

Board of Adjustment Staff Report

Meeting Date: November 4, 2021

SPECIAL USE PERMIT CASE NO:	WSUP21-0027 (Eagle Canyon North – Permanent Flood Control)
BRIEF SUMMARY OF REQUEST:	Major Grading for the purpose of improvement and expansion of existing flood control facilities.
STAFF PLANNER:	Planner's Name: Roger D. Pelham, MPA, Senior Planner Phone Number: 775.328.3622 E-mail: <u>rpelham@washoecounty.gov</u>

CASE DESCRIPTION

For hearing, discussion and possible action to approve a special use permit to allow major grading of approximately 75,360 square feet of disturbance and excavation and exportation of approximately 5,490 cubic yards of earthen material for the purpose of improvement and expansion of existing flood control facilities in Spanish Springs.

Applicant:	Equus Management Group
Property Owner:	Eagle Canyon North
	Association
Location:	Northwest corner of Eagle
	Canyon Drive and Calle De La
	Plata, extending north along
	the western edge of the Eagle
	Canyon subdivision
APN:	530-830-03 & 530-620-05
Parcel Size:	± 2.658 & ± 5.130 acres
Master Plan:	Suburban Residential (SR) &
	Open Space (OS)
Regulatory Zone:	Medium Density Suburban
	(MDS) & Open Space (OS)
Area Plan:	Spanish Springs
Development Code:	Authorized in Article 438,
	Grading
Commission District:	4 – Commissioner Hartung



Agenda Item: 8C

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE 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 WSUP21-0027 for Equus Management Group, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30.

(Motion with Findings on Page 12)

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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 WSUP21-0027 are attached to this staff report and will be included with the action order, if approved.

The subject property is designated as Medium Density Suburban (MDS) & Open Space (OS). The proposed use of flood control improvements which require major grading is permissible in all regulatory zones with a special use permit per WCC 110.438. Therefore, the applicant is seeking approval of this SUP from the Board of Adjustment.

Additionally, Article 810, Special Use Permits, allows the Board of Adjustment to vary development code standards in conjunction with the approval process per WCC 110.810.20(e).

The applicant has not requested any variance to any standards, for this reason all generally applicable standards for Civic use types will be applied to this project. While the special use permit is required by the amount of grading proposed. The existing use is Utility Services use type and thus is subject to standards for Civic use types. Most importantly, this requires landscaping meeting the standards of Article 412, of the Development Code.

Plans for the improvements to the flood control facility follow.









Project Evaluation

The proposed major grading improves an existing flood control facility. The grading is proposed by the homeowner's association to enhance the protection of the existing homes. It expands a drainage channel and deepens an existing retention basin. Stabilization of the flood channel, by means of the application of rock (rip-rap) on the sides of the ditch are also proposed. The facility is visible, but somewhat obscured, from both Calle De La Plata and from Fuggles Drive. The benefits of increased control of stormwater run off are obvious. There are few negative impacts associated with the improvements themselves, there are however negative impacts resulting from the public access to, and apparent misuse of, the flood control facilities.

Upon inspection, it is clear to staff that the flood control facilities are being utilized by drivers of offhighway vehicles (OHVs) (dirt bikes and all-terrain vehicles) as a recreational area. Use by that type of vehicle has resulted in substantial degradation of the flood control facility.

Photos of the existing condition of the flood control facility follow.









There are few negative impacts associated with this project. There will be temporary construction activity and the noise associated with that activity. Conditions of approval have been recommended to restrict construction activity to the hours between 7AM and 7PM Monday through Friday, to the hours between 9AM and 5PM on Saturday, and prohibit construction activity on Sundays.

The project site is visible, though not prominent from both Calle De La Plata and Fuggles Drive. As a civic use type, landscaping of 20% of the site is required. It is the opinion of staff that general standards for landscaping, as required by Article 412 of the Development Code, are sufficient to mitigate visual impact. While not completely necessary, as a courtesy to the applicant, a condition of approval has been recommended that notes that general landscaping standards apply to this project.

Perhaps the most important aspect of the evaluation of the special use permit for this project is mitigating future use of the flood control facility by OHVs. The application called for a wire-and-post fence surrounding the detention pond area. A simple wire fence is insufficient, as it can be breached with minimal effort. Staff contacted the applicant's representative during the review of this project and asked to collaborate on a plan to inhibit OHV access to the detention facility. The applicant did not provide any meaningful contribution to staff regarding a plan to inhibit access to the facility. It should be noted that it is (in practical terms) impossible to completely prohibit access, however the following measures have been included in the recommended conditions of approval, in an attempt to inhibit access to a reasonable extent:

- 1) Boulders of at least 24" in diameter shall be placed along the entire perimeter of the project site. Boulders shall be spaced not more than 48" apart.
- 2) A chain-link fence of at least 6 feet in height shall be constructed surrounding the detention pond area. All materials shall be non-reflective.
- 3) Boulders of at least 36" in diameter shall be placed to inhibit vehicular access at all trails, paths and roads adjacent to the project site, with the exception of roads required for maintenance vehicles. Access to roads required for maintenance vehicles shall be gated.

With the conditions of approval, as recommended and attached to this report, staff recommends approval of the special use permit.

Area Plan Evaluation

The subject parcel is located within the Spanish Springs Area Plan. The following are the pertinent policies from the Area Plan:

Policy	Brief Policy Description	Complies	Condition of Approval
SS.9.1	 "Development proposals within the Spanish Springs planning area will include detailed soils and geo-technical studies sufficient to: a. Ensure structural integrity of roads and buildings. b. Provide adequate setbacks from potentially active faults. c. Minimize erosion potential." 		Yes
SS.9.2	Development proposals on areas with identified geological hazards will follow the recommendations of any geo-technical study conducted pursuant to Policy SS.9.1.		Yes
SS.12. 2	To the extent that reuse water is available to meet a new proposed non-potable water demand that is consistent with the use of reclaimed water, potable water shall not be supplied to meet the demand.		Yes

Relevant Area Plan Policies Reviewed

Reviewing Agencies

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

Agency	Sent to Review	Responded	Provided Conditions	Contact
Nevada Dept of Env Protection	\boxtimes			
Washoe County Building & Safety	\boxtimes	\boxtimes		Dan Holly, dholly@washoecounty.gov

Washoe County Parks & Open Spaces	\boxtimes		\boxtimes	Sophia Kirschenman, skirschenman@washoeco unty.gov
Washoe County Engineering	\boxtimes	\boxtimes	\boxtimes	Robert Wimer, rwimmer@washoecounty.g ov
Washoe County Sherriff	\boxtimes			
WCHD – Air Quality	\boxtimes	\boxtimes	\boxtimes	Genine Rosa, grosa@washoecounty.gov
WCHD – Environment Health	\boxtimes			
Truckee Meadows Fire Protection District	\boxtimes	\boxtimes	\boxtimes	Brittany Lemon, blemon@tmfpd.us
RTC Washoe	\boxtimes			
Washoe Storey Conservation District	\boxtimes			
Reno/Sparks Indian Colony	\boxtimes			

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, 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 Spanish Springs Area Plan.

<u>Staff Comment:</u> The proposed use complies, or is conditioned to comply with all action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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.

<u>Staff Comment:</u> The project is designed to improve the stormwater drainage system in the area.

3. <u>Site Suitability.</u> That the site is physically suitable for improvement and expansion of existing flood control facilities, and for the intensity of such a development.

<u>Staff Comment</u>: The site is currently used as a flood control facility. The proposed special use permit will allow for the improvement and expansion of that facility.

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</u>: Improvement of the existing flood control facility will be a benefit to the public health, safety and welfare of the surrounding residents.

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</u>: There is no military installation in the area required to be noticed for this permit, therefore there can be no detrimental effect.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP21-0027 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

<u>Motion</u>

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 WSUP21-0027 for Equus Management Group, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

- 1. <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 improvement and expansion of existing flood control facilities, and for the intensity of such a development;
- 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;
- 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.

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 and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant:	Equus Management Group Attn: Vanessa Schom
	5480 Reno Corporate Drive, Suite #100 Reno, NV 89511
Email:	vanessa@equusmanagement.com

Owner: Eagle Canyon North Association 5480 Reno Corporate Drive, Suite #100 Reno, NV 89511

Representative:	Robison Engineering Company Attn: Luke Doyle
	PO Box 155
	Sparks, NV 89432
Email:	luke@robisoneng.com



Conditions of Approval

Special Use Permit Case Number WSUP21-0027

The project approved under Special Use Permit Case Number WSUP21-0027 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on November 4, 2021. 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.

<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 Building Division.

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

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

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

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

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

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 Building Division

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

Contact Name – Roger Pelham, MPA, Senior Planner, (775) 328-3622, rpelham@washoecounty.gov

- a. The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. To inhibit off-highway vehicular access to the project site, construction plans shall include:
 - i. Boulders of at least 24" in diameter shall be placed along the entire perimeter of the project site. Boulders shall be spaced not more than 48" apart.
 - ii. A chain-link fence of at least 6 feet in height shall be constructed surrounding the detention pond area. All materials shall be non-reflective.
 - iii. Boulders of at least 36" in diameter shall be placed to inhibit vehicular access at all trails, paths and roads adjacent to the project site, with the exception of roads required for maintenance vehicles. Access to roads required for maintenance vehicles shall be gated.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- f. The applicant shall provide a landscape plan for the project are that complies with all generally-applicable standards of the Washoe County Development Code.
- g. Non-potable water shall be used for irrigation of landscaping if non-potable water is available.
- h. Construction activity shall only occur between the hours of 7AM and 7PM Monday through Friday, and only between the hours of 9AM and 5PM on Saturday, no construction activity is permitted on Sundays.

- i. Construction documents shall include a detailed soils and geo-technical study in accordance with Spanish Springs Area Plan Policy Number SS.9.1.
- j. Construction documents shall follow the recommendations of any geo-technical study conducted pursuant to Spanish Springs Area Plan Policy Number SS.9.1.
- k. The following Operational Conditions shall be required for the life of the business:
 - i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
 - iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
 - iv. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.

Washoe County Engineering and Capital Projects

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

Contact Name – Robert Wimer, rwidmer@washoecounty.gov, 775.328-2041

- 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. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
- e. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 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 45 days shall be revegetated.

Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

- h. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100year 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. The modification of the detention basin volume and outlet structures must be reflected in modeling using HEC-1/HEC-HMS or similar program to verify no adverse impact to existing storm drain infrastructure.
- i. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- j. All graded slope areas which receive runoff from offsite drainage area shall be protected from erosion by use of rock rip-rap or engineered geotextile products or other methods as approved by the County Engineer. A vegetated slope proposal must include an engineered geotextile product.
- k. Provide correspondence/dam permit from Nevada Division of Water Resources with determination whether or not the detention pond meets jurisdictional requirements.

Truckee Meadows Fire Protection District

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

Contact Name – Brittany Lemon <u>blemon@tmfpd.us</u>, 775.379.0584

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

Washoe County Air Quality Management Division

4. The following conditions are requirements of the Air Quality Management Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Genine Rosa, grosa@washoecounty.gov, 775.784.7204

a. Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com

Washoe County Parks

5. The following conditions are requirements of the Washoe County Parks program, which shall be responsible for determining compliance with these conditions.

Contact Name – Sophia Kirschenman, Park Planner, skirchenman@washoecounty.gov, 775.328-3600

a. Prior to the issuance of building or grading permits, the applicant shall submit a revegetation/planting plan, prepared by a biologist or other qualified professional to the

Parks Program for review and approval. At a minimum, the plan will include: a detailed specification of the vegetated swale, including the selection of native/perennial adapted plants or seed mixes to be utilized on the side slopes and swale bottom; irrigation provisions, as necessary; vegetation success criteria; appropriate monitoring provisions; a proposed seed mix for revegetation of any undeveloped, disturbed areas of the subject site; and measures to prevent the spread of noxious weeds.

b. The project shall comply with Washoe County Code Article 412.

*** End of Conditions ***

From:	Rosa, Genine
To:	Pelham, Roger
Subject:	Second Review of Applications Submitted September 2021
Date:	Wednesday, September 22, 2021 4:38:42 PM

Special Use Permit Case Number WSUP21-0027 (Eagle Canyon North – Permanent Flood Control)

Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit <u>www.OurCleanAir.com</u>.

Link to application: Dust Control Permit Application

P.S. – Please be sure to click the link below and sign up to receive air quality news, updates, public notices and more via e-mail.

Genine Rosa

Environmental Engineer II | Air Quality Management Division | Washoe County Health District grosa@washoecounty.gov | O: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

From:	Holly, Dan
To:	Pelham, Roger
Subject:	WSUP21-0027
Date:	Wednesday, September 15, 2021 7:10:33 AM
Attachments:	image001.png
	image002.png
	image003.png
	image004.png
	image005.png

Good Morning Roger: I have reviewed the above referenced application on behalf of Building and have no comments at this time. Thank You

Please tell us how we did by taking a quick <u>survey</u> Dan Holly Plans Examiner Supervisor, Planning and Building Division | Community Services Department <u>dholly@washoecounty.us</u> | Office: (775) 328-2027 1001 E. Ninth St., Bldg. A, Reno, NV 89512 (2) (2) (3) (3)

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WSUP21-0027 EXHIBIT B

From:	Lemon, Brittany
To:	Pelham, Roger
Cc:	Way, Dale
Subject:	WSUP21-0027 (Eagle Canyon North-Permanent Flood Control)
Date:	Monday, September 27, 2021 3:23:04 PM
Attachments:	image001.png

Hi Roger,

"This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply."

https://tmfpd.us/fire-code/

Thank you!

Brittany Lemon

Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584 3663 Barron Way, Reno, NV 89511

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WASHOE COUNTY

COMMUNITY SERVICES

INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130 Reno, Nevada 89520-0027 Phone: (775) 328-3600 Fax: (775) 328-3699

September 15, 2021

TO:	Roger D. Pelham, MPA, Senior Planner, CSD, Planning & Development Division
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FROM: Vahid Behmaram, Water Rights & Water Resources Consultant, CSD

SUBJECT: Special Use Permit Case Number WSUP21-0027 (Eagle Canyon North – Permanent Flood Control)

Project description:

The applicant is proposing to approve a special use permit to allow Major Grading of approximately 75,360 square feet of disturbance and excavation and exportation of approximately 5,490 cubic yards of earthen material for the purpose of improvement and expansion of existing flood control facilities.

Location: Northwest corner of Eagle Canyon Drive and Calle De La Plata, extending north along the western edge of the Eagle Canyon subdivision. Assessor's Parcel Numbers: 530-830-03 & 530-620-05.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights comments and/or conditions:

Comments:

None

Conditions:

There are no conditions of approval for this SUP.

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WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT Engineering and Capital Projects

1001 EAST 9TH STREET RENO, NEVADA 89512 PHONE (775) 328-3600 FAX (775) 328.3699

- Date: September 28, 2021
- To: Roger Pelham, Planner
- From: Robert Wimer, P.E., Licensed Engineer
- Re: Special Use Permit for Eagle Canyon North Permanent Flood Control WSUP21-0027 APN 530-830-03, 530-620-05

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of permanent flood control facilities including armored/vegetated drainage channels, improvements to existing drainage infrastructure including catch basins, and increasing capacity of an existing stormwater detention basin, and is located on approximately 1.73 acres at W Calle de la Plata, directly west of the existing housing development on Fuggles Drive. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Robison Engineering Company. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact name provided.

GENERAL CONDITIONS

Contact Information: Robert Wimer, P.E. (775) 328-2059

- 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.
- For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.



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Subject: Eagle Canyon North – Permanent Flood Control WSUP21-0027

Date: September 28, 2021

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Page:

- A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 7. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

- 1. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division 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. The modification of the detention basin volume and outlet structures must be reflected in modeling using HEC-1/HEC-HMS or similar program to verify no adverse impact to existing storm drain infrastructure.
- Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- All graded slope areas which receive runoff from offsite drainage area shall be protected from
 erosion by use of rock rip-rap or engineered geotextile products or other methods as approved by
 the County Engineer. A vegetated slope proposal must include an engineered geotextile product.
- Provide correspondence/dam permit from Nevada Division of Water Resources with determination whether or not the detention pond meets jurisdictional requirements.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

No comments or conditions.

UTILITIES (County Code 422 & Sewer Ordinance) Contact Information: Tim Simpson, P.E. (775) 954-4648

No comments or conditions.

Page **5** of **9**

Subject: Eagle Canyon North – Permanent Flood Control WSUP21-0027

Date: September 28, 2021

2

Page:

- A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- 7. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

- 1. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division 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. The modification of the detention basin volume and outlet structures must be reflected in modeling using HEC-1/HEC-HMS or similar program to verify no adverse impact to existing storm drain infrastructure.
- Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- All graded slope areas which receive runoff from offsite drainage area shall be protected from erosion by use of rock rip-rap or engineered geotextile products or other methods as approved by the County Engineer. A vegetated slope proposal must include an engineered geotextile product.
- Provide correspondence/dam permit from Nevada Division of Water Resources with determination whether or not the detention pond meets jurisdictional requirements.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

No comments or conditions.

UTILITIES (County Code 422 & Sewer Ordinance) Contact Information: Tim Simpson, P.E. (775) 954-4648

No comments or conditions.

Page **6** of **9**



WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT Regional Parks and Open Space

1001 EAST 9TH STREET RENO, NEVADA 89520-0027 PHONE (775) 328-3600 FAX (775) 328.3699

TO:	Roger Pelham, Senior Planner	WASHOE
FROM:	Sophia Kirschenman, Park Planner	COUNTY REGIONAL PARKS AND OPEN SPACE
DATE:	September 28, 2021	
SUBJECT:	Special Use Permit Case Number WSUP21-0027 (Eagle Canyon North – Permanent Flood Control)	~

I have reviewed WSUP21-0027 on behalf of the Washoe County Regional Parks and Open Space Program (Parks Program) and prepared the following comments:

If approved, this special use permit would allow for major grading to facilitate the improvement and expansion of flood control facilities that accommodate stormwater from the adjacent Eagle Canyon subdivision, located in Spanish Springs. The proposed improvements include the construction of two vegetated swales, both generally situated in a north-south alignment that would ultimately tie into the detention basin from the northwest and northeast of the basin.

While the application states that the vegetated swales would have 3:1 side slopes, the plan set does not provide a detailed specification for the vegetated swales or indicate what plant species are proposed, either along the side slopes or in the bottom of the swale. Additionally, the width of the bottom of the vegetated swale is unclear. Vegetation selection for vegetated swales is important in terms of stabilizing the side slopes to minimize erosion and ensuring that water infiltration requirements and other project goals are met.

The application indicates that no vegetation is proposed that requires irrigation and no revegetation is necessary. The vegetated swale side slopes should be revegetated for stabilization purposes. Additionally, as a civic use type, the proposed project needs to comply with the landscaping and irrigation requirements outlined in Washoe County Code Article 412. Given these considerations, the Parks Program offers the following conditions of approval:

- Prior to the issuance of building or grading permits, the applicant shall submit a revegetation/planting plan, prepared by a biologist or other qualified professional to the Parks Program for review and approval. At a minimum, the plan will include: a detailed specification of the vegetated swale, including the selection of native/perennial adapted plants or seed mixes to be utilized on the side slopes and swale bottom; irrigation provisions, as necessary; vegetation success criteria; appropriate monitoring provisions; a proposed seed mix for revegetation of any undeveloped, disturbed areas of the subject site; and measures to prevent the spread of noxious weeds.
- 2. The project shall comply with Washoe County Code Article 412.



WWW.WASHOECOUNTY.US



COMMUNITY SERVICES

P.O. Box 11130 Reno, Nevada 89520-0027 Phone: (775) 328-3600 Fax: (775) 328-3699

September 15, 2021

TO:	Roger D. Pelham, MPA, Senior Planner, CSD, Planning & Development Division
FROM:	Vahid Behmaram, Water Rights & Water Resources Consultant, CSD
SUBJECT:	Special Use Permit Case Number WSUP21-0027 (Eagle Canyon North – Permanent Flood Control)

Project description:

The applicant is proposing to approve a special use permit to allow Major Grading of approximately 75,360 square feet of disturbance and excavation and exportation of approximately 5,490 cubic yards of earthen material for the purpose of improvement and expansion of existing flood control facilities.

Location: Northwest corner of Eagle Canyon Drive and Calle De La Plata, extending north along the western edge of the Eagle Canyon subdivision. Assessor's Parcel Numbers: 530-830-03 & 530-620-05.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights comments and/or conditions:

Comments:

None

Conditions:

There are no conditions of approval for this SUP.

Page 8 of 9

WSUP21-0027 EXHIBIT B



Washoe-Storey Conservation District

Bret Tyler Chairmen Jim Shaffer Treasurer Cathy Canfield Storey app Jean Herman Washoe app

1365 Corpotate Blvd. RenoNV 89502 775 857-8500 ext. 131 nevadaconservation.com

September 23, 2021

Washoe County Community Services Department

C/O Roger Pelham, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WSUP21-0027 Eagle Canyon Flood Control

Dear Roger,

In reviewing major grading for improving and expanding an existing flood control facility, the Conservation District has the following comments.

With grading to expand the flood control channel, the District will require a vegetation plan from a qualified professional that includes a seed mix based on the soil, contingency water plan, fertilizer plan, erosion control structures and a monitoring plan with updates provided to the Conservation District after the growing season (October 31) every year for a three-year period.

The District recommends as a condition of approval the flow line of the swales lined with 4–6-inch rock including two feet by three feet infiltration trenches six feet long to reduce sediment runoff and water flows into the basin. All rip rap channels will also include the same seepage trench dimensions for this facility.

From the detention basin drop inlet, we recommend as a condition for approval to construct two feet by three feet infiltration the width of the basin to encourage ground water recharge and future capacity in the basin.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources and any questions call 775-750-8272.

Sincerely,

Shaffer-Tyler

Page 9 of 9

WSUP21-0027 EXHIBIT B



Community Services Department

Planning and Building

SPECIAL USE PERMIT (see page 7)

SPECIAL USE PERMIT FOR GRADING (see page 9)

SPECIAL USE PERMIT FOR STABLES (see page 12)

APPLICATION



Community Services Department Planning and Building 1001 E. Ninth St., Bldg. A Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	S	Staff Assigned Case No.:	
Project Name: Eagle Ca	anyon Nortl	n - Permanent Flo	od Control
Description: drainage channels	, improvements to e	t flood control facilities including xisting drainage infrastructure ir an existing onsite stormwater de	cluding catch
Project Address: 1285 W Calle de	la Plata		
Project Area (acres or square fe	et): 1.73 acres		
Project Location (with point of re	ference to major cross	streets AND area locator):	
Parcels with APN's: 530-830-03,	530-620-05. Directly	v west of existing housing develop	oment on Fuggles Dr.
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
530-830-03	2.658		
530-620-05	5.130		
••	e County approval	s associated with this applica	ition:
Case No.(s). N/a			
Applicant Inf	ormation (attach	additional sheets if neces	sary)
Property Owner:		Professional Consultant:	
Name: EAGLE CANYON NORTH A	SSN	Name: Robison Engineering Company	
Address: 5480 Reno Corporate Dr. S	Ste #100	Address: PO Box 1505	
	Zip:	Sparks	Zip: 89432
Phone:	Fax:	Phone: (775) 852-2251	Fax: 852-9736
Email:		Email: luke@robisoneng.com	
Cell:	Other:	Cell: (775) 297-5573	Other:
Contact Person:		Contact Person: Luke Doyle, EIT	
Applicant/Developer:		Other Persons to be Contac	ted:
Name: Equus Management Group		Name:	
Address: 5480 Reno Corporate Dr, Ste #100		Address:	
Reno	Zip: 89511		Zip:
Phone: (775) 852-2224	Fax:	Phone:	Fax:
Email: Vanessa@equusmanagement.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Vanessa Schorn		Contact Person:	
	For Office	e Use Only	
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name:

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

NORTH SOULP (anyon (please print name

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

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

Assessor Parcel Number(s): 530-830-03, 530-620-05

resident it ECri 2051 Printed Name Signed Address Subscribed and sworn to before me this LOZ

(Notary Stamp)



My commission expires: AUG. 13, 2022

191.

Notary Public in and for said county and state

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

Owner

day-of

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

December 2018

EXHIBIT D

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

Permanent flood control facilities to protect an existing housing development from inundation during storm events. Improvements include construction of armored/vegetated drainage channels, improvements to existing drainage infrastructure, and increasing the capacity of an existing onsite detention basin.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

Provided.

3. What is the intended phasing schedule for the construction and completion of the project?

Construction will occur in a single phase, expected to last 2-3 weeks.

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The site already conveys stormwater/flood protection to the existing adjacent housing development to the east abutting Fuggles Dr. The proposed improvements are only to improve the existing stormwater protection to minimize long-term erosion.

5. What are the anticipated beneficial aspects or affects your project will have on adjacent properties and the community?

The beneficial aspects include improving the existing stormwater protection facilities to lessen/eliminate any further stormwater impact to the existing adjacent housing development.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

There are no anticipated negative impacts.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.



8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

🖵 Yes	🖬 No
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9. Utilities:

a. Sewer Service	N/A
b. Electrical Service	N/A
c. Telephone Service	N/A
d. LPG or Natural Gas Service	N/A
e. Solid Waste Disposal Service	N/A
f. Cable Television Service	N/A
g. Water Service	N/A

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #	acre-feet per year	
i. Certificate #	acre-feet per year	
j. Surface Claim #	acre-feet per year	
k. Other #	acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

10. Community Services (provided and nearest facility):

a. Fire Station	
b. Health Care Facility	
c. Elementary School	
d. Middle School	
e. High School	
f. Parks	
g. Library	
h. Citifare Bus Stop	

Special Use Permit Application for Grading Supplemental Information

(All required information may be separately attached)

1. What is the purpose of the grading?

Permanent flood control facilities to protect an existing housing development from inundation during storm events. Improvements include construction of armored/vegetated drainage channels, improvements to existing drainage infrastructure, and increasing the capacity of an existing onsite detention basin.

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



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

75,360

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

Exporting approximately 5,490 cubic yards. No material to be imported.

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

It is not possible, as the existing onsite detention basin alone is larger than one acre, and the proposed grading work will include the entire basin at a minimum.

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

No.

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

Yes.

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

No.

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)?

Not directly, but these improvements will protect the adjacent housing developments from inundation during storm events.

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?

The maximum slope on any proposed cut or fill is 3H:1V.

11. Are you planning any berms?

Yes X No	If yes, how tall is the berm at its highest? 2'-0"
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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)?

No retaining walls are proposed.

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

This development is not regularly visible to any party. No visual mitigation is required.

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

No tree removal is required or proposed.

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?

Any revegation mix required will match the native vegetation.

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

There is no existing vegetation that requires irrigation. No temporary or permanent irrigation is required.

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

No vegetation removal is proposed. No revegetation is necessary.

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

Yes	No X	If yes, please attach a copy.
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PROJECT AUTHORITY	
PROJECT A	CIVIL ENGINIEED

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CIVIL ENGINEER ROBISON ENGINEERING COMPANY RYAN SWITZER, PE 846 VICTORIAN AVE, STE 20 SPARKS, NV 89431 (775) 852-2251 x725 (775) 852-9736 fax

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