The purpose of the proposed amendment is to remove dirt from this vacant property and place it as fill material on an adjoining parcel to support the construction of a large industrial building in the Spanish Springs Business Center. A significant benefit to the proposed amendment is that it allows for the importation of fill material from one location to another without burdening existing roadways with additional truck traffic because all of the equipment will stay on site during the duration of excavation/earthwork activities.

Impacts

All grading shall comply with all (15) conditions of the original special use permit case number SB0007-020 as well as the previous amendment of conditions case number AC07-004. Such conditions shall ensure that the applicant submit a detailed set of improvement drawings prior to the issuance of a grading permit that will include grading, site drainage, erosion control, slope stabilization and mosquito abatement. Also, the applicant shall obtain a grading bond and a storm-water pollution prevention permit from NDEP. The conditions also require revegetation of all disturbed areas and the immediate treatment of all disturbed areas with a dust palliative. Additionally, staff is recommending that the applicant maintain a minimum 200-foot buffer from any residential property within the Pebble Creek Subdivision.

This permit will continue to establish guidelines to control all grading for site preparation for projects within the business park and the construction of drainage and infrastructure facilities. As part of this process, prior to the grading permit, the grading plan will be reviewed by Engineering for compliance with the conditions of this special use permit and any other requirements specific to the project.

Public Notice

A “*Courtesy Notice*” regarding Amendment of Conditions AC13-011 was mailed on January 2, 2014, to 106 separate property owners who own parcels that are located within 500 feet of the subject parcel. A “*Courtesy Notice*” is not legally required, but is a preliminary notice to those property owners who will receive the legal notice.

Notification (legal notice) of the public hearing for Special Use Permit AC13-011 was mailed on January 24, 2014, to the same 106 separate property owners who own parcels that are located within 500 feet of the subject parcel. These notices also included the Spanish Springs Citizen Advisory Board members.

Nevada Revised Statutes (NRS) and Washoe County Development Code, Article 810, *Special Use Permits*, requires a minimum 500 foot radius from the subject parcel and a minimum of 30 separate property owners noticed. The notices must be mailed at least 10 days prior to the public hearing date.

Spanish Springs Citizen Advisory Board (SS CAB)

The amendment of conditions application was heard by the Spanish Springs Citizens Advisory Board at their January 8, 2014 meeting. The CAB voted unanimously to support the proposed amendment.

Reviewing Agencies

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

- Washoe County Planning and Development
- Washoe County Engineering and Capital Projects
- Washoe County Environmental Health
- Air Quality Management
- Division of Water Resources
- Truckee Meadows Fire Protection District

- Regional Transportation Commission
- City of Sparks Community Services Department

Four out of the eight 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.

- Washoe County Planning and Development addressed the restriction on erecting a structure on the landscape mound.

Contact: Trevor Lloyd, Senior Planner 328-3620 tlloyd@washoecounty.us

- Air Quality Management Division will require a dust control permit for all grading activities.

Contact: Charlene Albee, Chief, Permitting and Enforcement Branch 784-7211
calbee@washoecounty.us

Staff Comment on Required Findings

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

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

Staff Comment: The Special Use Permit for grading has been approved and this amendment is incidental to the approval. The additional grading authorized by this amendment does not offend any policy in either the Master Plan or the Spanish Springs Area Plan.

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

Staff Comment: Adequate facilities are in place, additionally there are no permanent improvements proposed for the subject property at this time.

3. Site Suitability. That the site is physically suitable for the use and for the intensity of such a development.

Staff Comment: The site is located adjacent to and under the same ownership as the Spanish Springs Business Center and will be utilized to help accommodate development within the Business Center.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The proposed expansion of grading will be adequately regulated to limit impacts to all adjoining properties. The impacts relating to dust and erosion shall be mitigated by the existing (and additional) conditions of approval.

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

Staff Comment: There is no military installation in the vicinity of the project site.

Recommendation

Those agencies which reviewed the application did not recommend denial of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number AC13-011 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Conditions Case Number AC13-011 for Spanish Springs Associates, LTD, Partnership having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for grading for future landscaping, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

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

xc: Owner/Applicant: Spanish Springs Associates, LTD, Partnership attn: Jesse Haw, 550 W. Plumb Lane, Suite B, #505, Reno, NV 89509

Consultant: Robert M. Sader, Esq, 8600 Technology Way, Suite 101, Reno, NV 89521

Other Contact: C&M Engineering and Design, LTD, 9498 Double R Blvd, Suite B, Reno, NV 89521

Action Order xc: Gregory Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; John Cella, Water Resources; Kimble Corbridge/Leo Vesely, Engineering Division; Amy Ray, Truckee Meadows Fire Protection District; Spanish Springs Citizen Advisory Board, Chair.



Conditions of Approval

Amendment of Conditions Case No. AC13-011

The project approved under Amendment of Conditions Case No. AC13-011 to amend Special Use Permit Case No. SB0007-020 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 6, 2014. 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.

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 Development 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 initiation of revocation procedures.

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

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

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

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

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

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

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

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

Washoe County Planning and Development Division

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this amendment of conditions. The Planning and Development Division shall determine compliance with this condition.
2. The applicant shall complete all grading within 15 years from the date of approval by Washoe County. There shall be a conformance review every 5 years, from the date of approval by Washoe County. Conformance review will take place in May 2012, May 2017, and May 2022. The Planning and Development Division shall determine compliance with this condition.
3. A copy of the Final Order stating conditional approval of this amendment of conditions shall be attached to all applications for administrative permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Development Division 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 Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work 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 prior of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

6. A complete set of construction improvement drawings, including an on-site and off-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with the Master Grading and Excavation Plan prepared by C & M Engineering dated April 11, 2007, and shall include detailed plans for grading, site drainage, erosion control, 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 outside the Spanish Springs Business Center. Engineering shall determine compliance with this condition.

7. For construction areas larger than 5 acres, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for Construction and submit a copy to Engineering prior to issuance of a grading or building permit.
8. The applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for any import site outside of the Spanish Springs Business Center.
9. Exported materials shall not be sold without the proper business license.
10. A grading bond of \$1,000/acre for the disturbed area shall be provided to the Engineering division prior to any grading.
11. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
12. 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.
13. Prior to ground-disturbing activity, a proposed Construction Traffic Haul Route Plan shall be submitted to Engineering for review and approval. Any existing or proposed roads that will be used as construction haul routes and are not designated truck routes must be evaluated by a geotechnical study to determine the existing structural section and its load capacity. If the pavement section is inadequate to support the proposed construction loadings, the roadway must be redesigned or reconstructed as needed to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavement.
14. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to Engineering for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.
15. A detention basin will be constructed at this time to detain any increase in storm water runoff resulting from the proposed development of 1/3 of the entire site and shall be based upon the 100-year storm to the satisfaction of the County Engineer. The detention basin shall remain until the Boneyard Flat or approved Spanish Springs detention basin is operational.
16. **No grading activities shall take place within 200 feet from any residential property line of any existing developed residential property within the Pebble Creek Subdivision.**

*** End of Conditions ***



Spanish Springs Citizen Advisory Board

MEMORANDUM

To: Trevor Lloyd, Staff Representative
From: Allayne Donnelly-Everett, Administrative Recorder
Re: AC13-011
Date: November 27, 2013

Amendment of Conditions Case No AC13-011 (Spanish Springs Associates, LLC) – Robert Sader, Legal Council for Spanish Springs Associates, LLC, presented information on the request to amend Special Use Permit Case SB0007-020 to add 118.6 acres to the approved standards and conditions of the original special use permit for grading and construction of drainage facilities to facilitate future development within the Spanish Springs Business Center located in the Spanish Springs Business Center. APN: 538-171-07 & 538-010-02, within Sec. 14, 22 and 23, T21N, R20E MDM, Washoe County, NV. Lisa Manenatti and Sam Chicone were available to address questions and concerns. Staff Representative, Trevor Lloyd, Senior Planner. 775-328-3620. Email: tlloyd@washoecounty.us
Meeting Date: February 6, Board of Adjustment. **MOTION:** James Scivally moved to recommend approval of Amendment of Conditions AC13-011 to amend Special Use Permit SB0007-020 as presented. Dawn Costa-Guyon seconded the motion. The motion carried unanimously.

Comments and Concerns

- In response to questions raised, Mr. Sader stated that there is a family owned distribution center that is planning to relocate to the Spanish Springs Business Center.
- Support was stated for the benefits of this new industry to the Spanish Springs community.
- Commissioner Hartung stated that most of the traffic would be from FED-EX and UPS for deliveries and distribution.
- In response to questions raised, Mr. Sader reported that Phase 2 of the proposed project is not scheduled at this time.
- In response to questions raised, Mr. Sader stated that none of the grading is adjacent to the Pebble Creek community.
- There were no comments in opposition to the proposed amendment.

cc: Vaughn Hartung, Commissioner
David Espinosa, Chair
Sarah Tone, County Liaison
Nancy Leuenhagen, Community Relations Manager
Andrea Tavener, Program Coordinator

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: January 24, 2014

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

1:30 p.m., Thursday, February 6, 2014
Washoe County District Health Department Conference Room
1001 East Ninth Street, Building B, Reno, NV 89512

RE: **Public Hearing: Amendment of Conditions Case Number AC13-011 (Spanish Springs Associates, LLC)** – To amend Special Use Permit Case Number SB0007-020 to add 118.6 acres to the approved standards and conditions of the original special use permit for grading and construction of drainage facilities to facilitate future development within the Spanish Springs Business Center.

- Applicant/Owner: Spanish Springs Associates, LLC
- Location: Spanish Springs Business Center
- Assessor's Parcel Numbers: 538-171-07 & 538-010-02
- Parcel Size: 118.6 Acres
- Master Plan Category: Industrial (I) and Suburban Residential (SR)
- Regulatory Zone: Industrial (I) and Low Density Suburban (LDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sec 14, 22 and 23, T21N, R20E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
775.328.3620; tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/comdev/, choose **Boards and Commissions**, then **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**. A staff report related to this public hearing will be posted on Friday, six days prior to the meeting.

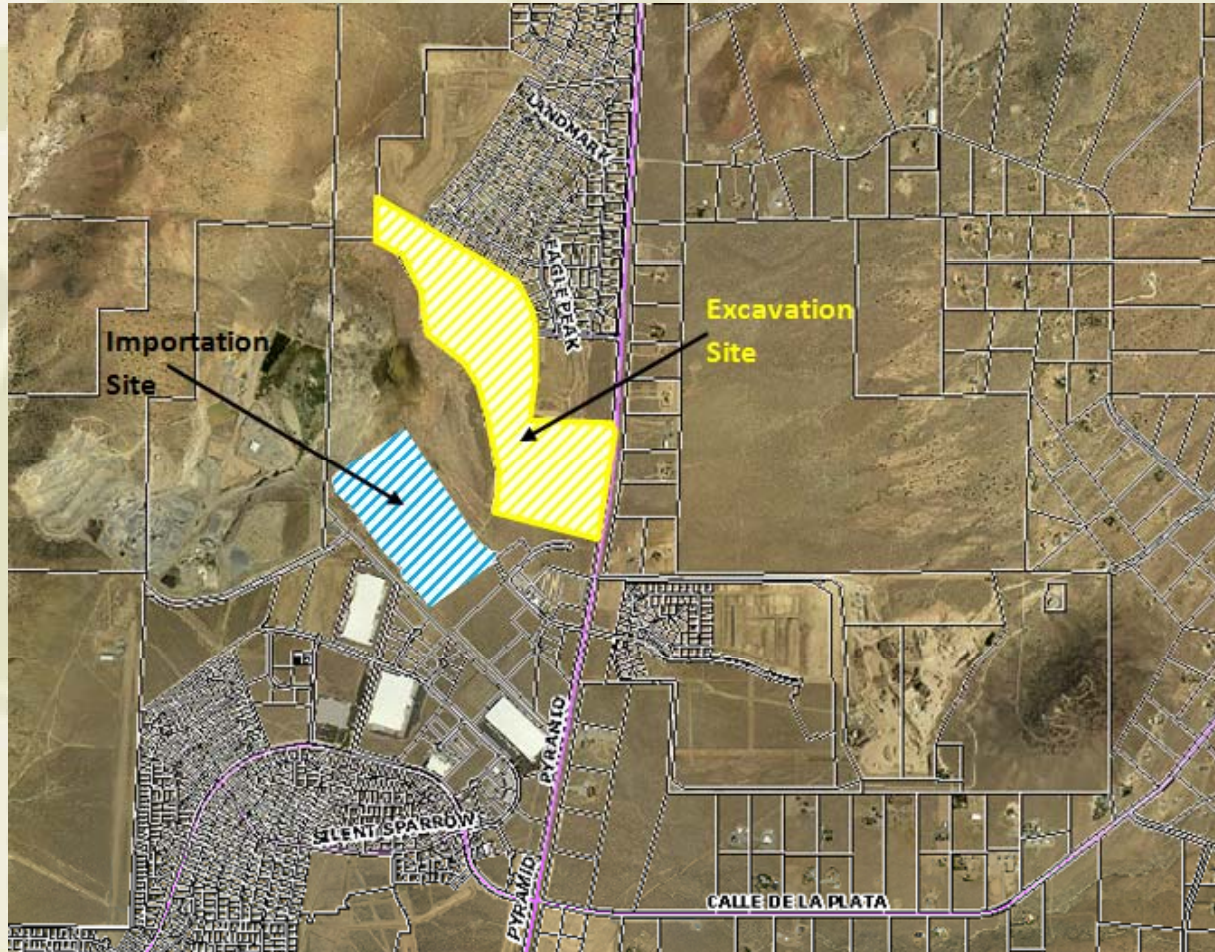


**Washoe County
Board of Adjustment
February 6, 2014**



**Amendment of Conditions
Case No. AC13-011**

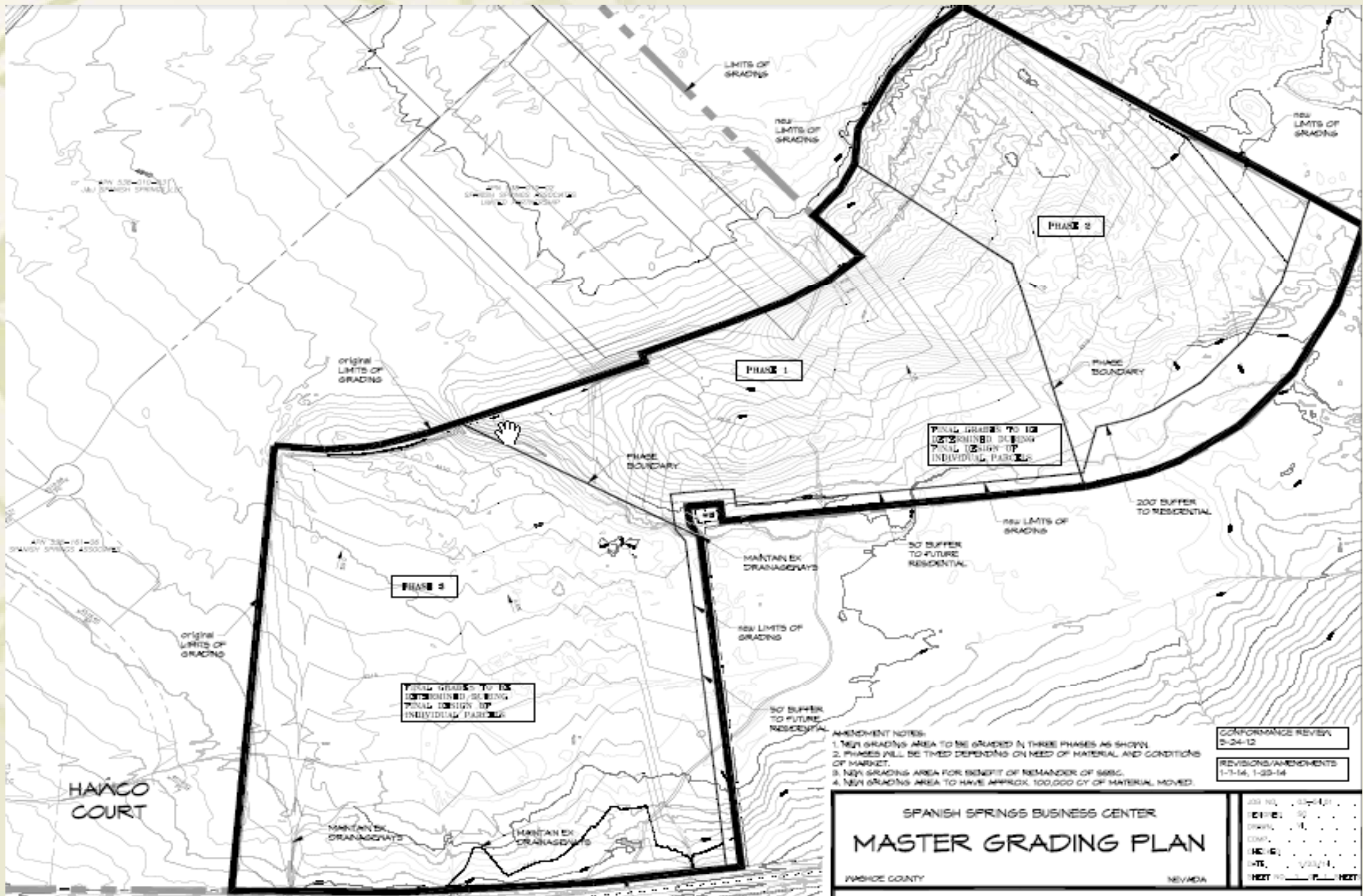
Vicinity Map



North Spanish
Springs

West side of
Pyramid Hwy

Site Plan



AMENDMENT NOTES:
 1. NEW GRADING AREA TO BE GRADED IN THREE PHASES AS SHOWN
 2. PHASES WILL BE TIED DEPENDING ON NEED OF MATERIAL AND CONDITIONS OF MARKET
 3. NEW GRADING AREA FOR BENEFIT OF REMAINDER OF 666C.
 4. NEW GRADING AREA TO HAVE APPROX. 100,000 CY OF MATERIAL MOVED

CONFORMANCE REVIEW
 5-24-12

REVISIONS/AMENDMENTS
 1-7-14, 1-23-14

SPANISH SPRINGS BUSINESS CENTER
MASTER GRADING PLAN
 WASHOE COUNTY NEVADA

DATE	5/24/12
BY	SD
CHKD	RL
DATE	1/7/14
BY	WJH/ML
CHKD	WJH/ML

Photos

Subject property looking
North



Graded property directly to
the south

Grading Buffer



Background

- Grading expanded to include new 118 acre Parcel
- 200 foot buffer from residences.
- Excavated Material used to support construction of Business Center development.
- Existing conditions address dust, drainage, erosion, revegetation, etc.
- Stormwater Discharge Permit required by the Nevada Division of Environmental Protection

Citizen Advisory Board

The Spanish Springs Citizens Advisory Board voted unanimously to support the proposed amendment at their January 8, 2014 meeting.

Special Use Permit Findings

1. Consistency with Master Plan & Area Plan
2. Adequate public facility improvements
3. Site Suitable for type & intensity of development
4. Issuance not significantly detrimental to adjacent parcels, the public, or character of neighborhood
5. No effect on a military installation

Recommendation

Staff recommends approval, subject to the findings & conditions listed in the staff report.

Possible Motion

I 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 Board of Adjustment approve Amendment of Conditions Case No. AC13-011 for Spanish Springs Associates, LTD having made all five findings in accordance with Washoe County Development Code Section 110.810.30.

DeLozier, Sara

Subject: FW: Special Use Permit Case Number SB0007-020

From: tj1dj1 [tj1dj1@charter.net]
Sent: Monday, January 27, 2014 5:01 PM
To: Toulouse, Kim
Subject: Special Use Permit Case Number SB0007-020

Washoe County Board of Adjustment Chair Kim Toulouse,

Since we will not be able to attend the February 6, 2014 meeting regarding Special Use Permit Case Number SB0007-020, we wanted to provide our input for your consideration.

At this time we oppose the amendment to add 118.6 acres to the approved standards and conditions of that permit for grading and construction of drainage facilities to facilitate future development within the Spanish Springs Business Center. Grading and construction should not be permitted until there is a specific plan and schedule for development. We live in the Pebble Creek community with our back fence directly adjacent to the North side of this grading and construction. During and after grading, excessive amounts of air pollution are created. Due to the prevailing Southern winds we are the recipients of all this air pollution dirt, dust and diesel fuel. This pollution definitely exacerbates our breathing and asthma problems.

We have already been experiencing these issues due to the grading and construction taking place at this time. This air pollution can be minimized by not conducting the grading until development is close at hand.

Thank you for considering our input.

Tim & deDee Johnson
400 Mystic Mountain Drive
Sparks, Nevada 89441
tj1dj1@charter.net