



Board of Adjustment Staff Report

Meeting Date: October 5, 2023

Agenda Item: 8A

AMENDMENT OF CONDITIONS CASE NUMBER:

WAC23-0011 (Ophir Hill) for WSUP22-0027 (Ophir Hill)

BRIEF SUMMARY OF REQUEST:

Amendment of conditions related to landscaping.

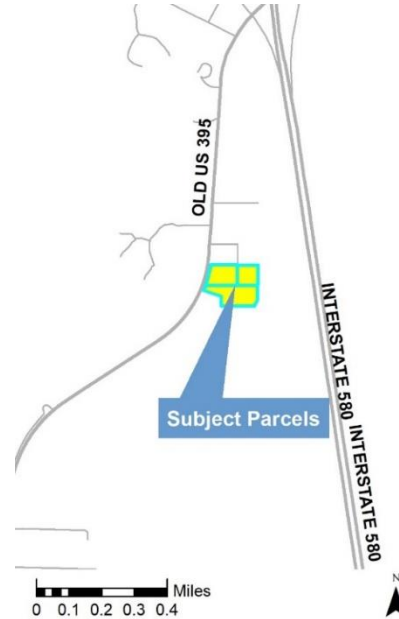
STAFF PLANNER:

Chris Bronczyk, Senior Planner
Phone Number: 775.328.3612
E-mail: cbronczyk@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0027 (Ophir Hill). The amendment is related to landscaping.

Applicant / Owner: Burdick Excavating Co. Inc
 Location: 632 Old US 395
 APN: 046-032-02; 046-032-04; 046-032-05
 Parcel Size: 5.29 ac; 2.48 ac; 3.58 ac
 Master Plan: Rural Residential (RR)
 Regulatory Zone: High Density Rural (HDR)
 Area Plan: South Valleys
 Development Code: Authorized in Article 810, Special Use Permits
 Commission District: 2 – Commissioner Clark



Vicinity Map

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 Amendment of Conditions Case Number WAC23-0011 in order to amend conditions of Special Use Permit Case Number WSUP22-0027 (Ophir Hill) for Burdick Excavating, 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 7)

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Amendment of Conditions

An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

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

The amendment of conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

The conditions of approval for Amendment of Conditions Case Number WAC23-0011 is attached to this staff report and will be included with the amended action order.



Site Plan

Background and Evaluation of Amendment Request

On July 6, 2023 the Board of Adjustment approved WSUP22-0027 (Ophir Hill) which was a special use permit for major grading. The project site is located off Old US 395 on APN's 046-032-02, -04, and -05. The applicant is requesting to change one condition related to landscaping requirements from the initial special use permit, this condition was included by the Board of Adjustment and agreed upon by the applicant during the Board of Adjustment meeting. This amendment does not impact the requirements placed on the BLM parcel of 0.82 acres. The condition being requested to be amended is below:

The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.

The proposed updated condition is as follows:

The applicant shall provide 8 trees, with 1 tree per 50 linear feet along the highway frontage.

It's important to note that the landscaping conditions outlined within the original staff report were based on an old landscape plan that was part of the original submittal in September 2022. Between September 2022, to the resubmittal in May 2023 staff met with the applicants on multiple occasions. With the resubmitted May 2023 application, the revised landscape plan from May 2023 was unintentionally omitted by staff. The following provision of Section 110.412.35 Residential Use Types was not requested to be varied as part of the May 2023 submittal, which is a code requirement for all residential and industrial use types.

Required Yards Adjoining Streets. All required front, rear or side yards which adjoin a public street shall be landscaped and shall include at least one (1) tree for every fifty (50) linear feet of street frontage, or fraction thereof.

With the approval of this amendment of conditions request, the applicants are still proposing to meet this requirement.

The purpose of this amendment of conditions is to apply the correct landscaping provisions of Washoe County Code based on the proposed residential use type. The code provision of 1 tree per 20 linear feet along the north and south buffers, which were incorrectly applied to Special Use Permit Case Number WSUP22-0027 are outlined in Section 110.412.45 Industrial and Agricultural Use Types, specifically for when industrial or agricultural use types are adjacent to residential use types. Aggregate facilities, whether permitted or unpermitted, are classified as an industrial use type.

The intent of the previously approved special use permit (WSUP22-0027) was to halt the illegal aggregate operation, an industrial use type, and to clear the site of the remaining boulder stockpiles, and to ultimately prepare it for residential use types which are permitted under the High Density Rural (HDR) regulatory zone.

The applicants have submitted building permits (WBLD23-103801) for phase 1 of the grading plan outlined in WSUP22-0027 (Ophir Hill). Planning staff signed off on WBLD23-103801 on September 5, 2023. WBLD23-103801 is related to phase 1 of the special use permit which was granted a 6-month time frame and includes hauling off the rock stockpiles, excess materials, old equipment, palletized rocks, and any other bulk items necessary for removal. The amount of material that is to be removed is roughly 5,500 cubic yards, and any rock not utilized on the finished proposal will be relocated to a commercial property in Lyon County. The 6-month time frame ends on January 6, 2024.

With the submittal of phase 1 of the grading plans, the applicants are showing a good faith effort to comply with the requirements of WSUP22-0027. With the building permit submittal in process, staff is supportive of the request to amend the landscaping condition.

In further discussions with the applicants, two additional conditions from the original special use permit require amendments. The first amended condition currently reads as follows:

The grading and full land restoration bond shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.

The new language is identified below in bold.

*The grading and full land restoration ~~bond~~ **financial assurance** shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.*

The reason for the change of language within the condition is that Washoe County Planning does not accept bonds as a form of financial assurance. The only financial assurance that is accepted are in the forms of a cashier's check, certificate of deposit, letter of credit, escrow account, irrevocable trust account, cash, or money order.

The other conditions that require amending are conditions 1g and 3h. The applicants had 60 days from the date of approval to submit a financial estimate to the County, the estimate was formally submitted 68 days from the date of approval. The applicants were regularly communicating with Washoe County staff regarding the financial estimate and while the deadline was not met – staff is supportive of the amended language. The existing condition is below.

Within 60 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division prior to the issuance of any grading or building permits.

The proposed condition is outlined below, with the new additions in bold, and the removed language crossed out:

*Within ~~60~~ **90** days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division ~~prior to the issuance of any grading or building permits~~ **within 120 days of approval of WSUP22-0027.***

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Building & Safety	X			
Washoe County Parks & Open Space	X	X		
Washoe County Sewer	X			
Washoe County Water Rights Manager (All Apps)	X	X		
WCSO Law Enforcement	X	X		
Washoe County Engineering (Land Development) (All Apps)	X	X		
WCHD Environmental Health	X	X		
TMFPD	X	X		
AT&T	X	X		

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

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the amendment of conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC23-0011 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 Amendment of Conditions Case Number WAC23-0011 in order to amend conditions of Special Use Permit Case Number WSUP22-0027 (Ophir Hill) for Burdick Excavating, 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:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development.
- (d) 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;

- (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.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s), 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 Planning Commission and mailed to the applicant(s).

Applicant / Owner: Burdick Excavating Co. Inc., Attn: Linda Burdick
lburdick@burdickexc.com

Representatives: KLS Planning and Design Group., Attn: John Krmptic
Johnk@klsdesigngroup.com

Representatives: Lumos Engineering., Attn: Ed Thomas
ethomas@lumosinc.com



Amended Conditions of Approval

Amendment of Conditions Case Number WAC23-0011
for Special Use Permit Case Number WSUP22-0027

The project approved under Amendment of Conditions Case Number WAC23-0011 for Special Use Permit Case Number WSUP22-0027 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on October 5, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act 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.

Unless otherwise specified, all conditions related to the amendment of conditions approval regarding the Special Use Permit Case Number WSUP22-0027 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 amended conditions of approval related to the Special Use Permit Case Number WSUP22-0027 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 amended conditions imposed regarding the approved Special Use Permit Case Number WSUP22-0027 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this Special Use Permit Case Number WSUP22-0027 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

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

Contact Name – Chris Bronczyk, Senior Planner, 775.328.3612, cbronczyk@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 approval.**

- b. **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 grading within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.**

- c. The applicant shall also meet all conditions of approval previously approved on July 6, 2023 by Special Use Permit Case Number WSUP22-0027.

- d. The applicant shall provide 8 trees, with 1 tree per 50 linear feet along the highway frontage.

- e. The grading and full land restoration financial assurance shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.

- f. Within 90 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division 120 days of approval of WSUP22-0027.

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.

GENERAL CONDITIONS

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

- a. Within 90 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division 120 days of approval of WSUP22-0027.

*** End of Amended Conditions ***



Date: August 2, 2023

To: Chris Bronczyk, Planner

From: Janelle K. Thomas, P.E., Senior Licensed Engineer
Robert Wimer, P.E., Licensed Engineer

Re: Amendment of Conditions Case WAC23-0011 for WSUP22-0027
APN: 046-032, 046-032-04, & 046-032-05

GENERAL COMMENTS

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of Conditions case is to approve an amendment to modify the landscaping conditions of approval associated with the approved Special Use Permit Number WSUP22-0027. The Engineering and Capital Projects Division recommends approval with no comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by KLS Planning & Design Group.

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

August 24, 2023

Washoe County Community Services
Planning and Development Division

RE: Ophir Hill; 046-032-02, 04 & 05
Amendment of Conditions; WAC23-0011

Dear Washoe County Staff:

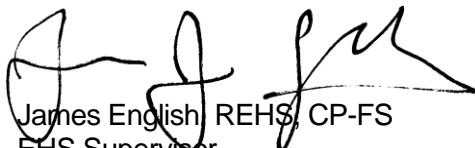
The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD), which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed this application and has no concerns with the proposed amendment of conditions for SUP22-0027.
- b) Condition #2: Any future subsequent development must meet the current Regulations of the Washoe County District Board of Health Governing Sewage Wastewater and Sanitation and the Regulations of the Washoe County District Board of Health Governing Well Construction.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Washoe County Health District

From: [Pekar, Faye-Marie L.](#)
Cc: [Bronczyk, Christopher](#)
Subject: WAC23-0011 (Ophir Hill)
Date: Friday, August 25, 2023 11:10:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Chris,

I have reviewed WAC23-0011 (Ophir Hill) for the request to modify landscaping conditions specific to the BOA tree count requirement and do not have any comments from parks.

Thank you,



Faye-Marie L. Pekar, MPA
Park Planner, Planning & Building Division | Community Services Department
fpekar@washoecounty.gov |

Visit us first online: www.washoecounty.gov/csd
Planning Division: 775.328.6100 | Planning@washoecounty.gov
CSD Office Hours: Monday-Friday 8:00am to 4:00pm
1001 East Ninth Street, Reno, NV 89512



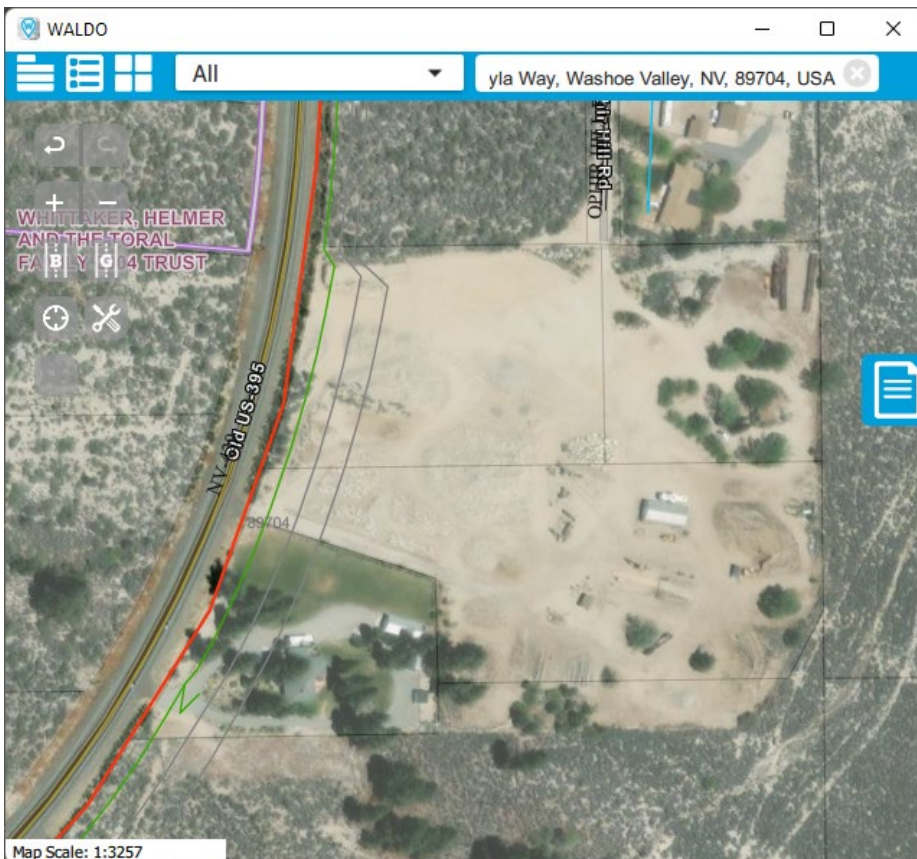
Have some kudos to share about a Community Services Department employee or experience?
Submit a nomination for a Washoe Star by clicking this link: [WASHOE STAR](#)

From: [COOPER, CLIFFORD E](#)
To: [Bronczyk, Christopher](#)
Subject: RE: WAC23-0011 (Ophir Hill)
Date: Wednesday, August 16, 2023 6:28:06 AM
Attachments: [image001.png](#)

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

Chris,

AT&T Legacy (long lines) and AT&T Nevada (local) have facilities on the westerly border of this project. The planting of trees will interfere with the buried cable that exists in the area, as AT&T typically will bury the facilities a minimum of 36" deep. Since roots travel in search of water, this will create a conflict for the existing facilities, possibly necessitating relocation of these cables. There are other options available, such as encasing the cables in split-duct conduit adjacent to the subject parcel, or providing a "slurry cap", which would protect AT&T's facilities from the tree roots. In the picture below, AT&T Legacy is represented by the red line; AT&T Nevada by the green line; both are direct buried lines at a minimum 36" depth.



Cliff Cooper
MGR OSP PLANNING
AT&T NEVADA
1375 Capital Blvd rm 115

From: [Lemon, Brittany](#)
To: [Bronczyk, Christopher](#)
Cc: [Way, Dale](#)
Subject: WAC23-0011 (Ophir Hill) Conditions of Approval
Date: Thursday, August 17, 2023 1:32:51 PM
Attachments: [image001.png](#)

Hi Chris,

“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/>.

These parcels are all contained in a high WUI zone and will require proper spacing and maintenance of trees and vegetation in compliance with the International Wildland Urban Interface Code (IWUIC).

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



"Committed to excellence, service, and the protection of life and property in our community"

From: [Beard, Blaine](#)
To: [Weiche, Courtney](#); [Stark, Katherine](#); [Bronczyk, Christopher](#)
Cc: [Zirkle, Brandon](#)
Subject: FW: August Agency Review Memo I
Date: Thursday, August 17, 2023 9:05:19 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[August Agency Review Memo I.pdf](#)

Good morning,

Regarding Items #3, #4, and #7, the WCSO has no additional concerns and/or feedback for these items.

I was involved in several TRPA hearings and approvals as they relate to Item #7, as well.

Thank you and have a great day,

Blaine

Blaine Beard, Captain

Patrol Division – Incline Village

625 Mount Rose Highway, Incline Village, NV 89451

Desk: 775-832-4114

Personal Cell: 775-722-5580

Email: bbeard@washoecounty.gov

Web: www.WashoeSheriff.com

From: [Steve Shell](#)
To: [Bronczyk, Christopher](#)
Subject: WAC23-001 & WSUP23-0025 Tuesday,
Date: August 15, 2023 4:34:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image006.png](#)
[image008.png](#)

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WAC23-001 (Ophir Hill):

The subject property lies within the Truckee Meadows Water Authority service area.

Municipal water service is subject to Truckee Meadows Water Authority rules and regulations and approval by the Office of the State Engineer regarding water quantity and availability.

A Will Serve from Truckee Meadows Water Authority and a mylar map of the proposed project must be presented to the State Engineer for approval and signed through his office prior to development.

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

Steve Shell
Water Rights Specialist II
Department of Conservation and Natural Resources
Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701
sshell@water.nv.gov
(O) 775-684-2836 | (F) 775-684-2811



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

August 23, 2023

TO: Chris Bronczyk, Senior Planner, CSD, Planning & Development Division

FROM: Timber Weiss, Licensed Engineer, CSD

SUBJECT: Amendment of Conditions Case Number WAC23-0011 (Ophir Hill)

Project description:

WSUP22-0027 (Ophir Hill Major Grading) – For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0027 (Ophir Hill Major Grading) to amend the approved special use permit to modify the landscaping conditions of approval, specifically condition A from the Board of Adjustment which requires the applicant to provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.

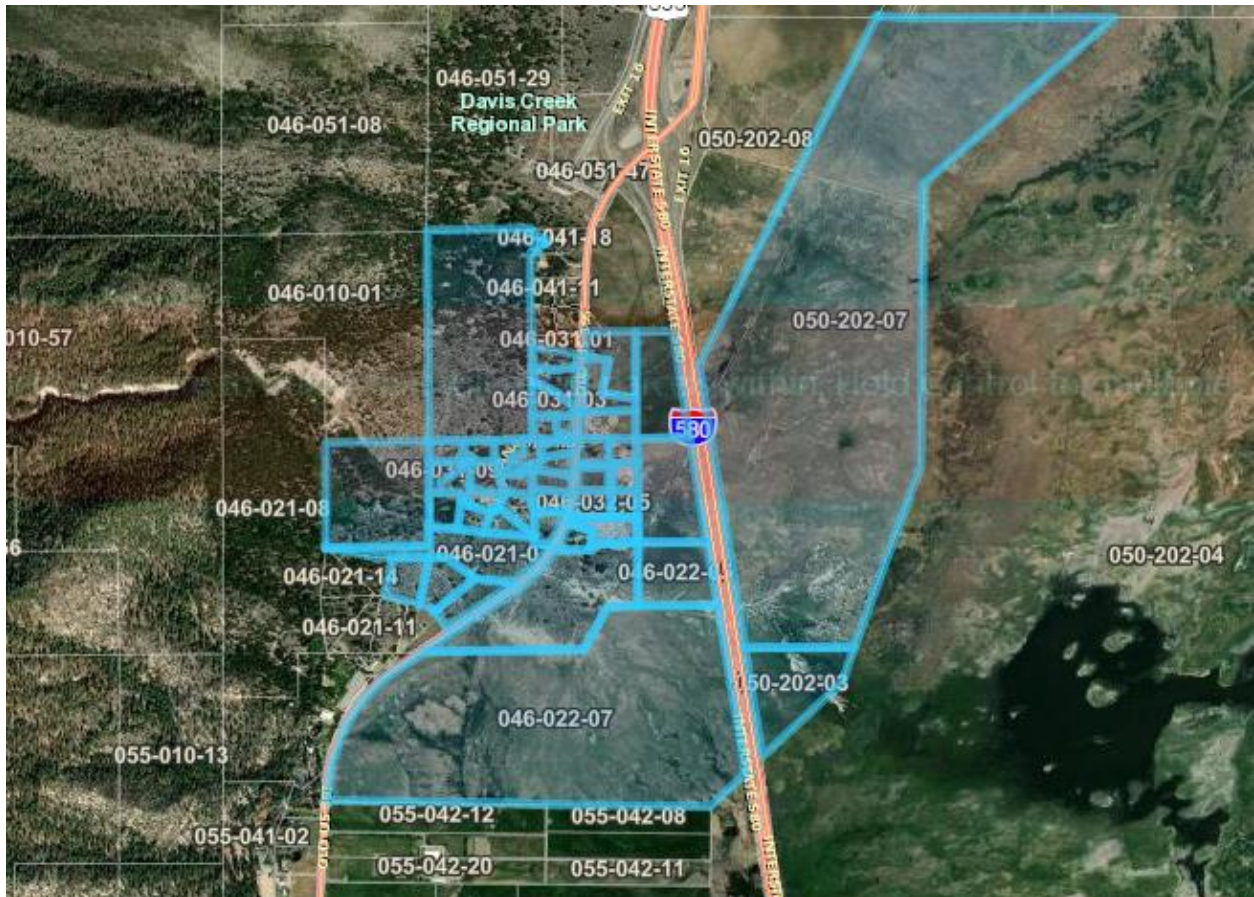
Location: 632 Old US 395 • Assessor's Parcel Number(s): 046-032-02; 046-032-04; 046-032-05

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

There are no conditions of approval for the WAC23-0011.

Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 2,000-foot radius of the subject property. A total of 36 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map

WAC23-0011 for WSUP23-0027 (Ophir Hill)

Ophir Hill

Application to Washoe County for a:

Condition Amendment

Prepared by:



John F. Krmpotic, AICP
KLS Planning & Design Group
201 W Liberty Street, Suite 300
Reno, Nevada 89501
(775) 852-7606

Prepared for:

Linda Burdick
Burdick Excavating Co., Inc.
PO Box 22330
Carson City, NV 89721
(775) 297-4566

August 8, 2023

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Appendix A

Application Materials

- Washoe County Development Application
- Condition Amendment Checklist
- Condition Amendment – Supplemental Information
- Records Action Order – July 7, 2023
- Photos of tree inventory (7 pages)

Project Request

This application contains a request for a **Condition Amendment** for a SUP that was approved by the WC Board of Adjustment on July 6, 2023.

Project Location

The site is composed of three parcels (APN: 046-032-02, -04, -05) totaling 11.29 acres and is located adjacent to Old US 395 near Ophir Hill Road in Washoe Valley, about .75 miles south of Davis Creek Park Road. The site currently contains a single-family residence. Current access to the site is via Ophir Hill Road.



Figure 1 – Vicinity Map

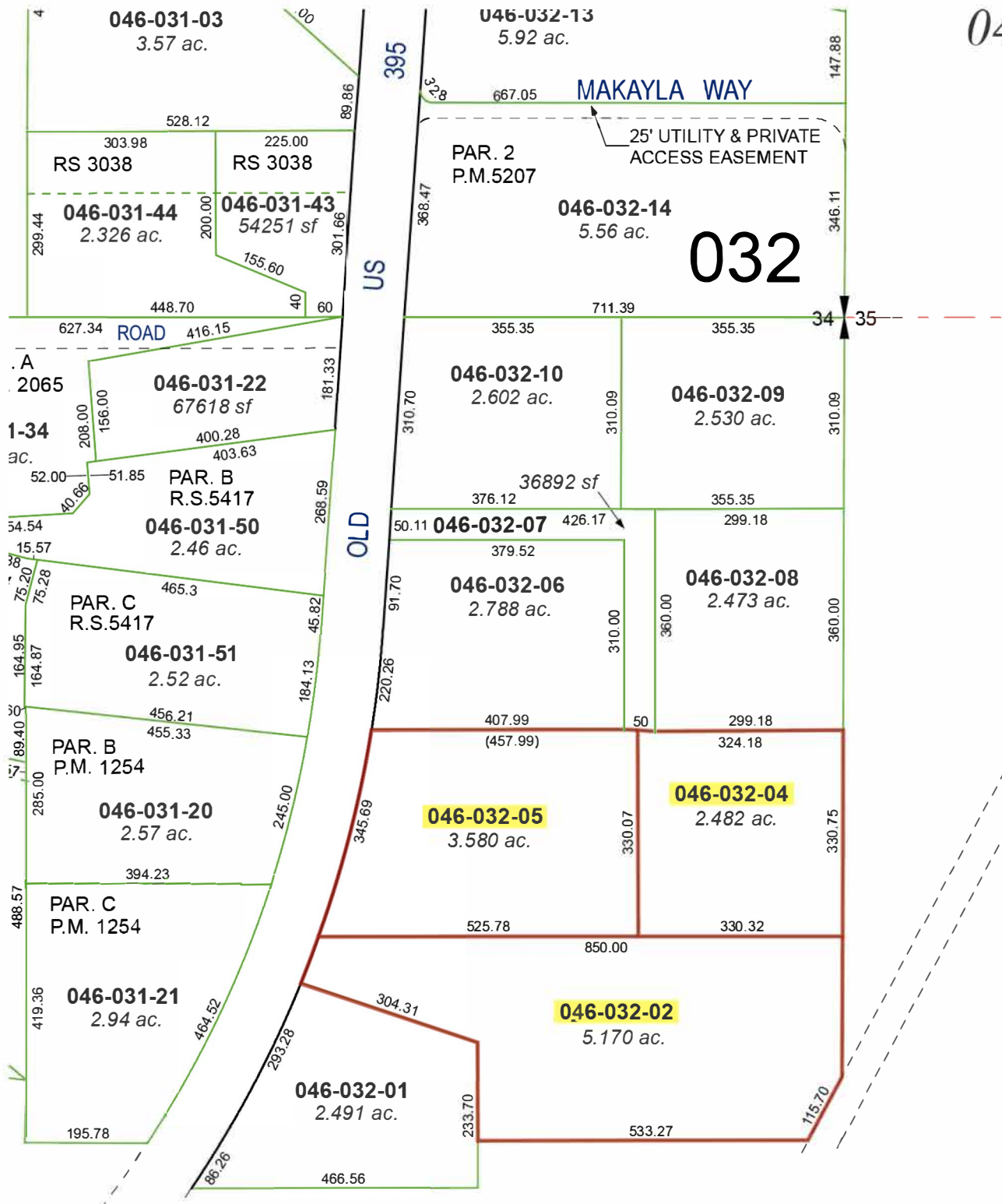


Figure 2 – Existing Parcel Map

Zoning

The site is adjacent to vacant BLM land to the east and south, and large lot residential to the west and north. The regulatory zoning is High Density Rural (HDR) (See Figure 3 below). The site is adjacent to HDR zoning to the north and west and GR zoning to the east and south along the shared border with BLM land. It is located in the South Valleys Area Plan.

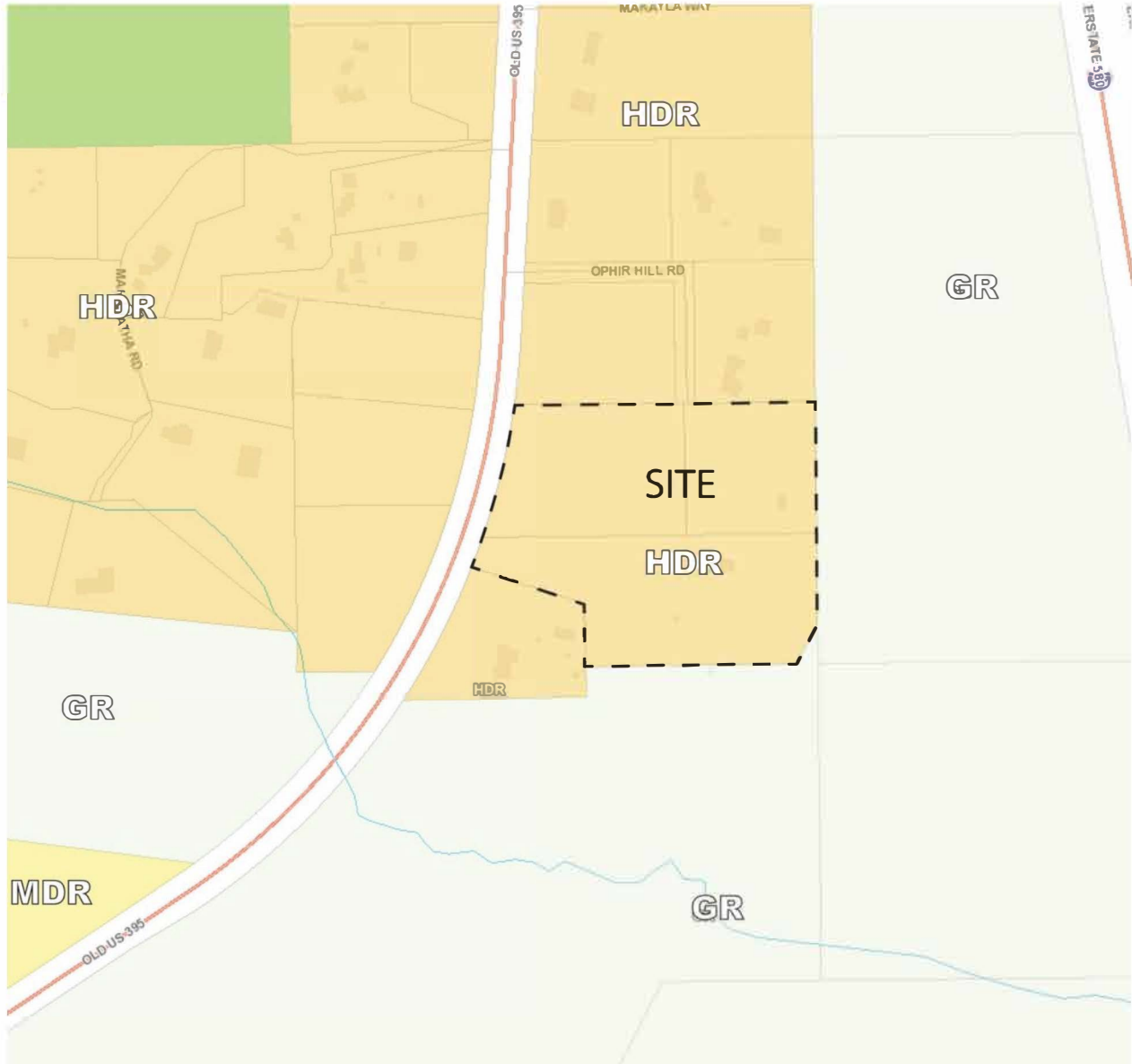


Figure 3 – Washoe County Zoning Map

Rationale for the Condition Amendment

This is to amend the following WC Board of Adjustment approved Condition (a).

Condition (a). as Approved:

The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.

Proposed Condition as Amended:

The applicant shall provide 8 72 trees, with ~~1 tree per 20 linear feet along the north and south buffer, and~~ 1 tree per 50 linear feet along the highway frontage.

Following are the reasons and justification for the request:

- a) The revised landscape plan submitted with the revised SUP (May 8, 2023) application date was not considered in the project review. It shows 80 trees on the plan to be preserved and specifically states that no trees will be added.
- b) The condition proposed and accepted by the applicant at the Board of Adjustment hearing happened without knowledge that the revised landscape plan was not evaluated by staff.
- c) The proposed project results in HDR lots next to HDR lots to the north. There is no requirement or purpose to screen with trees along that property line for an identical land use.
- d) The proposed project results in HDR lots next to GR zoning and vacant BLM land to the south and east. There is no requirement or purpose to screen with trees along the south property line adjacent to an open space land use and GR zoning.
- e) All applicable sections of the Landscaping Article in the WC Development Code are satisfied prior to adding the condition. We understand this to be a mistake and not to be considered as a Variance or Directors Modification.

Project History

Following is a timeline of events associated with recent development permits for this property:

- A SUP for Grading was submitted on 9/8/22 to meet a condition of approval of the prior Parcel Map approval. That SUP application was placed on hold and in the meantime the Parcel Map expired.
- Washoe County required termination of the Burdick Excavating business operation on 10/10/22.
- A revised SUP for Grading with a new Tentative Parcel Map application submitted on 5/8/23 and approved on 7/6/23 by the Board of Adjustment that included the subject condition.



Figure 4 – Landscape Plan Submitted with May 2023 Application

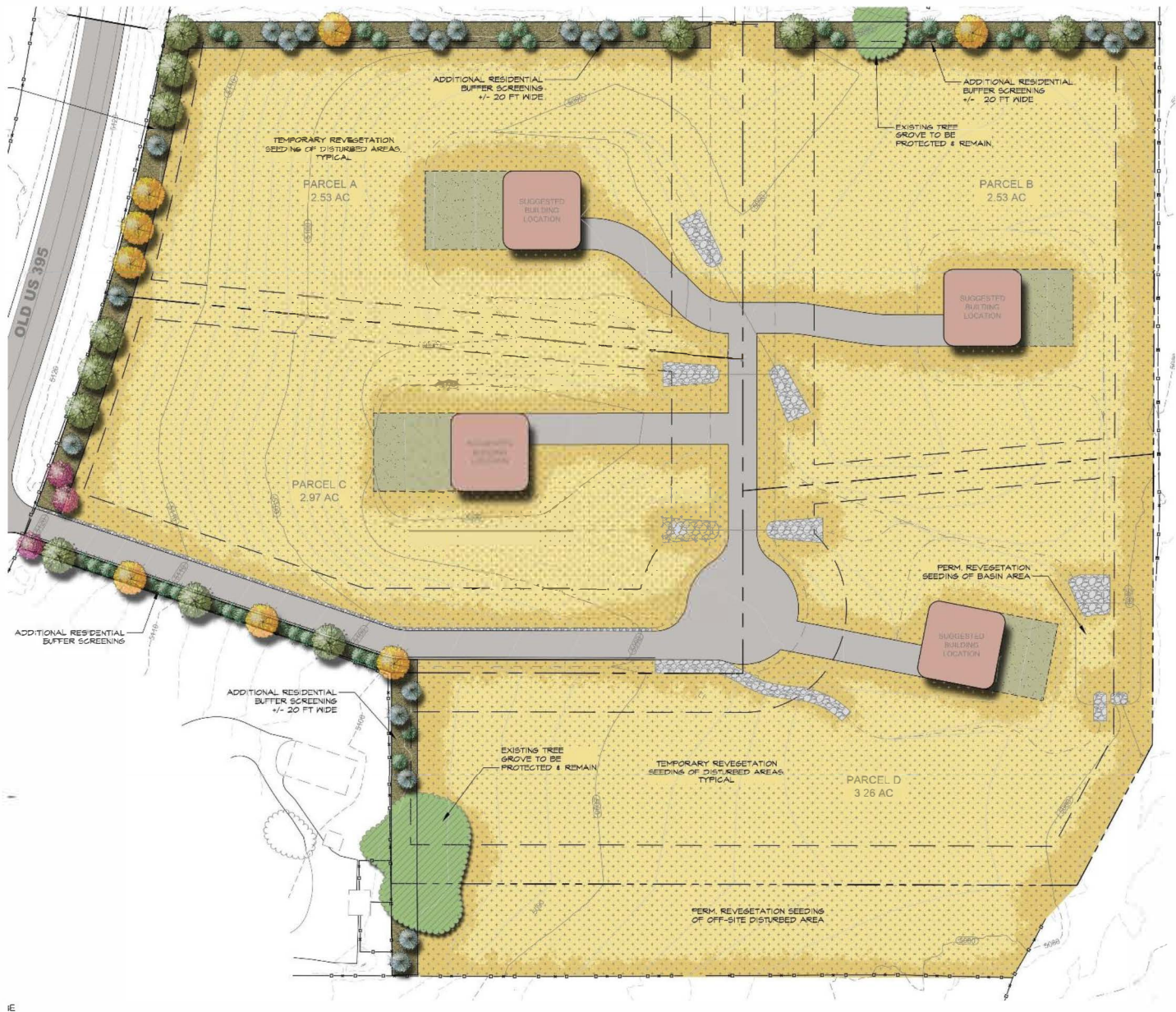


Figure 5 – Landscape Plan Submitted 9/8/22 SUP Application (72 trees along north & west p.l.)



Figure 5 – Landscape Plan Submitted for Condition Amendment (8 more trees along Highway)

Appendix A

Washoe County Development Application
Condition Amendment Checklist
Condition Amendment – Supplemental Information
Records Action Order – July 7, 2023
Photos of tree inventory (7 pages)

Washoe County Development Application

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

Project Information		Staff Assigned Case No.: _____	
Project Name: Ophir Hill			
Project Description: This is to amend the following WC Board of Adjustment approved Condition a. The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.			
Project Address: 632 Old US 395, Washoe Valley, NV 89704			
Project Area (acres or square feet): 11.29 ac			
Project Location (with point of reference to major cross streets AND area locator): Old US 395. approximately 3/4 mi. south of Davis Creek Park Rd.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
046-032-02	5.29	046-032-05	3.58
046-032-04	2.48		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). WTPM21-0002			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Burdick Excavating Co., Inc.		Name: KLS Planning & Design Group	
Address: P.O. Box 22330		Address: 201 W Liberty Street Suite 300	
Carson City, NV Zip: 89721		Reno, NV Zip: 89501	
Phone: 775-297-4566 Fax:		Phone: 775-852-7606 Fax:	
Email: lburdick@burdickexc.com		Email: johnk@klsdesigngroup.com	
Cell: 530-362-1095 Other:		Cell: 775-857-7710 Other:	
Contact Person: Linda Burdick		Contact Person: John Krmpotic	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

Washoe County Board of Adjustment

Approved: a. The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.

Proposed: a. The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

The amendment does not affect the required findings. All sections of code are met and exceeded with the proposed condition as amended. There is no impact to the public health safety or welfare that can be conceived by this amendment. There are more trees existing and to be preserved than would be provided by satisfying the original condition. Specifically, this means 80 trees in the landscape plan as part of the SUP, plus 8 proposed along the highway for a total of 88 trees. The condition requires 72 trees.



Board of Adjustment Action Order Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)

Decision: **Approval with Conditions**
 Decision Date: July 6, 2023
 Mailing/Filing Date: July 7, 2023
 Property Owner: Burdick Excavating Co. Inc.
 Staff Planner: Chris Bronczyk, Senior Planner
 Phone: 775.328.3612
 E-Mail: cbronczyk@washoecounty.gov

Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading) – For hearing, discussion, and possible action to approve a special use permit for major grading in excess of the 5,000 cubic yards of excavation threshold established in Washoe County Code Section 110.438.35. To grade a total of 491,792 square feet (or 11.29 acres); and to grade an additional 35,719 square feet (or 0.82 acres) located on Federal Lands. The proposal includes 22,050 cubic yards of cut, 16,750 cubic yards of fill.

- Applicant / Property Owner: Burdick Excavating Co. Inc
- Location: 632 Old US 395
- APN: 046-032-02; 046-032-04; 046-032-05
- Parcel Size: 5.29 Ac; 2.48 Ac; 3.58 Ac
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 810, Special Use Permits. If no appeals have been filed within 10 calendar days from the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code. The action was based on the following findings in accordance with Washoe County Code Section 110.810.30:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are

To: Burdick Excavating Co. Inc.
Subject: WSUP22-0027
Mailing Date: July 7, 2023
Page: Page 2 of 2

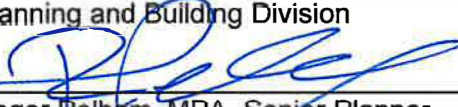
properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

- (c) Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development.
- (d) 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;
- (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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Planning and Building Division.

Washoe County Community Services Department
Planning and Building Division



Roger Pelham, MPA, Senior Planner
In the absence of Trevor Lloyd
Secretary to the Board of Adjustment

RP/CB/AA

Attachments: Conditions of Approval

Applicant / Owner: Burdick Excavating Co. Inc., Attn: Linda Burdick
lburdick@burdickexc.com

Representatives: KLS Planning and Design Group., Attn: John Krmpotic
Johnk@klsdesigngroup.com

Lumos Engineering., Attn: Ed Thomas
ethomas@lumosinc.com

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Rob Wimer, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District.



Conditions of Approval

Special Use Permit Case Number WSUP22-0027

The project approved under Special Use Permit Case Number WSUP22-0027 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on July 6, 2023. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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

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

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

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

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

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

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 – Chris Bronczyk, Senior Planner, 775.328.3612, cbronczyk@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- c. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- d. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.
- e. The applicant shall complete phase 1 of the Special Use Permit within 6 months of the date of approval.
- f. The applicant shall complete phase 2 within 1 year and 6 months of the date approval. **No extension of this timeframe**, either through an Amendment of Conditions or other means, shall be allowed.
- g. Within 60 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division prior to the issuance of any grading or building permits.
- h. The grading and full land restoration bond shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.
- i. Applicants shall submit sufficient documentation from BLM to Washoe County Planning and Washoe County Engineering and Capital Projects to restoration of the BLM parcel,

APN 046-022-06, prior to the issuance of building and grading permits associated with the Phase 2 grading.

- j. Construction plans shall include, and the applicant shall provide, revegetation for all previously disturbed areas. All previously disturbed areas shall be provided with irrigation for a period of not less than three years and for as long as necessary until vegetation in the previously disturbed areas is at least 70% the density of the vegetation in the adjacent undisturbed areas. The applicant shall provide financial assurances to the Planning and Building Division in an amount equal to 120% of the total estimated cost of reclamation of all previously disturbed areas to be held until all previously disturbed areas are successfully revegetated.
- k. All business operations shall cease. No sub-surface or pit mining shall occur on the site.
- l. Crushing of rock is prohibited. Any activities resulting in substantial dust generation shall include dust mitigation measures.
- m. All loads of material exiting the site shall be tarped and/or treated for dust or loose material.
- n. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.

Washoe County Parks and Open Space

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

**Contact Name – Faye-Marie Pekar, Parks Planner, 775.328.3623,
fpekar@washoecounty.gov**

- a. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
- b. The project shall comply with Washoe County Code Section 110.412.67, Revegetation

Washoe County Engineering and Capital Projects

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

GENERAL CONDITIONS

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

- 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 if the site is within Washoe County's jurisdiction.
- e. Exported materials shall not be sold without the proper business license.
- 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. Within 60 days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division prior to the issuance of any grading or building permits.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

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

- i. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416.
- j. The following note shall be added to the construction drawings; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

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

- k. An Occupancy Permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from or under roads and highways maintained by NDOT, and a copy of said permit shall be submitted to the County Engineer prior to approval of the grading permit.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

- I. No utilities related conditions.

Truckee Meadows Fire Protection District

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

Contact Name – Brittany Lemon, Fire Captain, 775.326.6079, blemon@tmfpd.us

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

Washoe County Air Quality Management

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

Contact Name – Genine Rosa, grosa@washoecounty.us

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

- 6. 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: James English, Environmental Health Specialist Supervisor, 775.328.2610, jenglish@washoecounty.gov

- a. The application is for grading associated with a previously approved parcel map. The subsequent work and future development will be on individual domestic wells and onsite sewage disposal systems
- b. The WCHD has no concerns or conditions for the approval of the application as submitted

- c. The WCHD notes that approval of the application does not in any manner constitute approval of the various building pads as depicted in the application documents. Placement of future residences will be based on the ability to properly set and place domestic wells and onsite sewage disposal systems on each parcel.

Washoe County Board of Adjustment

- a. The applicant shall provide 72 trees, with 1 tree per 20 linear feet along the north and south buffer, and 1 tree per 50 linear feet along the highway frontage.
- b. The applicant shall preserve any trees on site with greater than 6” Diameter at Breast Height (DBH)
- c. Submitted plans shall include restoration of the disturbed portion of the Bureau of Land Management parcel (APN 046-022-06) and is to the satisfaction of the Bureau of Land Management.

*** End of Conditions ***

Along 395



Along BLM (South) Property line



Along BLM (East) Property Line



On Parcel D (of the new Parcel Map)



On Parcel B (of the new Parcel Map)



Along East Property Line (facing NE)



Along North property line



More Trees along North Property Line





September 14, 2023

Chris Bronczyk
Senior Planner, Planning & Building
Division | Community Services
Department
cbronczyk@washoecounty.gov |

Re: **WSUP22-0027 Ophir Hill SUP – Condition Amendment application** revised language for the proposed conditions.

Dear Chris:

Please consider the proposed language revisions to this application request. Following are the conditions copied in italics with the proposed changes in bold:

*1h. The grading and full land restoration ~~bond~~ **financial assurance** shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.*

Following is our proposed revision to conditions 1g and 3h as follows:

*1g. and 3h. Within ~~60~~ **90** days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division ~~prior to the issuance of any grading or building permits.~~ **within 120 days of approval of WSUP22-0027.***

Rationale: There has been steady progress, involving several back-and-forth discussions between the applicant and staff as well as 3rd party engineers. It is obvious industry knowledge that Civil Engineers are extremely busy in northern Nevada. To bring a 3rd party engineer into the mix and expect expedited services has proven very challenging without having control of their schedule. Thus, the extra 30 days is necessary and appreciated to fully satisfy the iterative nature of this process along with negotiations.

Thank you for your consideration of these revisions. Please call me to discuss.

Sincerely,

John F. Krmpotic, AICP
Principal