

Board of Adjustment Staff Report

Meeting Date: October 1, 2015

Subject:	Special Use Permit Case Number SB15-004
Applicants:	Jacques and Beth LeFriant
Agenda Item Number:	9C
Project Summary:	Major Grading and construction of a driveway within a Sensitive Stream Zone Buffer Area
Recommendation:	Approval with Conditions
Recommendation: Prepared by:	Approval with Conditions Roger Pelham, MPA, Senior Planner Planning and Development Division Washoe County Community Services Department

Description

Special Use Permit Case Number SB15-004 (LeFriant Family Trust) – Hearing, discussion, and possible action to approve a special use permit to allow the grading for and construction of a driveway within the Sensitive Stream Zone Buffer Area of Franktown Creek, as well as excavation of approximately 3,300 cubic yards of earthen material [Major Grading as defined at Article 438.35] in preparation for construction of a single-family dwelling.

Applicant/Property Owner:	Jacques and Beth LeFriant 1151 Hornblend Street San Diego, CA 92109
Location:	55 Will Sauer Road, approximately 3/10 of a mile northwest of its intersection with Franktown Road in Washoe Valley
Assessor's Parcel Number:	172-010-06
Parcel Size:	± 5 acres
 Master Plan Category: 	Rural (R)
Regulatory Zone:	General Rural (GR)
Area Plan:	South Valleys
Citizen Advisory Board:	South Truckee Meadows/Washoe Valley
Development Code:	Authorized in Article 418, Significant Hydrologic
·	Resources, Article 438, Grading, and Article 810,
	Special Use Permits
Commission District:	2 – Commissioner Lucey
 Section/Township/Range: 	Section 4, T16N, R19E, MDM,
	Washoe County, NV

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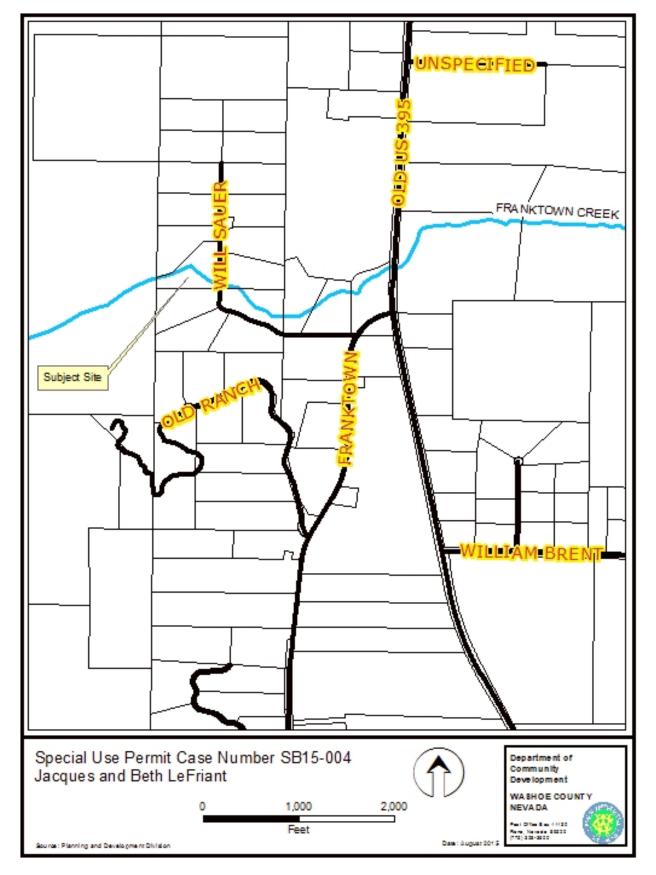
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Special Use Permit

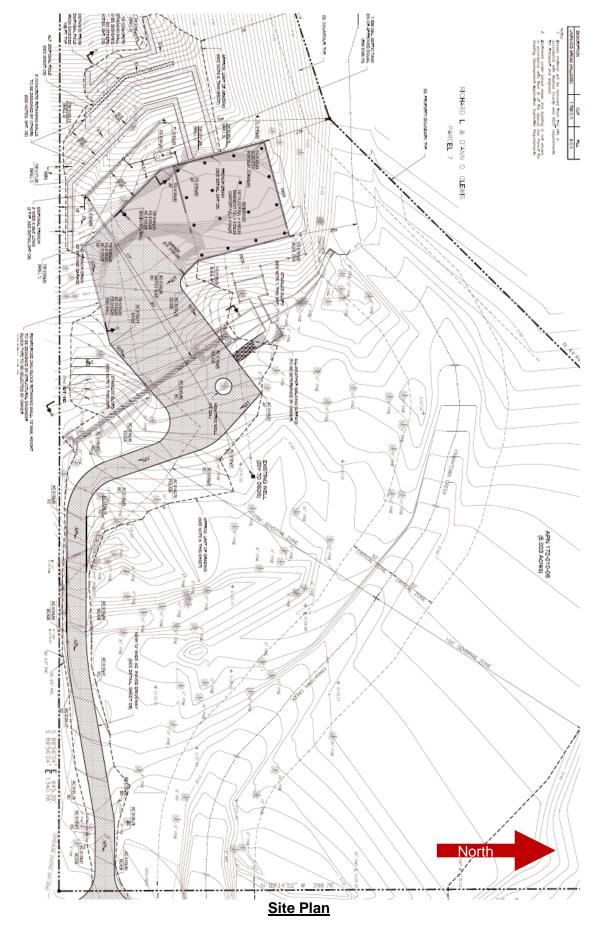
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting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

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

The Conditions of Approval for Special Use Permit Case Number SB15-004 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Project Evaluation

The applicant is seeking a special use permit for grading a driveway within a Sensitive Stream Zone Buffer Area as well as an amount of grading that requires the approval of a Special Use Permit to facilitate the construction of a single-family dwelling on the subject parcel.

The subject site shows evidence of extensive past disturbance of the natural landform. However, due to the heavy coverage by trees and bushes much of the disturbance is not readily visible. Very little of the disturbance is visible from Will Sauer Road. Will Sauer Road is a private, gated roadway and traffic is minimal. More recent work has been done in the area of the proposed driveway and excavation in the area of the dwelling has taken place. Conditions of approval have been included to return all recently disturbed areas to their former condition. Conditions have also been included to require that all slopes be stabilized by means of retaining walls or to be at least a ratio of 3 Horizontal to 1 Vertical. The following photograph shows one area that will be returned to its previous condition and stabilized.



Impacts associated with additional development of the site are primarily associated with visual impact and with potential run-off of sediment into the steam. Visual impact has been addressed by conditions of approval to require additional trees to be planted near the front of the parcel, adjacent to Will Sauer Road, and environmental impacts are proposed to be addressed by conditions of approval which will implement the special review criteria as required by Article 418 for grading within a stream zone. Those are:

Conservation of Topsoil. The top two to six inches of topsoil will be salvaged from all areas to be cleared to construct new improvements. Upon completion of the new house and related elements the topsoil will be placed over all areas disturbed during construction and vegetated with a native plant material seed mix. Any excess topsoil will be utilized behind stacked boulder walls and vegetated.

Protection of Surface Water Quality. Temporary erosion control measures shall be installed prior to the start of construction to assure no sediment reaches the creek. All measures will be in compliance with all county requirements and may include straw wattles, filter fencing, or runoff interceptors upstream of the work. Runoff intercepted upstream of the work will be rerouted in rock lined ditches to a safe point of discharge. Upon completion of all work all disturbed areas will be vegetated using a native seed mix. On slopes around the house a geotextile may be placed as a part of the vegetation treatment.

Conservation of Natural Vegetation, Wildlife Habitat, and Fisheries. No work or land disturbance of any kind will occur within the sixty-foot wide Critical Stream Zone Buffer area. The majority of riparian vegetation on the site is located within this area. This setback will assure minimal disturbance to wildlife that tend to use the riparian areas and will provide protection to fisheries. Every effort will be made to minimize disturbance to natural vegetation. The house will be constructed using 'pole and beam' construction methods. That is, vertical poles set into the ground with horizontal crossbeams attached to the poles to support the house. This methodology allows for portions of the natural ground topography under the house to remain as is with minimal disturbance.

Control of Erosion. Temporary erosion control measures will be installed prior to start of construction in accordance with all county requirements and guidelines to protect all downstream areas including the creek and irrigation ditch. Permanent erosion control measures will include placement of boulders over cut slopes to prevent erosion. Boulder placement will include some stepped slope treatments. All areas will be vegetated using a native plant material seed mix.

Control of Drainage and Sedimentation. Runoff from the proposed house location drains away from Franktown Creek except for a very small area at the northwest corner of the house. This end of the house will be elevated above the existing natural ground allowing the existing drainage pattern to remain unchanged. The remaining natural runoff above the house site currently drains easterly. Runoff interceptor channels will be installed behind the house to intercept the natural runoff and route flows around the house. These channels will be rock-lined so as to prevent erosion. All areas below the house or along the sides will be revegetated using a native plant material seed mix. These measures will assure drainage is handled properly and will prevent sediment from discharging from the site. The driveway will be paved to prevent erosion and the sides of the driveway revegetated.

Provision for restoration of the project site to predevelopment conditions. Vegetative treatments of all disturbed areas remaining after all work has been completed will be with a native plant material seed mix prepared specific to this site. The seed mix will include plant materials typical of the natural vegetation found on the site. This will include a seed mix for upland areas and a seed mix for riparian areas.

Provision of a bonding program to secure performance of requirements imposed. A Building Permit will be required to construct the house. The county will be inspecting the work as it progresses as a standard part of the permit and an issuance of a final release by the county is required prior to occupancy of the house. This process assures all improvements are completed in accordance with the county approved plans.

Preservation of the hydrologic resources, character of the area and other conditions as necessary. All of the above measures are intended to preserve the hydrologic resources within the Sensitive Stream Zone Buffer Area as well as the character of the area. The house will be constructed to blend with the surrounding natural area and will be a 'pole and beam' construction with a natural wood appearance, not painted, when completed. The intent of this construction approach is blend the house into the natural topography of the site. Photos of this type of house construction are included with the submittal for review by the county.

South Truckee Meadows / Washoe Valley Citizen Advisory Board (STM/WVCAB)

The proposed project was discussed at the regularly scheduled Citizen Advisory Board meeting on September 10, 2015. Staff attended that meeting. The CAB voted in favor of the project with all of the citizens who spoke, being in favor of the project.

Citizen Comments

Staff received two letters (attached) from concerned property owners or their representative. One expressed full support for approval of the proposed project. The other simply expressed concern that existing easements be respected during development of the parcel. Conditions of approval have addressed that concern.

Reviewing Agencies

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

- US Army Corps of Engineers
- Washoe County Community Services Department
 - Planning and Development
 - o Engineering and Capitol Projects
 - Building and Safety
- Washoe County Health District
 - Vector-Borne Diseases Division
 - o Environmental Health Division
 - o Air Quality Management
- Truckee Meadows Fire Protection
- Washoe-Storey Conservation District
- Nevada State Historic Preservation Office
- Regional Transportation Commission

Four out of the eleven above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- <u>Washoe County Planning and Development</u> addressed the special review considerations for grading near a significant hydrologic resource as well as mitigation of visual impact. Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- <u>Washoe County District Health</u> addressed technical considerations for review of grading for the proposed septic system. Contact: Chris Anderson, 775.328.2434, canderson@washoecounty.us
- <u>Washoe County Engineering and Capital Projects</u> addressed technical requirements for the submission of grading plans.
 Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us
- <u>Washoe-Storey Conservation District</u> addressed possible erosion and sediment concerns within the stream zone.
 Contact: Kevin Rourkey, 775.857.8500, kevinjr_51@att.net

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 request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan.

<u>Staff Comment: There are no action programs, policies, standards and maps</u> of the Master Plan and the South Valleys Area Plan that are inconsistent with the approval of the requested special use permit.

2. <u>Improvements.</u> 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: The plans submitted provide for adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities for the proposed development of a dwelling and driveway.

3. <u>Site Suitability.</u> That the site is physically suitable for a driveway and dwelling, and for the intensity of such a development.

<u>Staff Comment: The plans submitted address the challenges of the site in an</u> <u>environmentally sensitive manner and seek to create a small impact upon the</u> <u>existing landform.</u>

4. <u>Issuance Not Detrimental.</u> 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.

<u>Staff Comment: The conditions of approval have been crafted to mitigate any</u> <u>significant detriment to public health, safety and welfare.</u>

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

<u>Staff Comment: There is no military installation in the vicinity of the subject</u> <u>site.</u>

6. <u>Special Review Considerations.</u> The special review considerations required by Section 110.148.30 of the Development Code, due to the Sensitive Stream Zone Buffer Area, have been appropriately addressed.

<u>Staff Comment: The special review considerations have been addressed in</u> the application and included in the proposed conditions of approval.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case

Number SB15-004 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB15-004 for the LeFriant Family Trust, having made all five findings in accordance with Washoe County Development Code Section 110.810.30, and one finding in accordance with Washoe County Development Code Section110.148.30:

- 1. <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- 2. <u>Improvements.</u> 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. <u>Site Suitability.</u> That the site is physically suitable for a driveway and dwelling, and for the intensity of such a development;
- Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- 5. <u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation.
- 6. <u>Special Review Considerations.</u> The special review considerations required by Section 110.148.30 of the Development Code, due to the Sensitive Stream Zone Buffer Area, have been appropriately addressed.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment, 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 Board of Adjustment.

xc: Applicant/Property Owner:	Jacques and Beth LeFriant 1151 Hornblend Street San Diego, CA 92109
Representatives:	Resource Concepts, Inc. Attn: Joe Cacioppo 340 N. Minnesota Street Carson City, NV 89703



Conditions of Approval

Special Use Permit Case Number SB15-004

The project approved under Special Use Permit Case Number SB15-004 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 1, 2015. 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. <u>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.</u>

<u>Unless otherwise specified</u>, 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 Health District must be appealed to the District Board of Health.

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

Washoe County Planning and Development

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

Contact Name – Roger Pelham, 775.328.3622, rpelham@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and 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. Compliance with this condition shall be determined by the Planning and Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. The applicant shall return all recently disturbed areas (not being utilized for the current development proposal) on the subject site to a natural state by means of native vegetation and planting of trees. This treatment shall include the area directly south of the proposed driveway and adjacent to Will Sauer Road.
- e. The all disturbed slopes on the subject site shall be a maximum of 3 Horizontal to 1 Vertical (3H:1V) or shall be stabilized by means of retaining walls.
- f. All development on the subject parcel shall recognize, protect and not interfere with any existing easements for water conveyance or other purposes.
- g. 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 period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

h. Compliance with special review considerations required by Section 110.148.30 of the Development Code shall be accomplished by implementation of the following:

- i. Conservation of Topsoil. The top two to six inches of topsoil will be salvaged from all areas to be cleared to construct new improvements. Upon completion of the new house and related elements the topsoil will be placed over all areas disturbed during construction and vegetated with a native plant material seed mix. Any excess topsoil will be utilized behind stacked boulder walls and vegetated.
- ii. Protection of Surface Water Quality. Temporary erosion control measures shall be installed prior to the start of construction to assure no sediment reaches the creek. All measures will be in compliance with all county requirements and may include straw wattles, filter fencing, or runoff interceptors upstream of the work. Runoff intercepted upstream of the work will be rerouted in rock lined ditches to a safe point of discharge. Upon completion of all work all disturbed areas will be vegetated using a native seed mix. On slopes around the house a geotextile may be placed as a part of the vegetation treatment.
- iii. Conservation of Natural Vegetation, Wildlife Habitat, and Fisheries. No work or land disturbance of any kind will occur within the sixty-foot wide Critical Stream Zone Buffer area. The majority of riparian vegetation on the site is located within this area. This setback will assure minimal disturbance to wildlife that tend to use the riparian areas and will provide protection to fisheries. Every effort will be made to minimize disturbance to natural vegetation. The house will be constructed using 'pole and beam' construction methods. That is, vertical poles set into the ground with horizontal crossbeams attached to the poles to support the house above will support the house. This methodology allows for portions of the natural ground topography under the house to remain as is with minimal disturbance.
- iv. Control of Erosion. Temporary erosion control measures will be installed prior to start of construction in accordance with all county requirements and guidelines to protect all downstream areas including the creek and irrigation ditch. Permanent erosion control measures will include placement of boulders over cut slopes to prevent erosion. Boulder placement will include some stepped slope treatments. All areas will be vegetated using a native plant material seed mix.
- v. Control of Drainage and Sedimentation. Runoff from the proposed house location drains away from Franktown Creek except for a very small area at the northwest corner of the house. This end of the house will be elevated above the existing natural ground allowing the existing drainage pattern to remain unchanged. The remaining natural runoff above the house site currently drains easterly. Runoff interceptor channels will be installed behind the house to intercept the natural runoff and route flows around the house. These channels will be rock-lined so as to prevent erosion. All areas below the house or along the sides will be vegetated using a native plant material seed mix. These measures will assure drainage is handled properly and will prevent sediment from discharging from the site. The driveway will be paved to prevent erosion and the sides of the driveway vegetated.

- vi. Provision for restoration of the project site to predevelopment conditions. Vegetative treatments of all disturbed areas remaining after all work has been completed will be with a native plant material seed mix prepared specific to this site. The seed mix will include plant materials typical of the natural vegetation found on the site. This will include a seed mix for upland areas and a seed mix for riparian areas.
- vii. Provision of a bonding program to secure performance of requirements imposed. A Building Permit will be required to construct the house. The county will be inspecting the work as it progresses as a standard part of the permit and an issuance of a final release by the county is required prior to occupancy of the house. This process assures all improvements are completed in accordance with the county approved plans.
- viii. Preservation of the hydrologic resources, character of the area and other conditions as necessary. All of the above measures are intended to preserve the hydrologic resources within the Sensitive Stream Zone buffer area as well as the character of the area. The house will be constructed to blend with the surrounding natural area and will be a 'pole and beam' construction with a natural wood appearance when done, not painted.
- i. The following **Operational Conditions** shall be required for the life of the project:
 - 1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - 2. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
 - 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 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.

Washoe County Engineering and Capital Projects

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

Contact Name – Leo Vesely, 775.328.2040, lvesely@washoecounty.us

a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (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. The owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
- d. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- e. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- f. The FEMA 100-year floodplain shall appear on the site plan and grading plan to the satisfaction of the County Engineer. Building permits for any structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
- g. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 60 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

Washoe County Health District

3. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. 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 – Chris Anderson, 775.328.2630, canderson@washoecounty.us

- a. This Division requires that any changes to Building Permit 14-3057 resulting from this Special Use Permit SB15-004 be resubmitted for review under said building permit.
- b. This Permit Special Use Permit SB15-004 shall incorporate the future grading necessary for a repair field per the enclosed letter dated August 3, 2015.
- c. Prior to issuance of a Certificate of Occupancy, the following statement shall be required to recorded on the title of the property:

"The approved septic repair (as shown on Health District records) to be installed in the event of any septic failure include the following: removal of the current retaining wall on hillside above the house, regarding of the slope as shown in the approved plan set, and installation of a pump system with a dosing chamber."

*** End of Conditions ***



September 8, 2015

Roger Pelham MPA, Senior Planner Washoe County Community Services Planning and Development Division PO Box 11130 Reno, NV 89520-0027

RE: LeFriant Family Trust; 55 Will Sauer Rd, WCTY Special Use Permit; SB15-004

Dear Mr. Pelham:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering has reviewed the above referenced project.

This Division notes the following in reviewing this application:

- 1. This Division notes that the grading per SB15-004 is different than that proposed per Building Permit 14-3057.
- 2. This Division notes that the application for Special Use Permit SB15-004 states under Supplemental Information question 5 that "...setback requirements for the on-site sewage disposal system..." could not be met with a dwelling location closer to Will Sauer Road. This Division comments that the statement is misleading in that the dwelling could meet on-site sewage disposal system setbacks to the watercourse with the use of a pump system to a disposal field outside the 100 foot watercourse setback.
- 3. The approval of the Building Permit 14-3057, as submitted, is subject to a deed restriction imposed by this Division requiring regrading of the hillslope at such time that the primary sewage disposal filed fails and a repair field is necessary.

Approval by this Division is subject to the following conditions:

- The subject property is currently under review by this Division for onsite sewage disposal and domestic well setbacks for a proposed single family dwelling per Washoe County Building Permit 14-3057.
 - a. This Division requires that any changes to Building Permit 14-3057 resulting from this Special Use Permit SB15-004 be resubmitted for review under said building permit.
 - b. This Permit Special Use Permit SB15-004 shall incorporate the future grading necessary for a repair field per the enclosed letter dated August 3, 2015.



September 8, 2015 LeFriant Family Trust; 55 Will Sauer Rd, WCTY Special Use Permit; SB15-004 Page 2

If you have any questions regarding the foregoing, please call Chris Anderson at 328-2632 or Dave Kelly at 328-2630.

Sincerely,

-b. SC

Chris Anderson, P.E. Registered Engineer Land Development Program Environmental Health Services

CA/JE:ca

Cc: File - Washoe County Health District

Enclosure (1)

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August 3, 2015

Steve Brown Construction 4170 Latigo Dr Reno, NV 89509

RE: Building Permit 14-3057

Dear Mr. Brown:

This letter is to clarify the position and conditions of the Health District approval for the above listed building permit submittal, located at 55 Will Sauer Road. After several discussions with Joe Cacciopo with Resource Design Concepts and a site visit, the plan is approvable. However, due to the extremely difficult nature of construction required for the repair area being designated for sewage disposal, the Health District will require an additional step to be taken prior to issuing any Certificate of Occupancy (CofO).

Specifically, before the CofO is issued by the Health District, the following statement will be required to be recorded on the title of the property:

"The approved septic repair (as shown on Health District records) to be installed in the event of any septic failure includes the following: removal of the current retaining walls on hillside above the house, regrading of the slope as shown in the approved plan set, and installation of a pump system with a dosing chamber ."

Once a letter is received from the property owner signifying agreement with the above, the plan set will be approved and a hold placed on the CofO pending submittal of a recorded title with the required statement. A copy of the approved plan set, this letter, and the recorded titles will also be saved in Health District records. The purpose of this is to ensure that the current owner and any future prospective buyer will be well aware of the effort involved in constructing the approved septic repair.

Please contact me at (775) 328-2630 or <u>dakelly@washoecounty.us</u> to schedule an appointment or to address any questions or concerns you may have.

Sincerely,

David Kelly, Environmental Héalth Specialist Environmental Health Washoe County Health District

Cc: Jim English, EHS Supervisor Jacues Le Friant Family Trust Joe Cacioppo, P.E.



SB15-004 EXHIBIT B



WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: September 4, 2015

TO: Roger Pelham, Planning and Development Division

FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division

SUBJECT: SB15-004 APN 172-010-06 LE FRIANT FAMILY TRUSTV PARK

I have reviewed the referenced special use permit and have the following conditions:

- 1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (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.
- 2. The owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- 3. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
- 4. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- 6. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 7. The FEMA 100-year floodplain shall appear on the site plan and grading plan to the satisfaction of the County Engineer. Building permits for any structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
- 8. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 60 days shall be

revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

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LRV/Irv



Washoe-Storey Conservation District

Natural Resource Conservation Service 1365 Corporate Blvd. Reno, NV 89502

Tel: (775) 857-8500 ext. 131 Fax: (775) 857-8525

Board of Supervisors:

Bret Tyler Chairman

James Shaffer Secretary County Appointee

Kevin Roukey Director

Tory Friedmen Supervisor

Spencer Scott Supervisor

James Muntin Supervisor

> OPEN City Appointee

Roger Pelham, MPA, Senior Planner Washoe County Community Services Department Planning and Development Division 1001 E. Ninth St., Bldg. A Reno, NV 89512

August 24, 2015

Subject: August Agency Review – Case Nos. - Special Use Permit Case Number SB15-004 (Le Friant Family Trust); Variance Case Number VA15-009 (William Van Leuven Garage)

Roger,

Thank you for providing us the August Agency Review and the opportunity to review and provide comments. We have reviewed the subject proposed projects as requested and we have the following comments:

Special Use Permit Case Number SB15-004 (Le Friant Family Trust)

The proposed project is to allow the construction of a new residence and driveway, along with associated grading and improvements on a 5.003 acre parcel. The driveway will pass through a Significant Hydrologic Resource (SHR) sensitive stream zone and grading anticipated to exceed 1,000 cubic yards. The project is located at 55 Will Sauer Road, Washoe Valley, Nevada. We have the following comments on this proposed project.

1. Regarding Supplemental Information items 2, 4 and 6, - the cubic yards involved in excavation, importing or exporting and grading done previously seem to not be in sync. In item 6 the applicant refers to the August 2013 approved Special Use Permit that authorized earthwork quantities of 3,500 cubic yards, while item 2 references 3,300 cubic yards and item 4 indicates that 230 cubic yards of base material will be imported and approximately 400 cubic yards will remain on-site for us as construction related fill and the remainder being hauled off-site. The applicant needs to clarify if the remainder total being hauled off will be either 3100 or 2900 cubic yards, and specify where they are to be disposed.

2. Supplemental Information item 15 – The applicant states will be determined by a revegetation expert during design. We recommend that the County require the applicant to coordinate the selection of the Plant Seed Mix with the Washoe/Storey Conservation District and Natural Resources Conservation Service prior to the approval of any revegetation plan.

3. Supplemental Information item 16 - We recommend that the County require temporary irrigation until the seeding germinates and can minimize erosion in the event of heavy runoff events that could wash away seeding. Also we recommend the County require a success criteria be met before final sign off of approval.

4. Supplemental Information item 17 – We recommend that the County require the applicant provide the Washoe/Storey Conservation District with copies of the Revegetation Plan as soon as it is available.

5. The applicant has provided a copy of the eight special consideration to be addressed with any new development that will be constructed within the Sensitive Stream Zone Buffer Area. We recommend the County require the applicant to contact the County or Washoe/Storey Conservation District staff to inspect and approve all temporary erosion control measures and other Best Management Practices (BMPs) required by County or state agencies or at a minimum require the applicant to photograph al erosion control BMPs and submit them for approval prior to any construction being initiated.

Variance Case Number VA15-009 (William Van Leuven Garage)

The proposed project is to approve a variance to the side yard building setback distance for a new planned garage addition on the southwest side of the existing garage on a 9.4424 acre parcel. The project is located at 25 Aguilar Court, Sparks, NV. We have the following comments on this proposed project.

- 1. The proposed project in itself has no impact to the environmental concerns of the Washoe/Storey Conservation District, but we are concerned that any erosional patterns that resulted from the last flooding event may be a source of sediment load in future events. Because these flows add to the potential downstream impacts form increased sediment load, we recommend that as part of the variance approval, the County require the applicant to regrade the areas on their property to remove any flood related channels and establish channels that will handle any estimated flood flows.
- 2. We also recommend that the County suggest the applicant to contact the Washoe/Storey Conservation District for assistance with developing erosion control methods.

These are our comments and recommendations for the subject projects. We appreciate the opportunity to provide comments and recommendations on projects that may have impacts on our natural resources. Should you have any further questions please contact Kevin J. Roukey by phone at 775-232-1571 or email <u>kevinir_51@att.net</u>.

Sincerely,

Kevin J. Roukey, District Coordinator Washoe/Storey Conservation District

Pelham, Roger

From:	Simpson, Tim
Sent:	Tuesday, September 01, 2015 1:55 PM
To:	Pelham, Roger
Cc:	Cella, John
Subject:	Special Use Permit Case Number SB15-004 (LeFriant Family Trust)

Roger,

Engineering Capital Projects Utility Division has no comment for the following case: Special Use Permit Case Number SB15-004 (LeFriant Family Trust)

Thanks,

Timothy Simpson, P.E. ENVIRONMENTAL ENGINEER II Washoe County CSD, Engineering and Capital Projects E: tsimpson@washoecounty.us | O: (775) 954-4648 | F: (775) 954-4610 1001 E. Ninth Street Bld A, Reno, NV 89512 P.O. BOX 11130, Reno, NV 89520-0027



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Pelham, Roger

From:	Corbridge, Kimble
Sent:	Tuesday, September 01, 2015 2:11 PM
To:	Pelham, Roger
Cc:	Vesely, Leo
Subject:	Special Use Permit Case Number SB15-004 (LeFriant Family Trust)

Roger,

I have reviewed the referenced SUP and have no comments from a Roads standpoint. Leo will have other comments.

Thx,

Kimble



REGIONAL TRANSPORTATION COMMISSION

Public Transportation + Streets and Highways + Planning

August 25, 2015

FR: Chrono/PL 183-15

Mr. Bill Whitney, Division Director **Community Services Department** Washoe County P.O. Box 11130 Reno, NV 89520

RE: AB15-004 (Botick/Bowering) AB15-005 (MK III Holdings, LLC) SB15-004 (LeFriant Family Trust) SB15-005 (Verizon Arrowcreek) SB15-006 (Booth Accessory Dwelling) SB15-007 (Tahoe's Connection for Families) VA15-006 (Yarhi Estate) VA15-007 (Miller) VA15-008 (Myers) VA15-009 (William VanLeuven Garage)

Dear Bill.

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 335-1918 if you have any questions or comments.

Sincerely.

1an

Debra Goodwin **Planning Administrator**

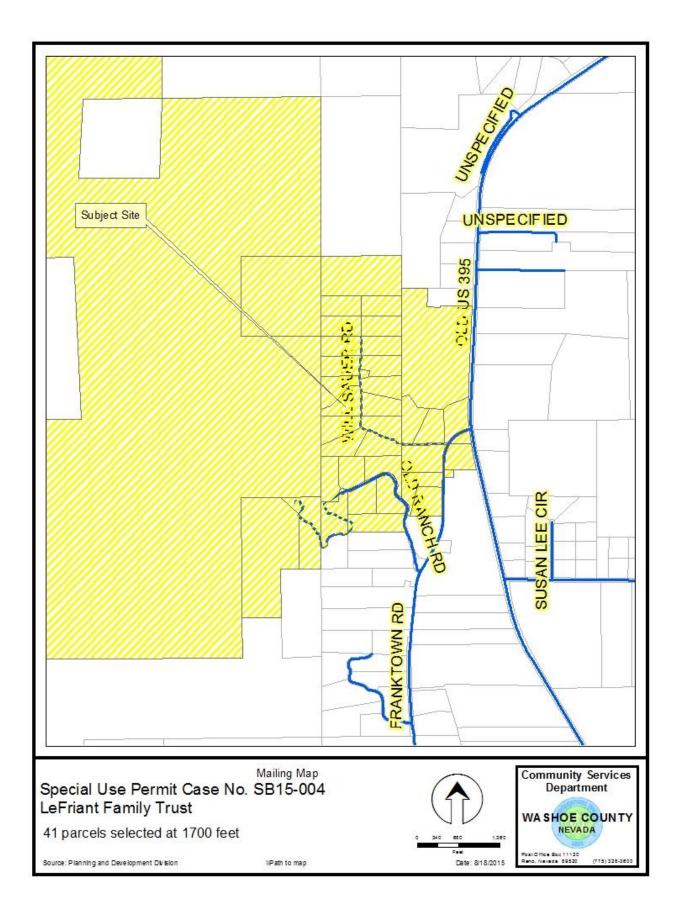
DG/jm

Copies:

Kelly Mullin, Washoe County Community Services Department Trevor Lloyd, Washoe County Community Services Department Grace Sannazzaro, Washoe County Community Services Department Roger Pelham, Washoe County Community Services Department Eva M. Krause, Washoe County Community Services Department Eric Young, Washoe County Community Services Department Chad Giesinger, Washoe County Community Services Department Marchon Miller, Regional Transportation Commission Tina Wu, Regional Transportation Commission David Jickling, Regional Transportation Commission Julie Masterpool, Regional Transportation Commission

Washoe County no comment 090315

RTC Board: Neoma Jardon (Chair) · Ron Smith (Vice Chair) · Bob Lucey · Paul McKenzie · Vaughn Hartung PO Box 30002, Reno, NV 89520 · 2050 Villanova Drive, Reno, NV 89502 · 775-348-0400 · rtcwashoe.com



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: Le Friant Proposed Residence			
Project Construction of a new residence and driveway, along with associated grading and Description: improvements. The driveway will pass through a Significant Hydrologic Resource (SH sensitive stream zone and grading is anticipated to exceed 1,000 cubic yards.			c Resource (SHR)
Project Address: 55 Will Saue	r Road, Washoe Val	ley, Nevada	
Project Area (acres or square fe	et): 5.003 Acres		
Project Location (with point of re			
The address is, 55 Win Sader N	oau, washoe valley	. The closest cross street is Fra	inktown Road.
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
172-010-06	5.003		
	,		
Section(s)/Township/Range: S	E 14, SE 1/4, Sec. 4	, T16N, R19E	-l
Indicate any previous Washo	e County approval	s associated with this applicat	tion:
Case No.(sSpecial Use Permit	Case No. SB13-017		
Applicant	Information (atta	ch additional sheets if necessar	y)
Property Owner:		Professional Consultant:	
Name: Jacques & Beth Le Friant		Name: Resource Concepts, Inc.	
Address: 1151 Hornblend Street		Address: 340 N. Minnesota Street	
San Diego, California	Zip: 92109	Carson City, Nevada	Zip: 89703
Phone: (858) 270-7999	Fax: None	Phone: 775-883-1600	Fax: 775-883-1656
Email: beth.lefriant@yahoo.com		Email: joe@rci-nv.com	
Cell: (858) 270-7999 Other: None		Cell: 775-721-1920	Other: None
Contact Person: Jacques & Beth Le Friant		Contact Person: Joe Cacioppo, P.E.	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Jacques & Beth Le Friant		Name:	
Address: 1151 Hornblend Street		Address:	
San Diego, California	Zip: 92109		Zip:
Phone: (858) 270-7999	Fax: None	Phone:	Fax:
Email: beth.lefriant@yahoo.con	n	Email:	
Cell: (858) 270-7999 (Other: None	Cell:	Other:
Contact Person: Jacques & Beth Le Friant		Contact Person:	
	For Office	Use Only	
Date Received:	nitial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Jacques & Beth Le Friant

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

1. MARY ELIZABETH LE FRIANT

(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 Development.

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

Assessor Parcel Number(s): 172-010-06

Printed Name MARY ELIZABETH LE FRIANT Signed HORNBLEND ST, SAN DIEGO, CA 92109 Address [[S]

Subscribed and sworn to before me this _____ day of

(Notary Stamp)

see attached California Jurnt

Notary Public in and for said county and state

My commission expires:

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

- 🛛 Owner
- Corporate Officer/Partner (Provide copy of recorded 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.)
- D Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.		
State of California County of <u>San Diego</u>		
Subscribed and sworn t day of <u>August</u>	to (or affirmed) before me on this <u>10</u> , 20 <u>15</u> , by <u>Mary Elizabeth</u> nt	
	sis of satisfactory evidence to be the	
(Seal)	Signature	

ARTURO MAGANA Commission # 2047746 Notary Public - California San Diego County My Comm. Expires Nov 2, 2017
My Comm. Expires Nov 2, 2017

_____**−___₽**2

Special Use Permit Application for Grading Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to special use permits may be found in Article 810, Special Use Permits. Article 438, Grading, and Article 418, Significant Hydrologic Resources, are the ordinances specifically involved in this request.

1. What is the purpose of the grading?

The grading is needed to construct the driveway, the residence and the associated utilities (water, on-site sewage disposal system, power, etc.). Given that the residence is proposed to be positioned into the hillside, re-contouring of a portion of the hillside is a part of the work.

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

3,300 cubic yards. Refer to our response to Question 5 for justification related to the choice of building sites.

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

33,270 square feet.

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

Approximately 230 cubic yards of base material will be imported (for driveway and garage). Approximately 400 cubic yards will remain on-site for use as construction related fill, with the remainder being hauled off-site.

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

No. The proposed location, as well as other on-site locations considered, will exceed the 1,000 cubic yard threshold. This is based on the existing sloped and wooded terrain.

We looked at relocating the residence closer to Will Sauer Road, but given the existing ground slopes, grading would exceed the threshold. More importantly, setback requirements for the on-site sewage disposal system (100' from any watercourse) prohibits construction adjacent to Will Sauer Road. This is based on the existing FEMA 100-year boundary, the existing drainage way running through this portion of the property, as well as the building setback requirements off Will Sauer Road. Mr. Jack Healy who oversees the diversion of Franktown Creek for water right holders warned that extensive flooding occurs between the Creek and Will Sauer Road. As such, the current proposed location is the only available area for the proposed residence.

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

Some earthwork has occurred on the parcel. The existing soil driveway was created for irrigation and farming use. This occurred prior to the current ownership. The current owners intend to use the existing driveway alignment to minimize further disturbance.

Based on the August 2013 County approved Special Use Permit, for construction of the driveway through the SHR area (which also on the application provided earthwork quantities totaling 3,500 cubic yards associated with driveway, construction of the residence and rear hillside grading), the owners received approval to extend power to serve the residence at its requested location. Trenching and associated grading were conducted as a part of that work.

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

Yes.

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

Yes, to a very small degree. The major portion of grading is proposed to occur behind the residence, which is setback approximately 400 feet from Will Sauer Road to the east. Given the heavily wooded and sloped terrain, visibility from Will Sauer Road is very restricted and in keeping with the character of the neighborhood. Similar visibility restrictions, although less of a distance, occur from the north and south parcels.

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

Yes, if an agreement were in place.	Currently, the adjacent parcel is owned by the
applicant. The current application is	however for on-site use only.

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

Proposed cut and fill slopes will not be steeper than three horizontal to one vertical (3:1). Retaining walls that do not exceed 10 feet in height will be constructed to minimize grading. Fiber rolls, erosion control blankets and wood fiber hydromulch/tackifiers will also be incorporated to help prevent erosion.

11. Are you planning any berms?

☐ Yes ☐ No ☐ If yes, how tall is the berm at its highest?	🗆 Yes	🖾 No	If yes, how tall is the berm at its highest?
---	-------	------	--

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

Retaining walls not to exceed 10 feet in height are proposed and are necessary to meet the County requirements related to maximum slopes. The walls will be concrete and masonry, and designed by others so as to blend into the surroundings to the extent reasonably possible.

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

We are proposing an approximately 350 foot setback off Will Sauer Road. The site is heavily treed and has varied terrain, which provides natural mitigation. Additional mitigation will consist of materials for the residence that blend in color with the natural surroundings.

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

Yes. Trees proposed for removal include:

Three - 12" to 24" Diameter Pines Eight - 6" to 12" Diameter Pines

While construction closer to Will Sauer Road is not feasible as discussed within our response to Question 5, the trees in that area are more mature (28" diameter and larger) and an equal amount of trees would need to be removed.

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

Native Plants Seedmix.

Pounds per ace will be determined by a revegetation expert during design. Seed will be broadcast seeded and a wood fiber hydromulch will be used.

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

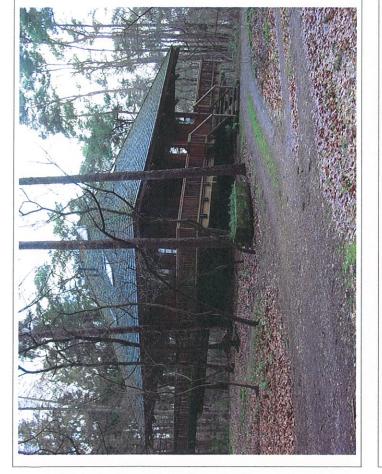
No temporary irrigation is proposed. All seedings will be completed in the fall for a spring germination. Should temporary irrigation be required, the new residence will have outdoor water spigots than can be used.

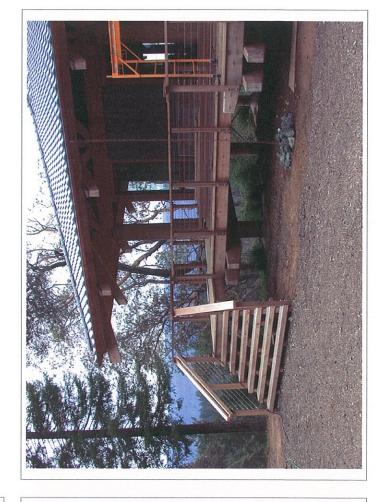
17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

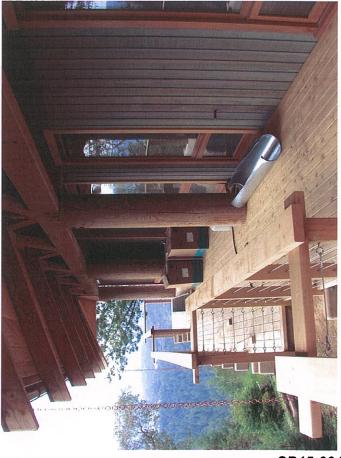
Not at this time. Once the Special Use Permit is approved, the Washoe Storey Conservation District will be contacted.

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

🛛 Yes	121 No	If yes, please attach a copy.

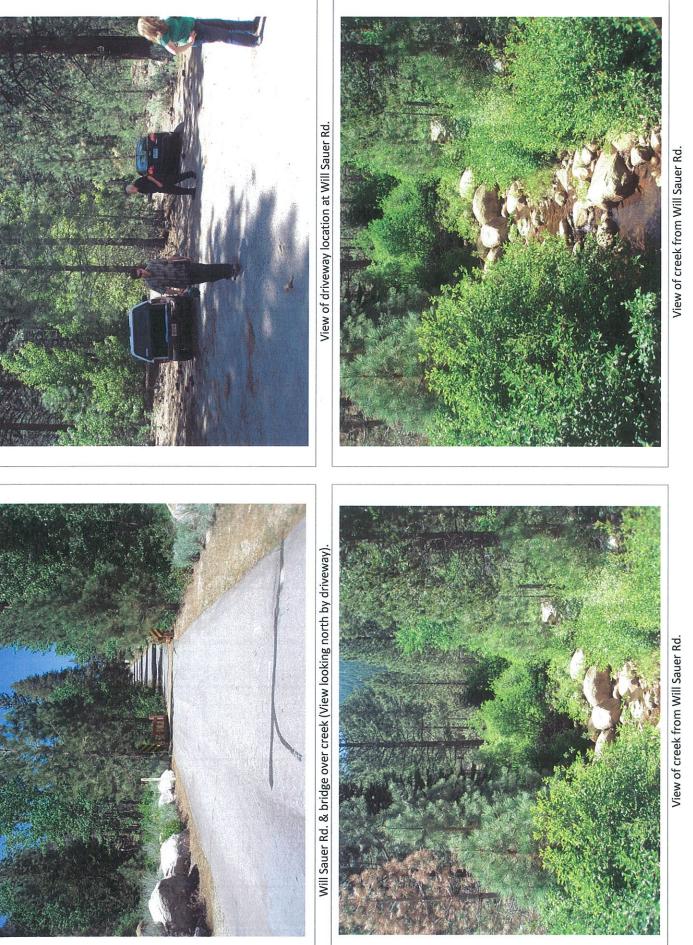






SB15-004 EXHIBIT D

Typical 'Pole & Beam' Type House



Proposed Driveway Entrance and Franktown Creek

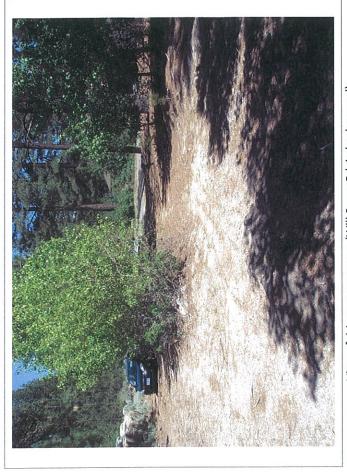
Proposed Driveway

View of dirt road to access irrigation ditch (right side of photo) & proposed driveway location.





View of dirt road along south property line (proposed driveway location).



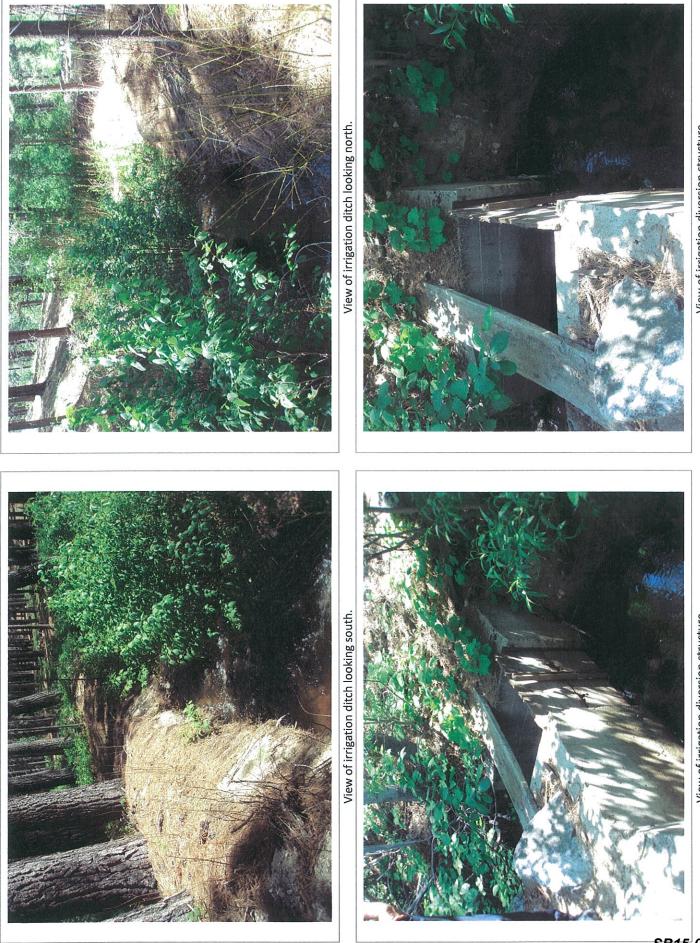






View of irrigation diversion structure.

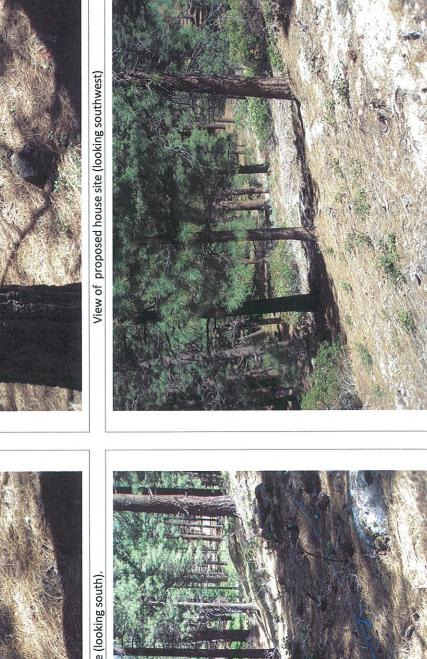
View of irrigation diversion structure.



SB15-004 EXHIBIT D

Proposed House Site

View of of proposed house (looking southeast)





View of proposed house site (looking south)



SB15-004 EXHIBIT D

View of proposed house site (looking southeast).

LE FRIANT RESIDENCE WEST WASHOE VALLEY PROPOSED MEASURES TO ADDRESS SPECIAL REVIEW CONSIDERATIONS AS LISTED IN SECTION 110.418.30 OF THE WASHOE COUNTY DEVELOPMENT CODE

There are eight special considerations to be addressed with any new development that will be constructed within the Sensitive Stream Zone Buffer Area. Portions of the proposed new house, driveway, and other related improvements will be constructed within the Sensitive Stream Zone Buffer Area. The following lists the eight special considerations and following the special consideration are the proposed measures to address each consideration, if it is applicable.

- (a) Conservation of Topsoil. The top two to six inches of topsoil will be salvaged from all areas to be cleared to construct new improvements. Upon completion of the new house and related elements the topsoil will be placed over all areas disturbed during construction and vegetated with a native plant material seed mix. Any excess topsoil will be utilized behind stacked boulder walls and vegetated.
- (b) Protection of Surface Water Quality. Temporary erosion control measures shall be installed prior to the start of construction to assure no sediment reaches the creek. All measures will be in compliance with all county requirements and may include straw wattles, filter fencing, or runoff interceptors upstream of the work. Runoff intercepted upstream of the work will be rerouted in rock lined ditches to a safe point of discharge. Upon completion of all work all disturbed areas will be vegetated using a native seed mix. On slopes around the house a geotextile may be placed as a part of the vegetation treatment.
- (c) Conservation of Natural Vegetation, Wildlife Habitat, and Fisheries. No work or land disturbance of any kind will occur within the sixty-foot wide Critical Stream Zone Buffer area. The majority of riparian vegetation on the site is located within this area. This setback will assure minimal disturbance to wildlife that tend to use the riparian areas and will provide protection to fisheries. Every effort will be made to minimize disturbance to natural vegetation. The house will be constructed using 'pole and beam' construction methods. That is, vertical poles set into the ground with horizontal crossbeams attached to the poles to support the house above will support the house. This methodology allows for portions of the natural ground topography under the house to remain as is with minimal disturbance.
- (d) **Control of Erosion.** Temporary erosion control measures will be installed prior to start of construction in accordance with all county requirements and guidelines to protect all downstream areas including the creek and irrigation ditch. Permanent erosion control measures will

include placement of boulders over cut slopes to prevent erosion. Boulder placement will include some stepped slope treatments. All areas will be vegetated using a native plant material seed mix.

, F

- (e) **Control of Drainage and Sedimentation.** Runoff from the proposed house location drains away from Franktown Creek except for a very small area at the northwest corner of the house. This end of the house will be elevated above the existing natural ground allowing the existing drainage pattern to remain unchanged. The remaining natural runoff above the house site currently drains easterly. Runoff interceptor channels will be installed behind the house to intercept the natural runoff and route flows around the house. These channels will be rock-lined so as to prevent erosion. All areas below the house or along the sides will be vegetated using a native plant material seed mix. These measures will assure drainage is handled properly and will prevent sediment from discharging from the site. The driveway will be paved to prevent erosion and the sides of the driveway vegetated.
- (f) Provision for restoration of the project site to predevelopment conditions. Vegetative treatments of all disturbed areas remaining after all work has been completed will be with a native plant material seed mix prepared specific to this site. The seed mix will include plant materials typical of the natural vegetation found on the site. This will include a seed mix for upland areas and a seed mix for riparian areas.
- (g) **Provision of a bonding program to secure performance of** requirements imposed. A Building Permit will be required to construct the house. The county will be inspecting the work as it progresses as a standard part of the permit and an issuance of a final release by the county is required prior to occupancy of the house. This process assures all improvements are completed in accordance with the county approved plans.
- (h) Preservation of the hydrologic resources, character of the area and other conditions as necessary. All of the above measures are intended to preserve the hydrologic resources within the Sensitive Stream Zone buffer area as well as the character of the area. The house will be constructed to blend with the surrounding natural area and will be a 'pole and beam' construction with a natural wood appearance when done, not painted. The intent of this construction approach is blend the house into the natural topography of the site. Photos of this type of house construction are included with the submittal for review by the county.

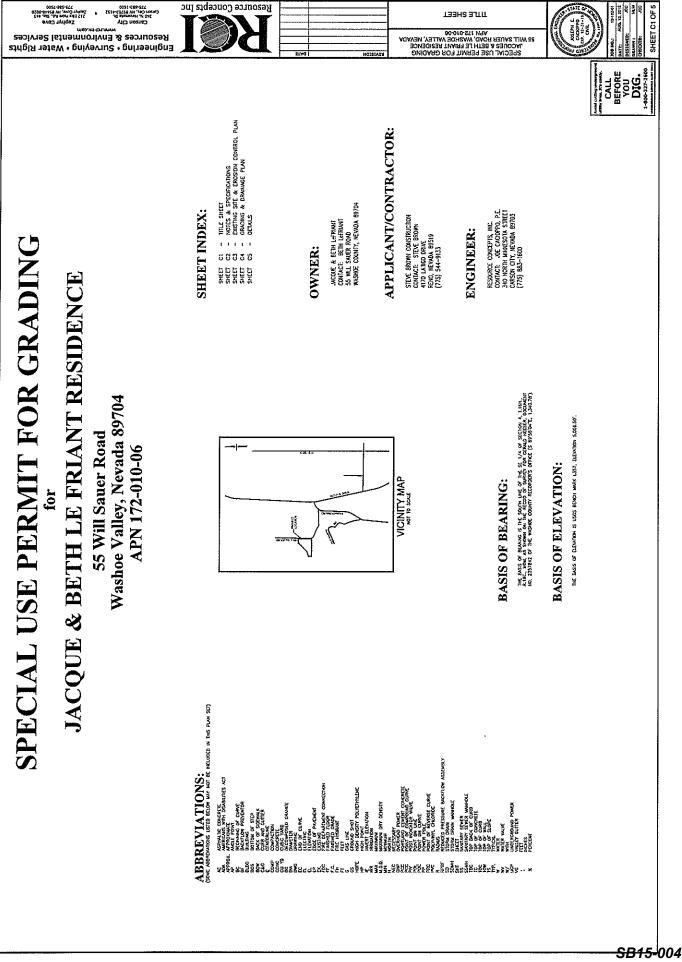


EXHIBIT D

Special Use PERMIT FOR GRADING: Anticipation APPECIFICATIONS Acression	Marcine and a second and a seco
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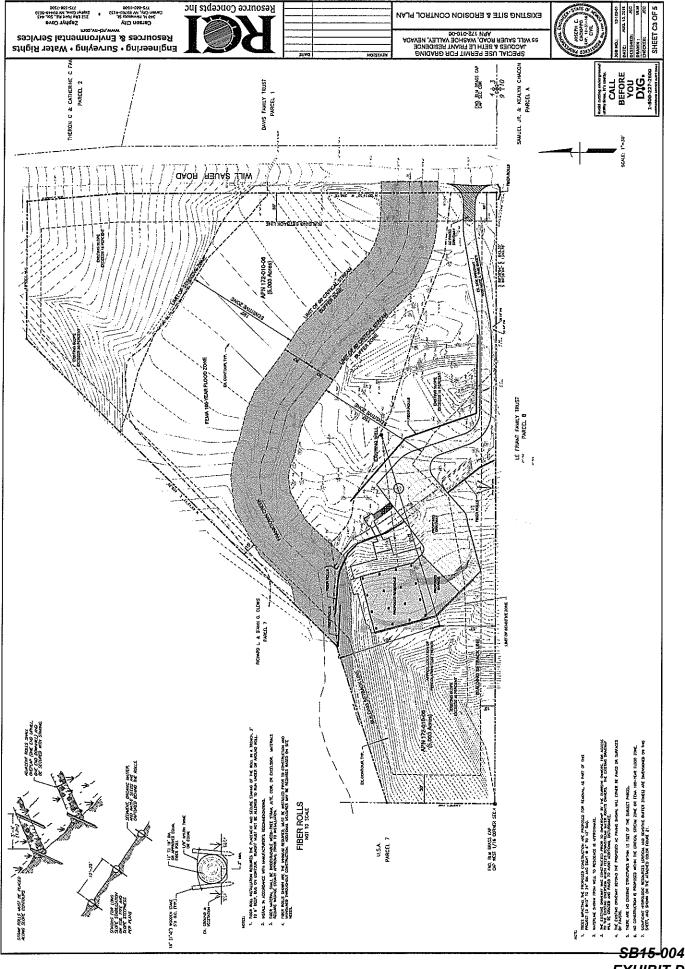
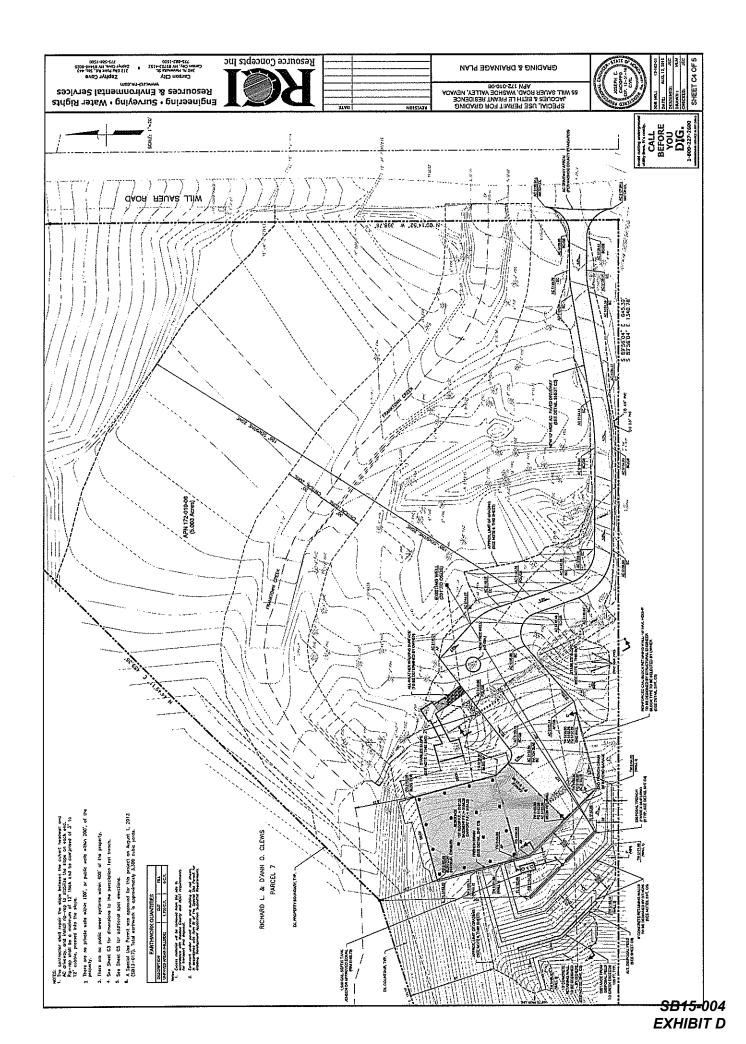


EXHIBIT D



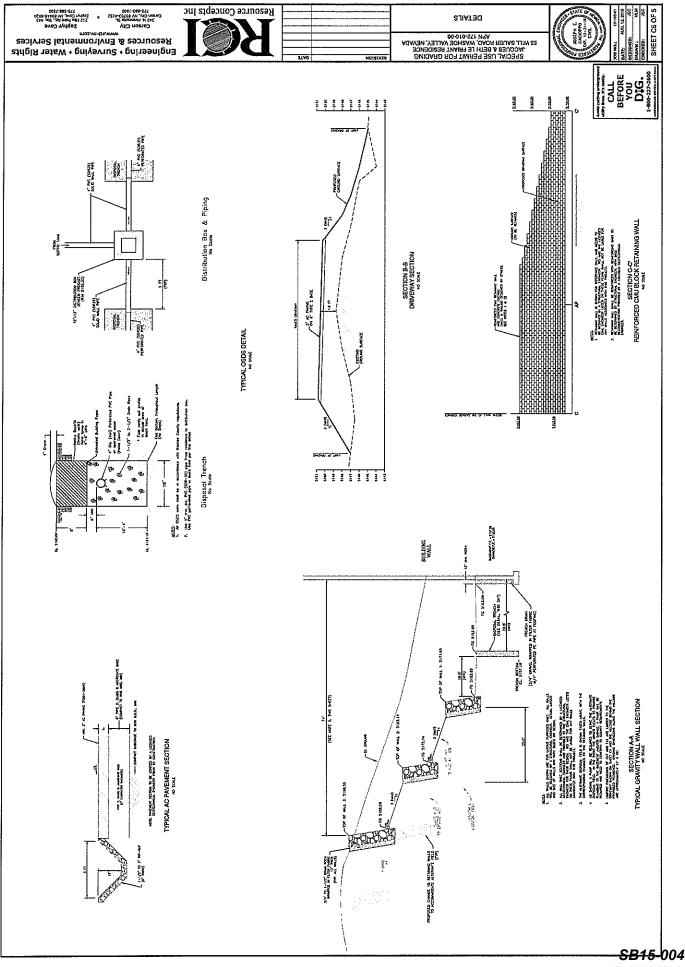
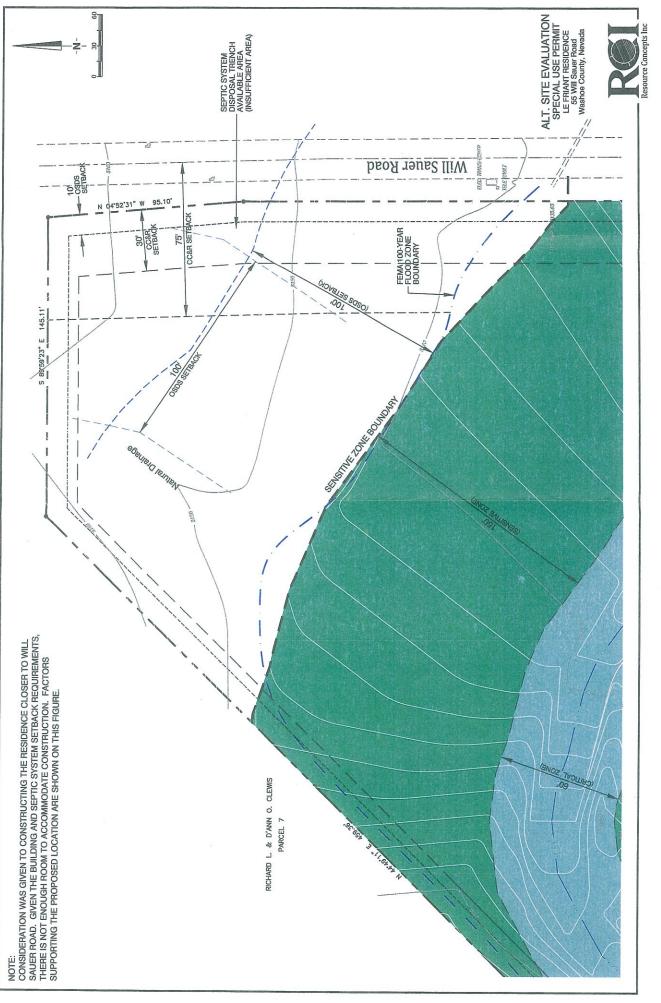


EXHIBIT D



Houston W. Crisp

205 Will Sauer Rd. Washoe Valley, NV 89704

(425) 681-7887 hwcrisp@aol.com

September 10, 2015

By hand to Washoe Valley Citizen Advisory Board Meeting of September 10, 2015

Subject: Special Use Permit Case Number SB 15-004 (LeFriant Family Trust)

I wish to address two principal matters: public support and compliance with Special Use Permit (SUP) and Sensitive Stream Zone requirements established in the Washoe County Development Code.

Public Support

I have personally communicated with all but the two residents furthest from the proposed project. There is 100% support. The applicant's lot is zoned for a single family residence, the proposal is consistent with other houses in the immediate vicinity, development of the lot is hard to see from the road, and every resident is aware that the development has been under way for years. So, there is no surprise. No one that I know of perceives any impact to their own lives or property. I am supportive of the application.

Compliance with Washoe County Development Codes

Section 110.418.00 Purpose. This article establishes standards for use of land in "critical stream zone buffer area" and "sensitive stream zone buffer area" to preserving and protecting perennial streams within Washoe County to implement a policy of "no net loss" of significant hydrological resource size, function and value.

Necessary disturbance for construction is outside the "critical stream buffer area." Part of it lies within the 150-food boundary designated the "sensitive stream zone buffer area" along Franktown Creek. The proposed project affects a tiny fraction of the hydrological resource's overall size. It is far below the level of "significant" in both size and value. Secondly, since runoff is ultimately returned to the local hydrologic system, there is no change in function or value. It is noted that the short reach of Franktown Creek that flows through the property has long had greatly diminished hydrological value due to irrigation diversions upstream.

The purpose of Section 110.418.00 is met.

Section 110.418.25 Sensitive Stream Zone Buffer Area Development Standards

Any construction in the sensitive stream zone buffer area will require submission of a grading plan showing compliance with applicable best management practices as defined by the Washoe County Department of Public Works to minimize stream bank and stream bed erosion. The grading plan shall also be designed to prevent construction drainage and materials from

increasing sedimentation impacts to the stream environment and to minimize impervious surfaces.

Single family residences are an outright allowed use in this sensitive zone. The only reason that a SUP is required in this case is that excavation for the structure and regrading of the existing driveway exceeds 1,000 cu yd.

In compliance with this Section, a grading plan prepared by a licensed civil engineer has been submitted and accepted. It is accompanied by drainage and erosion control plans. The General Conditions of the plan specify that "All work shall conform to 'Standard Specifications for Public Works Construction' (Orange Book), 'Standard Details for Public Works Construction,' Washoe County Standards, State of Nevada Health Division and Division of Environmental Protection and OSHA requirements, Washoe County adopted International Building Code," and special requirements of the project as shown on the plan. Standards for public works, used for this proposed project, generally exceed the requirements for residential construction.

Best management practices for erosion control are described and illustrated on the Erosion Control Plan. These include grading for proper drainage and use of fiber rolls and other runoff retarding materials; preventing stream bank and bed erosion. The plan also shows how sedimentation impacts to the stream environment will be prevented by extensive use of fiber rolls placed to avoid allowing runoff to run under or around them. The impervious surface is depicted on Sheet C3 of 5, showing a standard width AC pavement driveway, a paved turnaround area necessary for fire equipment, and the house/garage structure.

The requirements of Section 110.418.25 are met.

Section 110.418.30 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for development in the critical stream zone buffer area or the sensitive stream zone buffer area, the record at the Board of Adjustment shall demonstrate that the following special review considerations are addressed:

(a) Conservation of topsoil;

Conservation of topsoil is achieved by excavating the minimum necessary to construct the project. Further, the grading plan's General Notes include: "If excavated material is deemed suitable as backfill by the Geotechnical Engineer at the time of excavation, the Contractor shall separate it from the unsuitable material. The excavated soil shall be stockpiled and protected from weather."

(b) Protection of surface water quality;

Surface water quality is protected in accordance with the grading plan's section on Construction Materials: "The Contractor shall be required to comply with all federal, state and local receiving water quality requirements that may be applicable." This is achieved as described in the drainage and erosion control submittals, already summarized herein.

(c) Conservation of natural vegetation, wildlife habitats and fisheries;

Due to natural environmental conditions, and previous disturbance, the section of Franktown Creek crossing the subject property supports little natural vegetation, wildlife habitat, or fisheries. The

measures already described for controlling grading, drainage, erosion, and revegetation are more than adequate to achieve the goals of this subsection.

(d) Control of erosion;

Erosion control is described and shown on the Erosion Control Plan, Sheet C3 of 5. As described earlier, effective grading and liberal use of surface flow-intercepting fiber rolls are expected to prevent erosion. The SUP Application elaborates on this: "Fiber rolls, erosion control blankets and wood fiber hydromulch/tackifiers will also be incorporated to help prevent erosion." After construction, the specifications for revegetation, grading for drainage, and maintenance of some of the natural swales are intended to permanently avoid erosion.

(e) Control of drainage and sedimentation;

Control of drainage and sedimentation is shown on the Grading and Drainage Plan, which was discussed, above. The General Conditions of the plan further state that, "At the conclusion of construction, the Contractor shall schedule a final walk-through with the Project Engineer, Owner, and Washoe County Inspector. At the discretion of the Project Engineer, all improved areas shall be subject to a flow test to ensure constructed grades meet the design and accommodate the intended drainage. Improved areas deviating from these plans that do not drain properly, will be revoked and reconstructed..." "During the process of excavation, the Contractor shall maintain the grade in such condition that it will be drained at all times, and install temporary drains and drainage ditches to intercept or direct surface water which may not affect the promotion or condition of the work."

(f) Provision for restoration of the project site to predevelopment conditions;

Restoration of the project site to predevelopment conditions would be accomplished mainly through revegetation. It should be remembered that the natural values within the existing sensitive buffer zone are already substantially impaired and mostly absent. Nevertheless, the SUP Application documents the plan to use native plants seedmix and hydromulch for site revegetation.

(g) Provision of a bonding program to secure performance of requirements imposed; and

Performance of the requirements imposed by the grading, drainage, and erosion plans is secured by specification that any deviation by the Contractor not approved by the Project Engineer will be corrected at the Contractor's own expense. Periodic inspection for conformance further assures compliance.

(h) Preservation of the hydrologic resources, character of the area and other conditions as necessary.

Preservation of the hydrologic resources has already been discussed, above. The character of the area, which is rural residential, is unaffected by construction of a rural residence that retains most of the natural values of the site for aesthetic reasons.

The requirements of Section 110.418.30 are met.

Special Use Permit; Section 110.810.30 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 Washoe County area plan designates the property for single-family residential use. A single-family residence is proposed. The Franktown Estates Homeowners Association has approved the plans that have been submitted.

(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;

Electrical power and natural gas are available at the site. The property is served by a two-lane paved private road, maintained under a written agreement among the residents. Waste Management provides garbage collection. Water supply is from an existing well. Wastewater disposal is planned as an onsite system, illustrated in the plans. Washoe County divisions reviewed the plans for adequate public facilities and offered no comments.

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

The site has been determined to be suitable for the proposal by a licensed civil engineer.

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

Nothing indicates that issuance of the permit will adversely affect public health, safety or welfare. Owners of adjacent properties and more distant residents have indicated their support for the development.

(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.

No military installation is located in the area.

The requirements of Section 110.810.30 are met.

Thank you. Sincerely,

Houston W. Cripp

Houston W. Crisp

Cc: Roger Pelham, Washoe County Planning and Development Division

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THOMAS J. HALL

THOMAS J. HALL GREGORY J. HALL* *ALSO LICENSED IN COLORADO ATTORNEYS AND COUNSELORS AT LAW 305 SOUTH ARLINGTON AVENUE RENO, NEVADA 89501 TELEPHONE (775) 348-7011 FAX (775) 348-7211 E-MAIL: tjhlaw@eschelon.com

September 10, 2015

Roger Pelham, Planner Washoe County Department of Planning and Development Post Office Box 11130 Reno, NV 89520-0027

RE: Application for Special Use Permit SB15-004 (Le Friant Family Trust)

Dear Roger:

As you know, our Law Firm represents George W. Gillemot, Trustee, who owns and operates the Sunset Ranch in West Washoe Valley, "downstream" from the above-referenced project.

Mr. Gillemot owns substantial surface and undground water rights in West Washoe Valley, serving his Ranch, and is a stockholder in the Franktown Irrigation Company.

Mr. Gillemot's Ranch is also benefitted by certain easements along Franktown Creek, which easements have been depicted on a Record of Survey for George W. Gillemot Family Trust Survey Map 3750B, recorded on March 17, 2000, as Document 2431043, a copy of which is attached for your ready reference.

These easements and water ways are also shown on the August 11, 1954, Map to Accompany Proof of Appropriation for Irrigation and Domestic Purposes by The Franktown Creek Irrigation Company from Franktown Creek, Water Map 02395. A portion of the cover sheet and Sheet 4 are enclosed herewith for your ready reference.

Further, an examination of Parcel Maps 3142 and 3206, affecting the Applicant Le Friants' property, shows Ditch Easements ten feet (10') wide to sixty feet (60') wide on the creek and ditch centerlines, therein described. Specifically,

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ATTORNEYS AND COUNSELORS AT LAW

Roger Pelham September 10, 2015

the Irrigation and Ditch Easements are set forth, depicted and referenced on the 3rd Parcel Map for Heidenreich Family Trust, Map 3206, as follows:

IRRIGATION DITCH EASEMENT

A Ditch Easement for access and maintenance is hereby set aside and granted to holders of water rights through existing ditches with a width of 15 feet on each side of the ditch centerline herein described.

DRAINIAGE EASEMENT

A Drainage Easement shall be maintained 10 feet in width along all intermittent storm drain channels.

FRANKTOWBN CREEK

A setback distance is hereby set of 30 feet on each side of the centerline of Franktown Creek as described herein.

It is important to Mr. Gillemot that the Franktown Creek Easement, Irrigation Ditch Easement and Drainage Easement be protected for the benefit of downstream users, including Mr. Gillemot's Sunset Ranch.

We request that you make reference to and add a note on your possible Conditions of Approval for the Le Friants' Special Use Permit, that they recognize, protect and not interfere with or harm these various easements to their full widths, either by any future improvements or landscaping. Further, no additional cuts and/or fills may be made to the various easement areas without prior written approval.

Your early attention to this matter is appreciated. If you have any questions, feel free to contact our office.

By copy of this letter and enclosures to the Le Friants, we are informing them of same.

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ATTORNEYS AND COUNSELORS AT LAW

Roger Pelham September 10, 2015

Thank you.

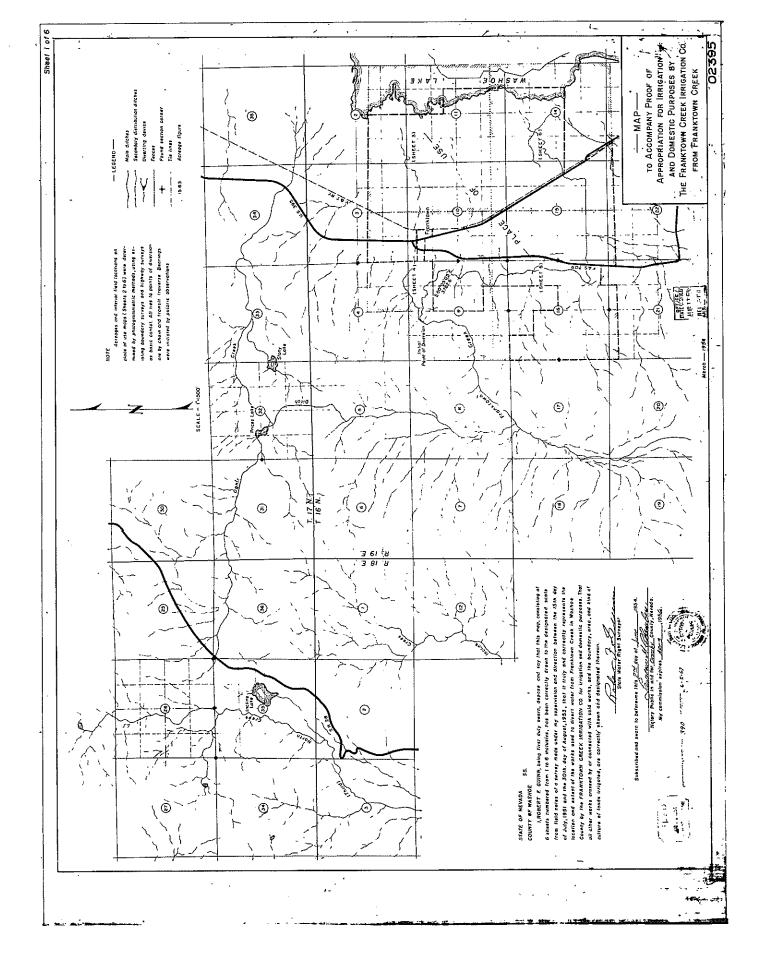
Sincerely,

Thomas J. Hall, Esq.

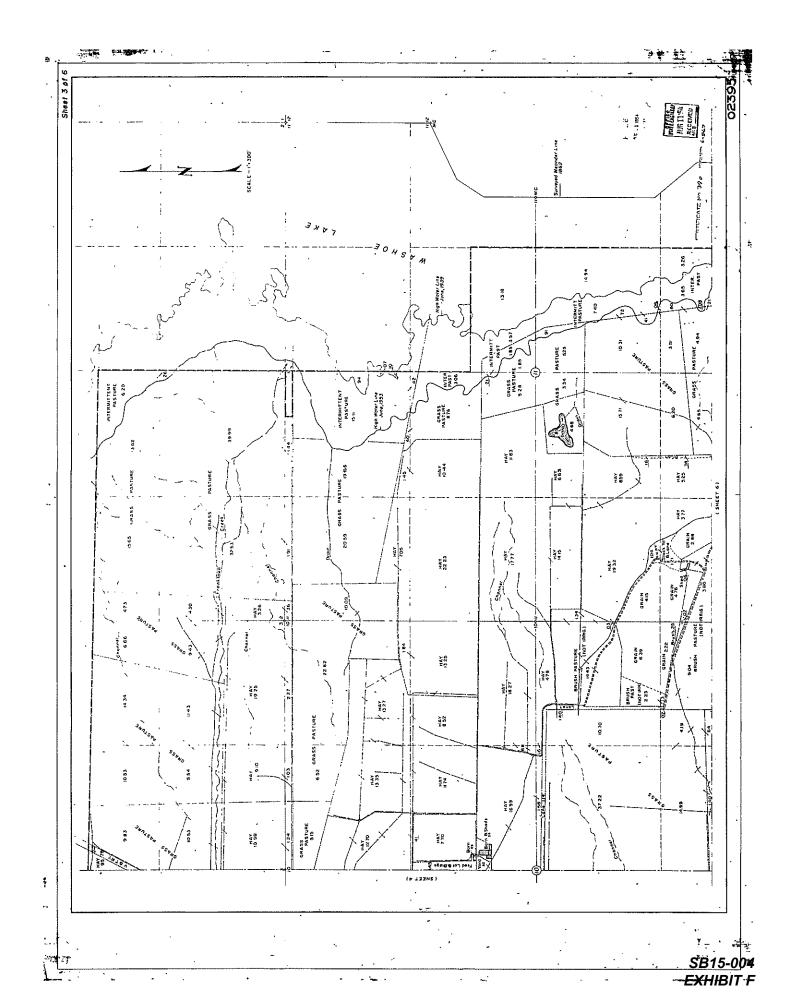
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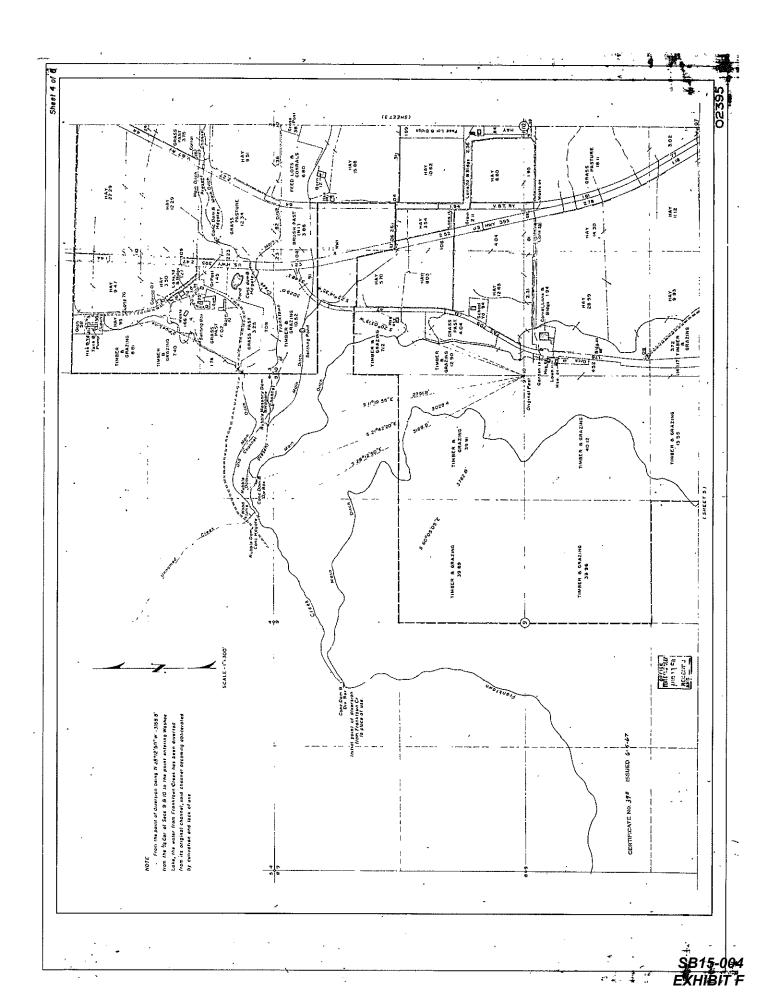
Enclosures: Record of Survey George W. Gillemot Family Trust Map to Accompany Proof, Map 02395 Parcel Map 3142 3rd Parcel Map 3026 cc: Client (w/enclosures)

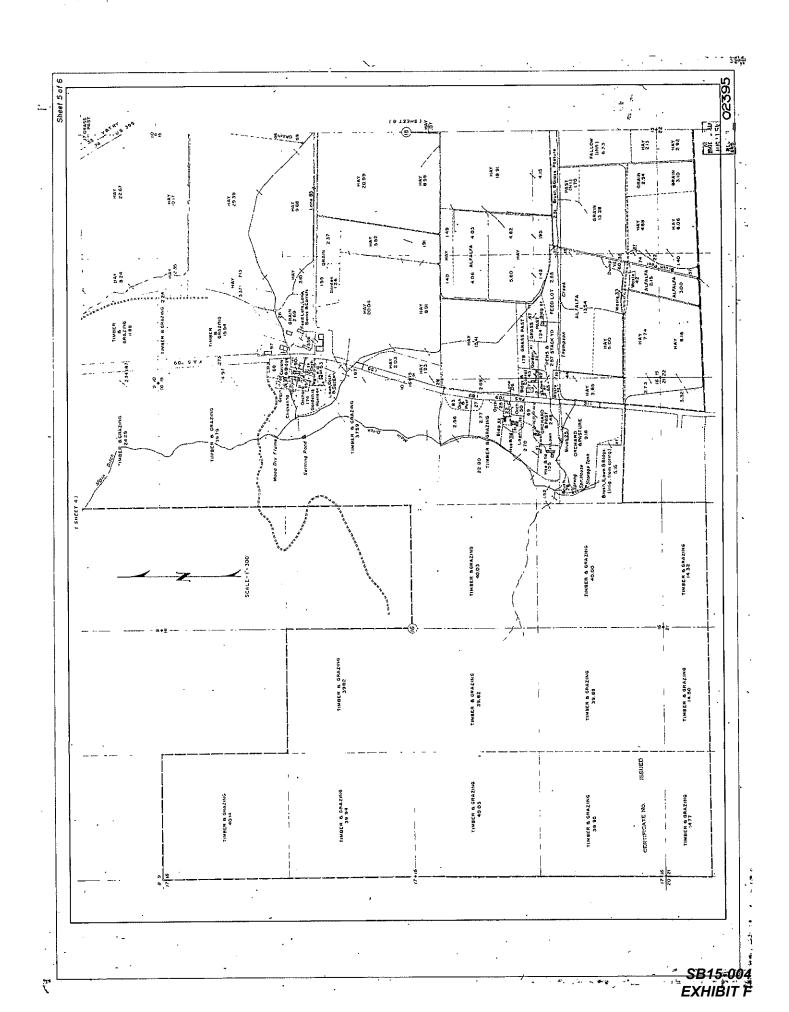
Mary E. & Jacques C. Le Friant, Trustees (w/enclosures)



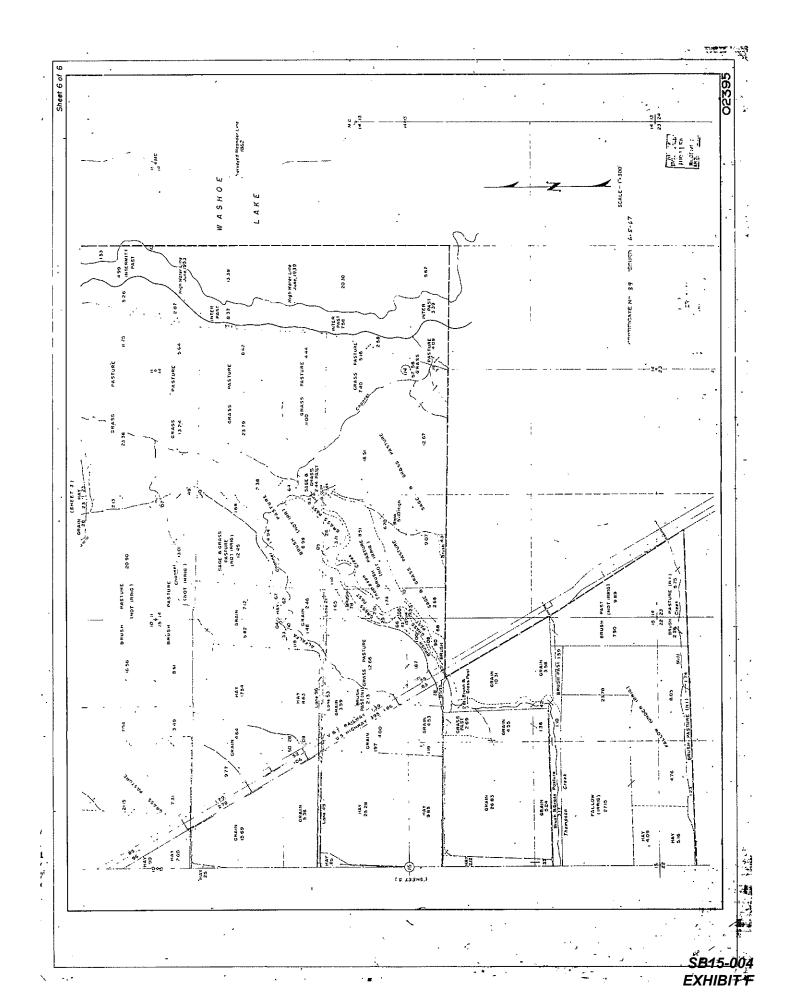




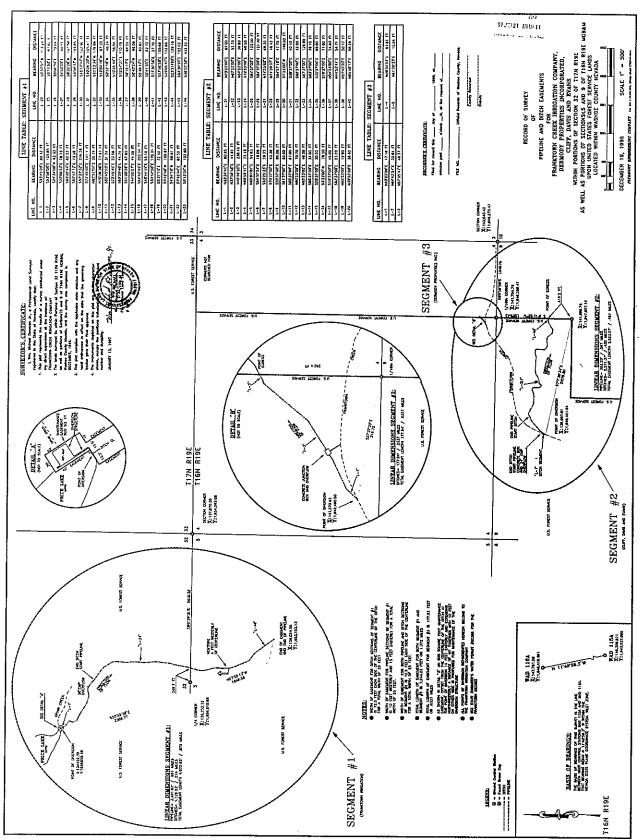








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