



Board of Adjustment Staff Report

Meeting Date: May 2, 2024

Agenda Item: 8A

AMENDMENT OF CONDITIONS CASE NUMBER:

WAC24-0002 (Project Max AC) for WSUP21-0005 (KP Investments)

BRIEF SUMMARY OF REQUEST:

Amendment of conditions to provide an extension of time, and remove a condition placed by the Board of Adjustment.

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 WSUP21-0005 to allow for an extension of time, and to remove a Board of Adjustment condition related to Volunteer Court.

Applicant: Panattoni Development Company, Inc.
980 Sandhill Road, Suite 100
Reno, NV 89521

Property Owner: Project Max Land, LLC
980 Sandhill Road, Suite 100
Reno

Location: 0 Reno Park Blvd

APN: 081-121-32; 081-121-35;
081-121-39; 081-121-43;
081-121-46; 081-121-50;
081-121-51; 081-131-24;

Parcel Size: 13.9 ac; 0.057 ac; 14.4 ac;
32.7 ac; 58 ac; 5 ac; 7.3 ac;
4 ac;

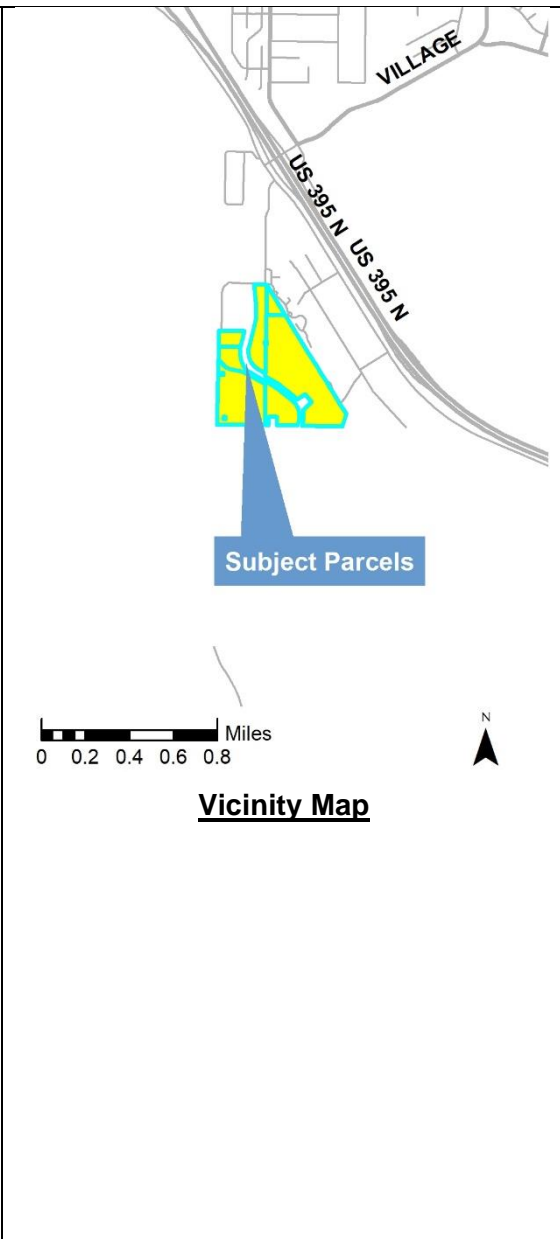
Master Plan: Rural (R); Industrial (I);
Suburban Residential (SR)

Regulatory Zone: Public and Semi-Public
Facilities (PSP); General
Rural (GR); Industrial (I);
Medium Density Suburban
(MDS)

Area Plan: Cold Springs

Development Code: Authorized in Article 810,
Special Use Permits

Commission District: 5 – Commissioner Herman



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 WAC24-0002 for Panattoni Development Company, Inc., 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 8)

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Letter of condition removal..... Exhibit F

Letter from Panattoni Exhibit G

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 WAC24-0002 is attached to this staff report and will be included with the amended action order.



Site Plan

Background and Evaluation of Amendment Request

On April 7, 2022, the Board of Adjustment approved WSUP22-0005 (KP Investments) which was a special use permit for major grading. The properties are located in the Cold Springs Planning Area off of Reno Park Blvd. near the US 395 exit for Village Parkway. The property consists of eight parcels, totaling 135 acres. The project as originally submitted was major grading to allow for the development of industrial warehousing. This proposed use is allowed by right on the subject parcels. The proposed grading included 77.5 acres of disturbance, with 910,000 cubic yards of cut, and 895,000 cubic yards of fill.

The applicant is not requesting any changes to their approved special use permit but instead is requesting to amend 2 existing conditions of approval. The first is an amendment to condition number 1(c) to allow for a 2-year extension of time to obtain initial building permits. The application indicates the reason for the extension of time request is related to securing additional funding to develop the approved project. Planning staff is supportive of the 2-year extension of time, which extends the deadline to obtain initial building permits to on or before April 11, 2026.

The second condition requested to be amended is condition 6(c). This condition, placed on the project by the Board of Adjustment during the April 7, 2022, public hearing, provided, "Volunteer Court shall be paved." Volunteer Court, however, is not a public road. It is a private access easement and paving the road would require the consent of the owners of each parcel over which the access easement runs, which has proven to be a barrier to compliance with the condition.

The applicant initially was requesting to amend this condition to provide for a paved roadway running parallel to Volunteer Court on land belonging to the applicant; however, Washoe County Planning and Washoe County Engineering both had concerns about both the original condition and the initial proposed amendment of the condition. Planning staff is hesitant to support this condition further, or even support amending such condition, as it has no direct nexus to the project at hand, and instead impacts multiple private property owners who are not party to the development or the special use permit request. Washoe County Engineering provided a memo dated January 25, 2024, which indicated support for removal of the condition altogether. This memo outlined some of the major hurdles that would be required of the applicant if they pursued the amended condition – these include agreements by all property owners to agree to abandon the existing Volunteer Court, revegetation and restoration of the land, agreements to retain and/or relocate all public utility easements, and agreements from all property owners to verify support of the relocation efforts. The memo further provides advisory language to the Board to not approve a new or amended condition for Volunteer Court since the ability to complete such a condition is contingent on complete support of all impacted private property owners. Additionally, at the time this was received staff was informed that a property owner along Volunteer Court had refused to permit the paving of the private driveway along their property. Since the applicants can't simply pave over other people's private property without consent – the applicants are unable to meet the intent of condition 6(c).

On February 1, 2024, after discussion with staff, the applicant submitted an amended request to remove condition 6(c) entirely. With the amended request to remove condition 6(c), Washoe County Engineering provided an updated memo dated February 7, 2024. The updated memo removed all conditions associated with Volunteer Court, and continues to support the 2-year extension, and the removal of condition 6(c). The applicant states that the condition was offered in good faith during the initial public hearing to address concerns of the neighbors unrelated to the project. The applicant further states that because Volunteer Court is a private access easement rather than a public road, they now realize it's not appropriate to include Washoe County in negotiations and contracts between the applicant and neighboring property owners, and that it is not a special use permit issue but instead a civil matter between property owners.

The applicant has indicated that it still intends to make improvements to Volunteer Court and/or an alternative paved access easement for the residents of Volunteer Court who are interested, and they have prepared individual exhibits for each parcel owner that shows the scope of work they are offering to each subject parcel. However, Planning staff is supportive of the request to remove condition 6(c) as Washoe County should not be intertwined in negotiations and contracts between private property owners that have no nexus to the land use determination the Board is charged with making.

The proposed amendment of conditions application was sent to reviewing agencies and both Northern Nevada Public Health (NNPH) and the Nevada Department of Transportation (NDOT) requested additional conditions. Please refer to Amended Conditions in WAC24-0002 which can be found as Exhibit A. The conditions proposed by the NDOT staff require the applicants submit the project’s traffic impact analysis for review, and conditions any proposed work within NDOT right of ways to obtain an encroachment permit. The conditions proposed by Northern Nevada Public Health require all future and subsequent permits be routed to Environmental Health Services for review and approval.

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
NDOT (Transportation)	X	X	X	Jeffery Graham, jeffrey.graham@dot.nv.gov
NDOW (Wildlife)	X			
Washoe County Animal Services	X	X		
Washoe County Building & Safety	X			
Washoe County Parks & Open Space	X	X		
Washoe County Planning & Building Director	X			
Washoe County Sewer	X			
Washoe County Traffic	X			
Washoe County Water Resource Planning	X			
Washoe County Water Rights Manager (All Apps)	X	X	X	Timber Weiss, tweiss@washoecounty.gov
WCSO Law Enforcement	X			
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov; Janelle Thomas, jkthomas@washoecounty.gov
Washoe County Engineering & Capital Projects Director (All Apps)	X			
NNPH Air Quality	X			
NNPH EMS	X			
NNPH Environmental Health	X	X	X	Jim English, jenglish@washoecounty.gov; Wes Rubio, wrubio@washoecounty.gov;

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

Recommendation

After a thorough review and analysis, Amendment of Conditions Case Number WAC24-0002 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 WAC24-0002 for Panattoni Development Company, Inc., 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. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for major grading, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

Board of Adjustment action will be effective 10 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.

Applicant: Panattoni Development Company, Inc.
980 Sandhill Road, Suite 100
Reno, NV 89521

Property Owner: Project Max Land, LLC
980 Sandhill Road, Suite 100
Reno, NV 89521

Representatives: KLS Planning and Design Group
201 West Liberty Street, Suite 300
Reno, NV 89501



Amended Conditions of Approval

Amendment of Conditions Case Number WAC24-0002

For Special Use Permit Case Number WSUP22-0005

The project approved under Amendment of Conditions Case Number WAC24-0002 for Special Use Permit Case Number WSUP22-0005 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on May 2, 2024. 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 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 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 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 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; 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. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued on or before **April 11, 2026**. 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.
- d. **The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.**
- 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. In place of rip-rap the applicant shall use geo-fabric to stabilize the slopes.
- g. The applicant shall maintain the 60' access easement along Reno-Park Blvd.
- h. All graded or disturbed areas, exposed slopes and areas of soil or landform disturbance not designated for development shall be revegetated after grading in order to mitigate adverse visual impacts, improve soil conditions, minimize erosion and stabilize necessary cut and fill slopes with plant roots.

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 – Rob Wimer; 775.328.2059; rwimer@washoecounty.gov

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.
- e. Exported materials shall not be sold without the proper business license.
- f. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- g. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- h. 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

- a. 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.
- b. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site to the satisfaction of the County Engineer.

- c. 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.
- d. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.
- e. 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, P.E. (775) 328-2050

- a. Access to the proposed development is over roadways not currently maintained by Washoe County and the right-of-way is owned by third parties. At the time of any entitlement action (e.g., tentative map, special use permit, etc.), the applicant will need demonstrate that appropriate right-of-way has been or can be acquired over the project access roadways, and if roadways are to be owned and maintained by Washoe County, the right-of-way will need to be dedicated to Washoe County and roadway improvements constructed to Washoe County standards.
- b. Provide documentation of access to the site to the satisfaction of the County Engineer.
- c. Driveway locations shall conform to the Washoe County Code Article 436 for commercial driveways.
- d. An approved 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 sent to the Engineering Division.
- e. The minimum pavement structural section shall be four inches (4") of asphalt over six inches (6") of granular base for commercial collector roadway with a right-of-way of fifty-six feet (56') in width to the satisfaction of the County Engineer.
- f. The applicant shall submit a detailed geotechnical analysis and report for pavement design recommendations to the County Engineer for review and approval. The report shall be based on the estimated traffic loadings for a 20-year design life and shall include assumptions concerning the distribution of trucks and buses, to include project construction truck traffic. The resultant pavement thickness in the geotechnical analysis must be used if the report indicates a structural section that is stronger than minimum if required. The minimum pavement requirements for onsite paving shall be 3 inches asphalt on 6 inches granular base.
- g. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
- h. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.

- i. Prior to finalization of any portion of the tentative map, a detailed analysis of turning movements for emergency and service vehicles shall be provided to the Engineering Division.
- j. An Encroachment and Excavation Permit shall be obtained from Washoe County Engineering and Capital Projects Division for any utilities or other encroachments/excavations constructed within existing County roadways/right-of-ways.
- k. The project traffic impact study shows several intersections that operate outside the acceptable levels of service (as defined by Washoe County Development Code). The traffic engineer shall provide level of service mitigation recommendations that are acceptable to the satisfaction of the County Engineer and NDOT.
- l. Provide a traffic circulation plan for the project development.

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; 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/>

Washoe County Parks Program

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

Contact: Faye-Marie Pekar, Parks Planner, 775.328.3623, fpekar@washoecounty.gov

- a. Should any earthen materials 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 Development Code Section 110.412.67 Revegetation.

Water Rights and Water Resources Management

5. The following conditions are requirements of Water Rights & Water Resources Management, which shall be responsible for determining compliance with these conditions.

Contact Name – Timber Weiss; 775.954.4626; Tweiss@washoecounty.gov

- a. A will serve letter from Great Basin Water Company prior to issuance of a Building Permit for construction on the resultant parcels. This condition is based on the Water Utilities’ rules and regulations and not Washoe County which will require the will serve prior to issuance of a C of O. Acquisition of this will serve letter is extremely important due to a State Engineer moratorium in this Valley which may or may not affect the will serve process to these parcels.
- b. Any construction of buildings on the resultant parcels will require coordination with Great Basin Water Co. new development staff to determine grading and infrastructure needs, fees and water rights demand and whether the State Moratorium applies to this project.

NEW CONDITIONS PER WAC24-0002

Board of Adjustment

6. At the request of the Board of Adjustment, the applicant committed to the following conditions:
 - a. A water truck will be on site 24/7 to ensure dust is mitigated.
 - b. South Avenue shall be paved.
 - c. ~~Volunteer Court shall be paved.~~

Washoe County Health District- Environmental

7. 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 EHS has reviewed the above referenced application as submitted and has no concerns with the approval of the application as submitted to amend the conditions of WSUP22-0005.
- b. If the request is approved, all future building permits and plans must be routed to EHS for review and approval.

Nevada Department of Transportation

8. The following conditions are requirements of the Nevada Department of Transportation. NDOT shall be responsible for determining compliance with these conditions.

Contact - Jeff Graham; 775.834.8382; d2traffic@dot.nv.gov

- a. The project proposes regional access to North Virginia Street and US 395 which are NDOT maintained roads that are officially designated as FRWA23 and US 395, and functionally classified as a Minor Collector and a Freeway, respectively.
- b. The project's regional access to FRWA23 and US 395 will result in traffic impacts to NDOT right-of-way. A review of the project's traffic impact analysis will be required to determine what improvements to NDOT facilities may be needed to mitigate the project's impact. Please contact d2traffic@dot.nv.gov for scoping of the traffic impact study.
- c. All work proposed within FRWA23 or US 395 right of way will require an encroachment permit and must comply with NDOT's Standard Plans, Access Management System and Standards, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and the Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.
- d. This letter does not provide for approval or disapproval of any improvements proposed by the project. NDOT review during the occupancy permit process may result in modification to the proposed improvements or denial.
- e. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within or adjacent to NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require

additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.

*** End of Amended Conditions ***

From: [Wines-Jennings, Tammy L](#)
To: [Bronczyk, Christopher](#)
Cc: [Schull, Shyanne](#)
Subject: WAC24-0002(Project Mac AC) for WSUP21-0005
Date: Friday, January 12, 2024 1:38:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello,
I see no concerns from and Animal Services perspective.

Thank you,



Tammy Wines-Jennings
Assistant Director | Washoe County Regional Animal Services
twines-jennings@washoecounty.gov | Office: 775.353.8945 | Dispatch:: 775.322.3647
2825 Longley Lane., Suite A, Reno, NV 89502

A row of four circular social media icons: a calendar, a speech bubble, a Facebook 'f', and a globe.

From: [Program, EMS](#)
To: [Bronczyk, Christopher](#)
Cc: [Program, EMS](#)
Subject: FW: January Agency Review Memo I - Amendment of Conditions Case Number WAC24-0002 (Project Max AC) for WSUP21-0005
Date: Wednesday, January 24, 2024 3:12:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[January Agency Review Memo I.pdf](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good Afternoon,

The EMS Program has reviewed the January Agency Review Memo I – Amendment of Conditions Case Number WAC24-0002 (Project Max AC) for WSUP21-0005, and has no concerns or questions at this time based on the information provided.

Thank you,



April Miller
Sr. Office Specialist
Epidemiology and Public Health Preparedness

O: [775-326-6049](tel:775-326-6049)
1001 E Ninth St. Bldg. B Reno, NV 89512

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Date: February 7, 2024

To: Chris Bronczyk, Senior Planner

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

Re: Amendment of Conditions Case WAC24-0002 for WSUP21-0005
APN: 081-121-32; 081-121-35; 081-121-39; 081-121-42; 081-121-43; 081-121-44; 081-121-46; 081-121-50; 081-121-51; 081-131-24

GENERAL COMMENTS

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of Conditions case is to amend the condition for Special Use Permit Case Number WSUP21-0005, to extend the expiration date of the special use permit for an additional two (2) years, ~~and to remove Condition 6c in the original Action Order as well as to construct a new paved road (Volunteer Court) on Project Max property.~~

The Engineering and Capital Projects Division recommends approval ~~of the time extension~~ with ~~no additional the following~~ recommendations ~~or and~~ conditions of approval based upon our review of the site and the application prepared by KLS Planning & Design Group.

The Engineering and Capital Projects Division ~~also~~ supports the removal of condition 6c. in the Action Order Approval and Conditions decided on April 7, 2023, and issued on April 11, 2023, which states that "Volunteer Court shall be paved." ~~However, the applicant's request to replace this condition with a condition to construct a new paved road (Volunteer Court) on Project Max property should not be considered for approval until the following recommendations are completed:~~

RECOMMENDATION

- ~~1. The applicant should provide documentation which verifies that all impacted private property owners agree to support the relocation of Volunteer Court to Project Max property.~~
- ~~2. The applicant should provide documentation which verifies that all impacted private property owners agree to the abandonment of the existing Volunteer Court once the realigned Volunteer Court construction is complete.~~
- ~~3. The applicant should provide documentation that the private property owners have been informed that the work associated with final abandonment of Volunteer Court shall include revegetation and restoration of land not used within the existing right-of-way for driveway access and shall require the elimination of access from the private property owners to South Avenue. The realigned Volunteer Court will provide sole access to the private property owners.~~
- ~~4. The applicant should provide documentation which verifies that all impacted private property owners agree to retain and/or relocate all public utility easements currently located within the existing Volunteer Court right of way upon the consent and agreement of the public utility providers and when the relocation of Volunteer Court occurs.~~

~~The intent of the above recommendations is to ensure that the Board is not advised to approve a new condition on this project which may not be able to be successfully completed without complete support from the impacted private property owners.~~

CONDITIONS

- ~~1. Prior to issuance of the building permit to construct the relocated Volunteer Court, the applicant shall provide written agreements from the impacted private property owners which include, but may not necessarily be limited to, the following:
 - ~~a. The private property owner(s) support the relocation of Volunteer Court to Project Max property and will allow the applicant's construction representatives access onto and over their property(ies) to perform construction activities associated with the construction of the relocated Volunteer Court and any associated connections and/or restoration activities.~~
 - ~~b. The private property owner(s) agree to the abandonment of the existing Volunteer Court once the realigned Volunteer Court construction is complete.~~
 - ~~c. The private property owner(s) agree to the revegetation and restoration of land not used within the existing right of way of Volunteer Court for driveway access. This shall include the elimination of access from the private property owners to South Avenue over and through the abandoned Volunteer Court right of way.~~
 - ~~d. The private property owner(s) agree to retain and/or relocate all public utility easements currently located within the existing Volunteer Court right of way when the relocation of Volunteer Court occurs.~~~~
- ~~2. The applicant shall submit civil improvement plans for the construction of the relocated Volunteer Court which include the following minimum improvements to the approval of the County Engineer:
 - ~~a. Design of a private access that meets all standards of private streets in the Washoe County Development Code 110 Article 436, including associated grading and drainage appurtenances.~~
 - ~~b. Design and identification of all required offsite revegetation/restoration improvement areas associated with the abandonment of the existing Volunteer Court right of way.~~
 - ~~c. Design and identification of any and all utilities to be relocated from the existing public utility easement(s) along the existing Volunteer Court.~~~~
- ~~3. Following completion of construction of the relocated Volunteer Court and prior to the issuance of the first Certificate of Occupancy (C of O) on the project site, the applicant shall provide documentation of the recordation of the Order of Abandonment for each affected parcel located on the existing Volunteer Court to Washoe County Engineering staff.~~
- ~~4. Following completion of construction of the relocated Volunteer Court and prior to the issuance of the first Certificate of Occupancy (C of O) on the project site, the applicant shall provide documentation to Washoe County Engineering staff of retention and/or relocation of all public utility easements is complete to the satisfaction and at no expense to Washoe County or the existing public utility providers which originally accepted and approved said easements. This documentation shall also address any additional public utilities in place which occupy the existing easements. Any relocations shall be documented by the recordation of properly executed documents reflecting the grant of new easements (if required) to the appropriate public utility providers and the relinquishment by said public utilities of the former easements.~~

From: [Lemon, Brittany](#)
To: [Bronczyk, Christopher](#)
Cc: [Way, Dale](#)
Subject: WAC24-0002 (Project Max AC) for WSUP21-0005
Date: Monday, January 22, 2024 12:12:10 PM
Attachments: [image001.png](#)

Hi Chris,

We have no changes from the comments that were previously provided for WSUP21-0005.

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"

January 29, 2024

Washoe County Community Services
Planning and Development Division

RE: Project Max AC; Multiple APN's
Amendment of Conditions; WAC24-0002

Dear Washoe County Staff:

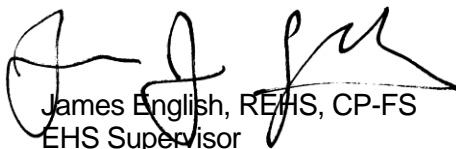
The following conditions are requirements of Northern Nevada Public Health (NNPH), Environmental Health Division, (EHS) which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: EHS has reviewed the application as submitted and has no concerns with the approval of the application as submitted to amend the conditions of SUP21-0005.
- b) Condition #2: If the request is approved, future and subsequent permits and construction plans must be routed to EHS for review and approval.

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

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Northern Nevada Public Health



JOE LOMBARDO
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

310 Galletti Way
Sparks, Nevada 89431

TRACY LARKIN THOMASON, P.E.
Director

January 24, 2024

Washoe County Planning Division
1001 E. 9th St,
Reno, NV 89512
Attention: Christopher Bronczyk

SENT VIA ELECTRONIC MAIL

RE: Amendment of Conditions Case Number WAC24-0002 (Project Max AC) for WSUP21-0005

Dear Mr. Bronczyk,

Nevada Department of Transportation (NDOT) District II staff has reviewed the application received via e-mail on January 12th, 2024 and provides comments accordingly.

Amendment of Conditions Case Number WAC24-0002 (Project Max AC) for WSUP21-0005 - For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP21-0005 to allow for an extension of time, and to modify a Board of Adjustment condition related to Volunteer Court.


NDOT comments:

1. The project proposes regional access to North Virginia Street and US 395 which are NDOT maintained roads that are officially designated as FRWA23 and US 395, and functionally classified as a Minor Collector and a Freeway, respectively.
2. The project's regional access to FRWA23 and US 395 will result in traffic impacts to NDOT right-of-way. A review of the project's traffic impact analysis will be required to determine what improvements to NDOT facilities may be needed to mitigate the project's impact. Please contact d2traffic@dot.nv.gov for scoping of the traffic impact study.
3. All work proposed within FRWA23 or US 395 right of way will require an encroachment permit and must comply with NDOT's Standard Plans, Access Management System and Standards, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and the Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.

4. This letter does not provide for approval or disapproval of any improvements proposed by the project. NDOT review during the occupancy permit process may result in modification to the proposed improvements or denial.
5. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement.

Thank you for the opportunity to review this application. NDOT reserves the right to incorporate further changes and/or comments as these applications and design reviews progress. Should you have any questions, please contact Jeff Graham at (775) 834-8382.

Sincerely,

DocuSigned by:

EE9C06ADD034C7
Jeff Freeman, PE
Engineering Services Manager
District II

JF:jg

Cc: Bhupinder Sandhu – Acting DII District Engineer
District II Traffic Engineering Distribution List
Washoe County Planning Division
File

From: [Pekar, Faye-Marie L.](#)
To: [Bronczyk, Christopher](#)
Subject: WAC24-0002 (Project Max AC) for WSUP21-0005
Date: Friday, January 12, 2024 2:58:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Good Afternoon Chris,

I have reviewed WAC24-0002 (Project Max AC) for WSUP21-0005 on behalf of parks and do not have comments.

Thank you,

Faye-Marie



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](#)



Date: January 17, 2024

To: Christopher Bronczyk, Senior Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Amendment of Conditions Case Number WAC24-0002 (Project Max AC) for WSUP22-0005

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0005 to allow for an extension of time, and to modify a Board of Adjustment condition related to Volunteer Court.

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

A will serve letter from Great Basin Water Company prior to issuance of a Building Permit for construction on the resultant parcels. This condition is based on the Water Utilities' rules and regulations and not Washoe County which will require the will serve prior to issuance of a C of O. Acquisition of this will serve letter is extremely important due to a State Engineer moratorium in this Valley which may or may not affect the will serve process to these parcels.

Conditions:

Any construction of buildings on the resultant parcels will require coordination with Great Basin Water Co. and new development staff to determine grading and infrastructure needs, fees, and water rights demand and whether the State Moratorium applies to this project.

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 750-foot radius of the subject property. A total of 65 separate properties were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map

Amendment of Conditions Case Number WAC24-0002



February 1, 2024

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

Re: **Project Max** Amendment of Conditions Case WAC24-0002 for WSUP21-0005 – **Revision** to the application request

Dear Chris:

Based on the memo dated 1/25/24 from WC Engineering staff which states that they support removal of Condition 6c. (per the action order dated April 11, 2022), we agree and thus amend our request **to remove this condition**. There are several reasons of merit to support this which include the following:

- a) The condition was originally volunteered in “good faith” by the applicant to address concerns of the neighbors. It was done on-the-fly at the time of the public hearing. We now realize it is not appropriate to involve Washoe County on a 3rd party issue that must be managed between the applicant and property owners on Volunteer Court. It is not an SUP issue, it is a civil matter between property owners.
- b) We understand that all of the subject property owners see the value of the offer to pave Volunteer Court at the expense of the Project Max Land LLC owner/developer and will participate by signing the related easements. The offer further extends to include base and paving of individual driveways and other improvements for the five parcel owners on Volunteer Court. We have prepared individual exhibits for each parcel that show the scope of work for each parcel related to grading, adding base material, and paving.
- c) The owner /applicant has made a firm commitment to honor the prior offer to all owners on Volunteer Court. Deletion of the condition does nothing impair the extent and nature of improvements that will be completed. It simply removes WC from the process. Project Max Land LLC will continue with the grading for the industrial project and separately improve Volunteer Court as promised.

We look forward to working thru the issues with staff and the community at the Board of Adjustment hearing on March 7, 2024.

Thank you for your consideration. Please call me to discuss if needed.

Sincerely,

John F. Krmpotic, AICP
Principal

Project Max Condition Amendment

Application to Washoe County for an:

Amendment of Conditions

Prepared by:



John F. Krmpotic, AICP
KLS Planning & Design Group
201 W. Liberty Street, Suite 300
Reno, Nevada 89501

Prepared for:

Paul Kinne
Panattoni Development Company, Inc.
980 Sandhill Road, Suite 100
Reno, NV 89521

January 8, 2024

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Appendix

Application Materials

- Washoe County Development Application
- Property Owner Affidavit - omitted by planning admin
- Amendment of Conditions Checklist
- Amendment of Conditions – Supplemental Information
- Washoe County Fee Schedule - omitted by planning admin
- Washoe County Treasurer – Tax Payment Records - omitted by planning admin Board of Adjustment
- Action Order dated April 7, 2022 Preliminary Build-Out Specifications

Project Request

This application contains a request for an **Amendment of Condition 6c. & Time Extension** for an approved SUP for grading that expires two years after the filing date of the Board of Adjustment Action Order (WSUP22-0005) dated April 11, 2022. This request is per Article 810 (Special Use Permit Procedures) as defined in Washoe County Development Code.

Project Location

The site is composed of eight parcels (APN: 081-121-32, 35, 39, 43, 46, 50, 51; 081-131-24) totaling 135-acres and is located off Reno Park Blvd near the US 395 exit for Village Parkway in Cold Springs. The site is currently vacant and prepared for the development of a Logistics center. Current primary access to the site is via Reno Park Blvd.



Figure 1 – Vicinity Map

Land Use and Zoning

The site is adjacent to vacant land to the west and south, residential to the east, and industrial to the north. Industrial (I) was established for the site's land use in the Washoe County Master Plan, and regulatory zoning is Industrial (I) (See Figures 3 and 4 below). There are portions of the site with R & SR land use and GR & MDS zoning, respectively. These areas will only contain grading and infrastructure with no structural development or industrial activity. The site is part of the Cold Springs Area Plan within its Suburban Character Management Area.

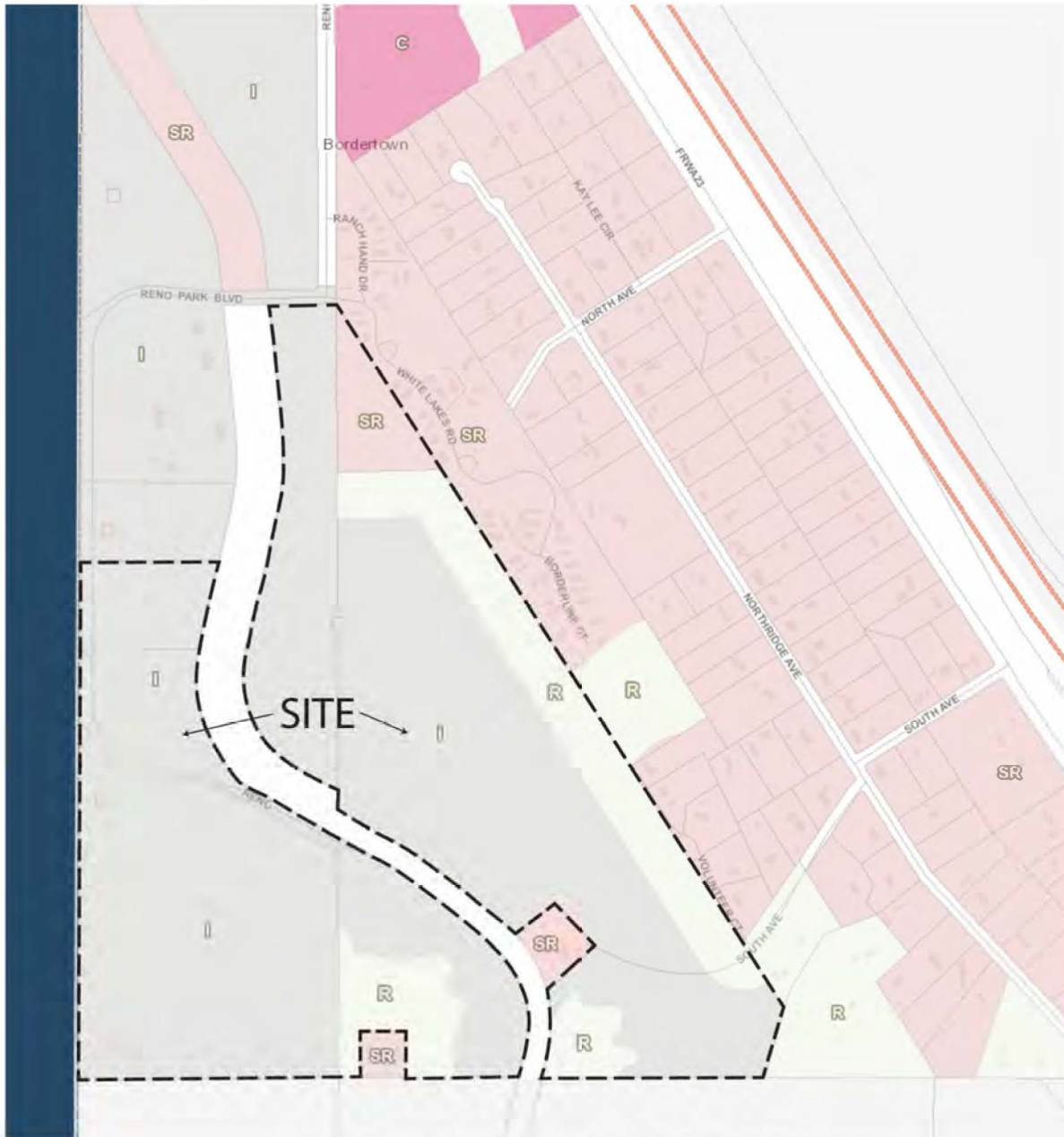


Figure 2 – Washoe County Master Plan

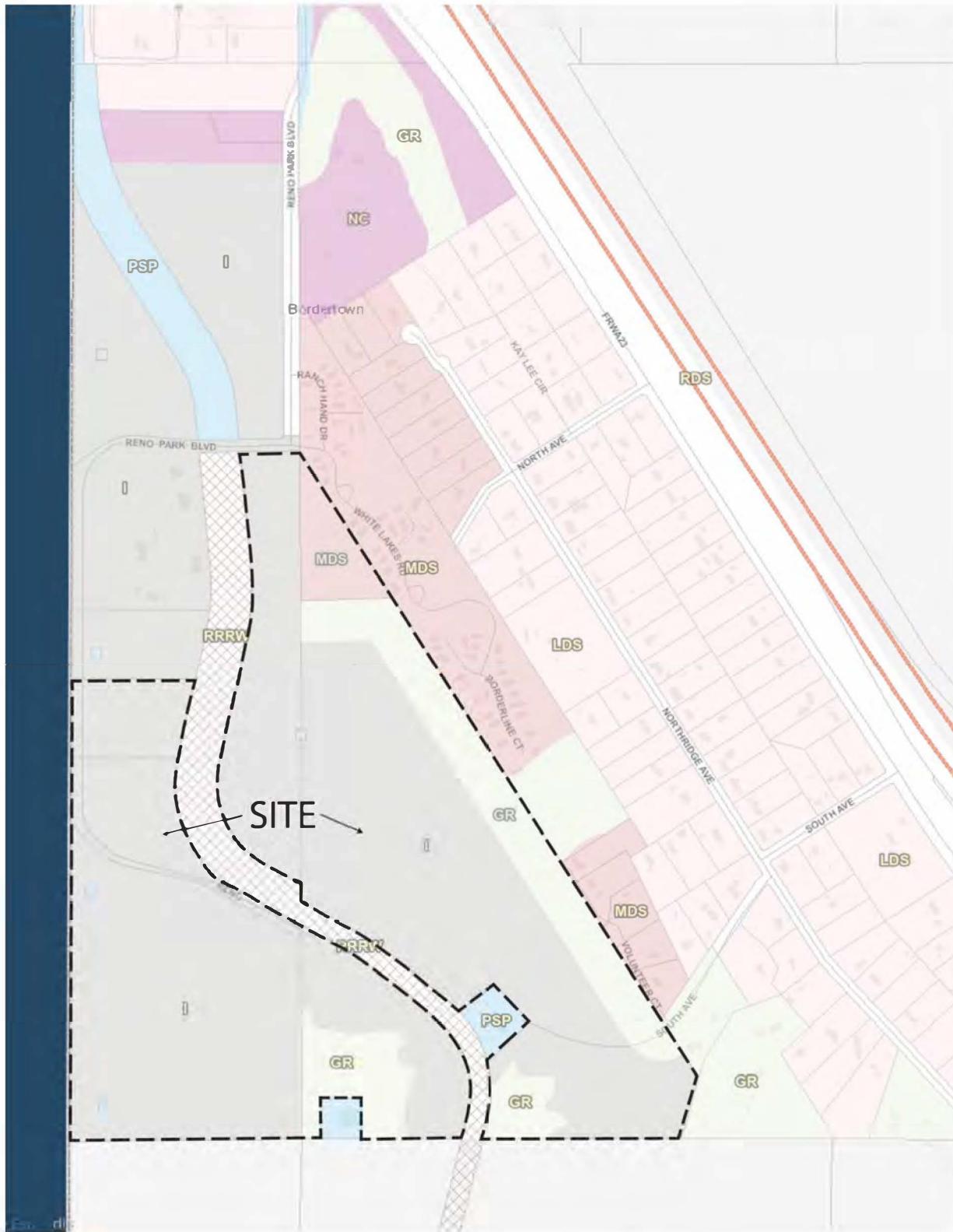


Figure 3 – Washoe County Zoning Map

Project Description

The purpose of this application is to:

- a) Extend the time allowed for the SUP that will otherwise expire on April 11, 2024.
- b) Amend Condition of Approval 6c. that was approved as such:
 6. At the Board of Adjustment the applicant committed to the following conditions:
 - a. A water truck will be on site 24/7 to ensure dust is mitigated.
 - b. South Avenue shall be paved.
 - c. ***Volunteer Court shall be paved (This is the requested Condition to be amended or deleted).***

Rationale for the Request

The proposed amendment is to allow for an alternate solution to paving Volunteer Court. For clarity, Volunteer Court is not a public right-of-way. It is a privately owned access easement consisting of five (5) private property owners. All property owners were not uniformly in agreement to participate in the paving of Volunteer Court. Thus, an alternative solution is proposed to construct a new paved road on the Project Max property. This alternative was presented to Washoe County staff and all Volunteer Court residents. The residents of Volunteer Court collectively prefer the alternative solution of a new paved road on the Project Max property. Project Max Land, LLC will grant a recorded Access Easement in favor of all residents of Volunteer Court. The new paved road is parallel and adjacent to the existing Volunteer Court on Project Max Land, LLC property providing direct and individual access to the properties owned by the respective owners. As part of the Access Easement, Project Max Land, LLC will also maintain the new paved road on Project Max land.

Volunteer Court (6c. Amended of Deleted Condition)

This alternative has less impact to Volunteer Court parcels by building the new road for exclusive use to Volunteer Court residents. The alternative road will reduce grades compared to the existing Volunteer Court, thus improving safety and access to their properties. By constructing the new road on Project Max land, there will be essentially no disruption to access on the existing Volunteer Court for the residents during construction of the proposed alternative. Additionally, Project Max Land, LLC is actively negotiating additional improvements for each of the Volunteer Court parcel owners. Those improvements include paving of driveways, replacing existing asphalt, placing of type-2 base, etc.

Project History

Following is a brief timeline and description of events associated with progress toward development for this property since approval of the SUP:

- SUP for Grading approved by Board of Adjustment on 4/7/22.
- Successful completion of the MPA/RZA of the Great Basin Well parcel in the middle of the project.
- Successful acquisition of the Great Basin Well Parcel in the middle of the project.
- Successful execution of a Construction Easement with property owner to allow paving of

South Avenue on her property.

- Commenced discussions with the Forest Service on a public/private partnership to help get the volunteer fire station operational as a USFS fire station.
- Neighbor outreach matrix:

APN/Owner	Status	Task
081-140-19 Goodwin Organic Food & Drinks Kaleb Goodwin	Washoe County took possession of this portion of Reno Park Boulevard on November 3, 2023. Working with Elizabeth Fielder and Renee Eselman to determine next steps with Goodwin. No response to date. We are commencing design of a county standard roadway.	Designing Reno Park Boulevard to Washoe County Standards.
081-210-01 Residential Owner Philip Prieue	Philip Prieue has signed his easement. Doug still needs to sign. No ability to record easement based on current status. We are commencing design of a county standard roadway.	Designing Reno Park Boulevard to Washoe County Standards.
081-131-45 White Lake Development Corp Washoe County Dave Solaro, Michael Large and Dwayne Smith	Washoe County took possession of this section of Reno Park Boulevard on November 3, 2023. We are commencing design of a county standard roadway.	Designing Reno Park Boulevard to Washoe County Standards.
081-131-36 White Lake Industries dba Industrial Wood Products Dan Powell	Access Easement is in final form and was signed on January 5, 2024 by Dan Powell.	Record Access Easement on January 9, 2024.
081-131-35 Copart of Arizona, Inc. Jon Lawson (In-House Counsel)	Several emails sent with no response.	Discuss development plans.
081-121-49 Kiva Energy Angie Hasenrohrl Darren Pahl	Sent revised Access Easement with depiction and legal description on December 14, 2023. Awaiting response from Darren Pahl and their attorney.	Record Access Easement.
081-182-10 Mary Lou Yocum	Met and presented Temp Construction Easement and Plans.	Temp Construction Easement signed and recorded.
081-182-17 David Dunbar	Met with David Dunbar on November 21, 2023 to present final Access Easement and present Project Max's offer for additional improvements on David Dunbar's land.	Get Access Easement signed and recorded.
081-192-18 Ficarrotta Family Trust Rose Marie and Gunther Ficarrotta	Sent FedEx to Rose Marie and Gunther Ficarrotta with final proposed Access Easement on Project Max land on November 11, 2023.	Get Access Easement signed and recorded.
081-192-14 Ken and Veronica Wilson	Met with Wilson on November 21, 2023 to present final Access Easement and present Project Max's offer for additional improvements on Ken Wilson's land.	Get Access Easement signed and recorded.
081-192-15 Eric Rieger	Met with Eric Rieger on November 21, 2023 to present final Access Easement and present Project Max's offer for additional improvements on Eric Rieger's land.	Get Access Easement signed and recorded.
081-192-16 Curt Rieger	Met with Curt Rieger on November 21, 2023 to present final Access Easement and present Project Max's offer for additional improvements on Curt Rieger's land.	Get Access Easement signed and recorded.

- This Time Extension request submitted on 1/8/24 is the next step in executing development of the site and perfecting the conditions of approval.

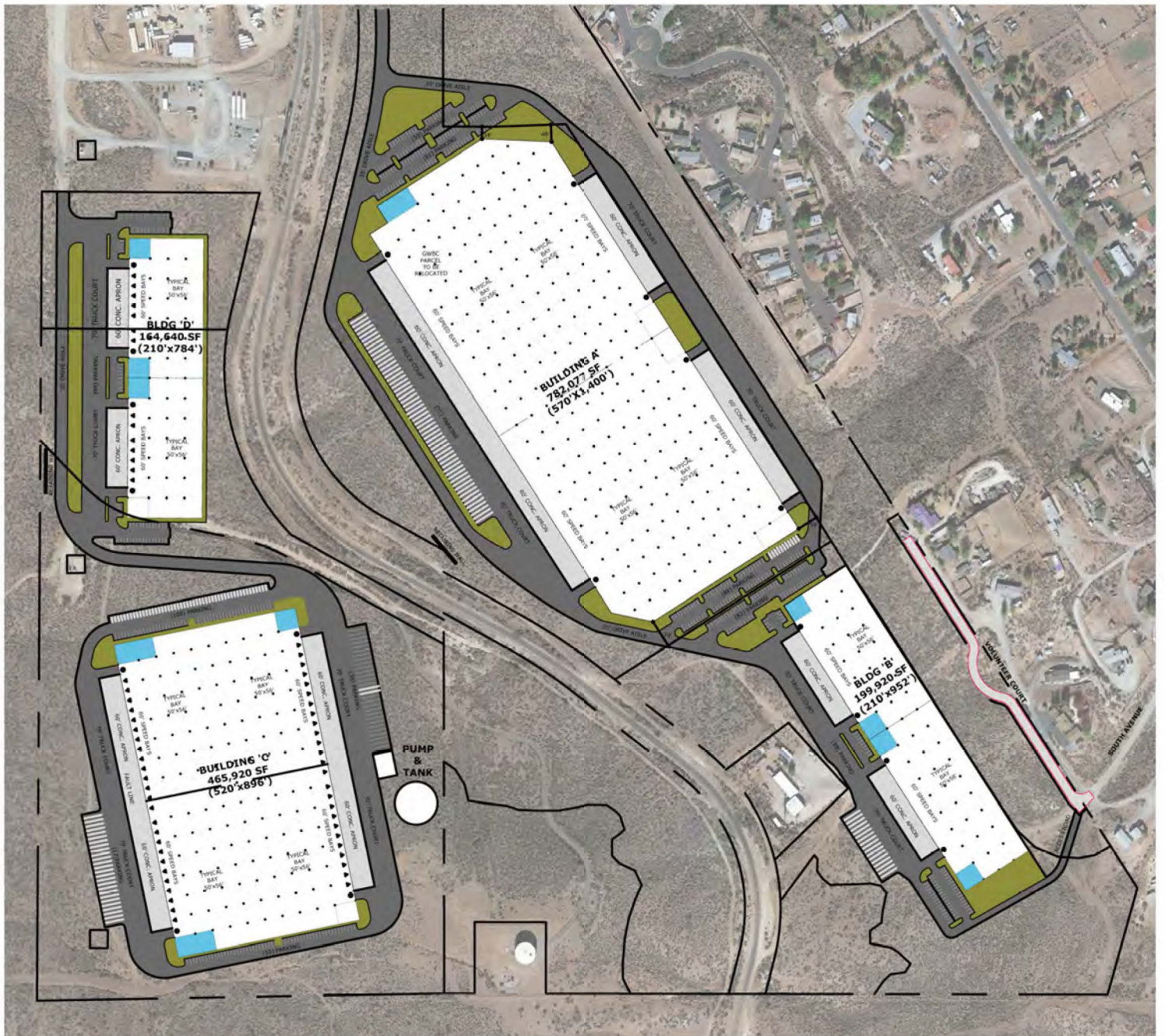


Figure 4 – Conceptual Site Plan

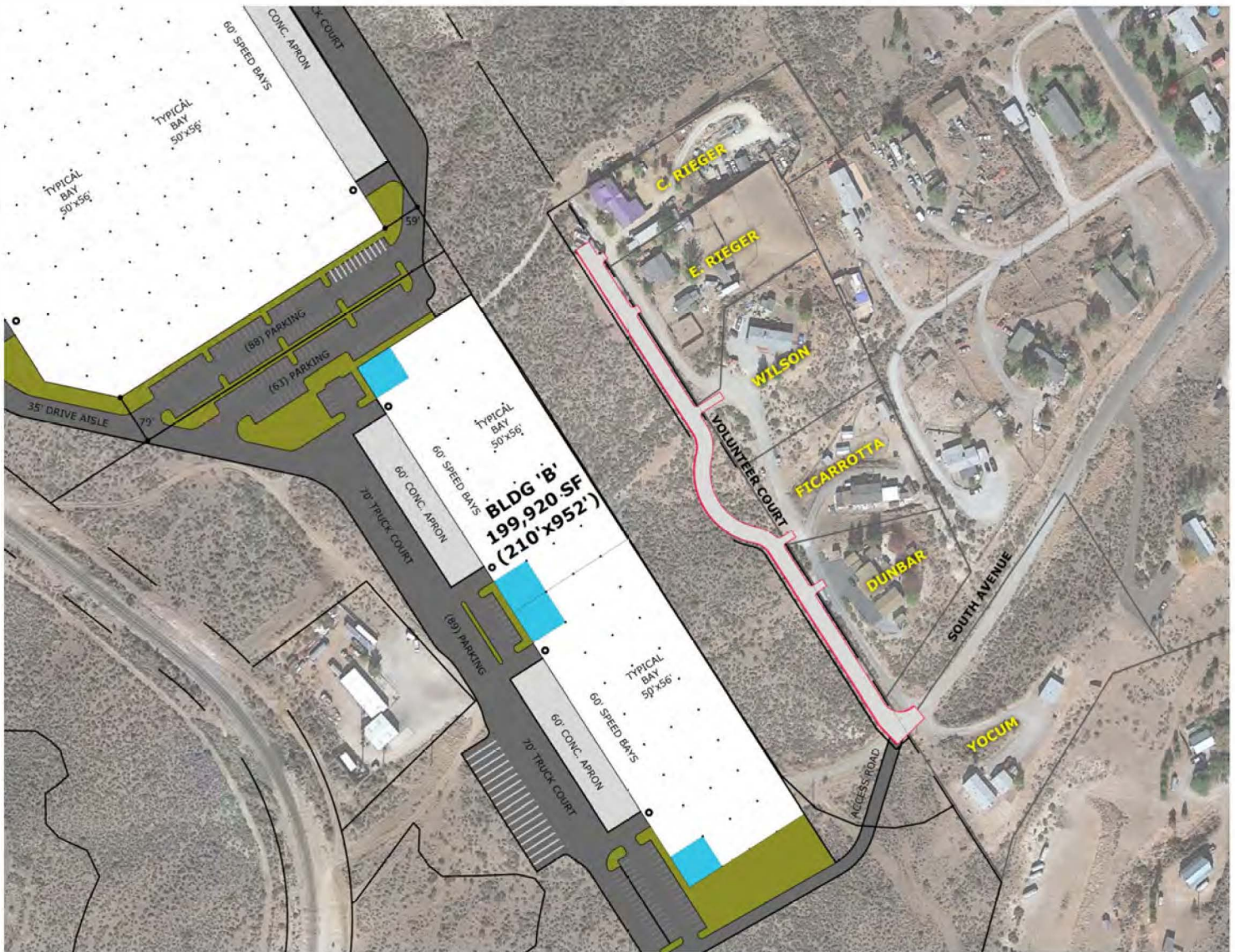


Figure 5 – Focused Site Plan of New Roadway

Appendix

Application Materials

Washoe County Development Application
Property Owner Affidavit
Amendment of Conditions Checklist
Amendment of Conditions – Supplemental Information
Washoe County Fee Schedule
Washoe County Treasurer – Tax Payment Records
Board of Adjustment Action Order dated April 7, 2022
Preliminary Build-Out Specifications

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)**.

This proposed amendment is for two purposes.

1. The first proposed amendment is for an extension of the deadline of the SUP. Due to impacts from capital market funding sources, we are seeking this extension to keep the approved SUP in place.

2. The second proposed amendment is to allow for an alternative solution in the paving of Volunteer Court. Due to hesitation from one of the property owners on Volunteer Court, an alternative solution of constructing a new paved road on the Project Max property was presented to Washoe County staff and Volunteer Court residents. Project Max Land, LLC will grant through a recorded document exclusive access to the alternative road for all residents of Volunteer Court. The alternative road would parallel Volunteer Court on Project Max Land, LLC property providing access to the properties owned by the residents of Volunteer Court.

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 would be no potential impacts to public health, safety or welfare as a result of granting the amendment.

The extension of time amendment allows Project Max Land, LLC additional time to secure capital to develop the approved project.

The second proposed amendment affects the original findings in that the proposed alternative to paving Volunteer Court allows for less impact to the residents of Volunteer Court by building a brand new road on Project Max land for exclusive use by Volunteer Court residents for access to their properties. The proposed alternative road, as designed, will also lessen the grades that are currently present on the existing Volunteer Court thereby making access to their properties safer and easier.



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Board of Adjustment Action Order
Special Use Permit Case Number WSUP22-0005 (KP Investments)

Decision: **Approval with Conditions**
 Decision Date: April 7, 2022
 Mailing/Filing Date: April 11, 2022
 Property Owner: Christman Living Trust
 Staff Planner: Chris Bronczyk, Planner
 Phone: 775.328.3612
 E-Mail: cbronczyk@washoecounty.gov

Special Use Permit Case Number WSUP22-0005 (KP Investments) – For hearing, discussion, and possible action to approve a special use permit for development of an industrial complex. The proposed grading will result in 77.5 acres of disturbance, 405,000 cubic yards of export, 390,000 cubic yards of import and a net remainder of 15,000 cubic yards which will be dealt with on site. The total amount of cuts is 910,000 cubic yards and the total amount of fills is 895,000 cubic yards. The applicant is also seeking to vary the following standards from Article 438; Section 110.438.45(a); 110.438.45(b); 110.438.45(c).

- Applicant: KP Investors, LLC
- Property Owner: Christman Living Trust
- Location: 0 Reno Park Blvd
- APN's: 081-121-32, 35, 39, 42, 43, 44, 46, 50, 51 & 081-131-24;
- Parcel Sizes: 13.9 ac; 0.057 ac; 14.4 ac; 0.057 ac; 32.7 ac; 0.057 ac; 58 ac; 5 ac; 7.3 ac; 4 ac;
- Master Plan: Rural (R); Industrial (I); Suburban Residential (SR)
- Regulatory Zone: Public and Semi-Public Facilities (PSP); General Rural (GR); Industrial (I); Medium Density Suburban (MDS)
- Area Plan: Cold Springs
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading
- Commission District: 5 – Commissioner Herman

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 438, Grading, 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:



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

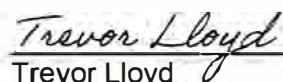
To: Christman Living Trust
Subject: Special Use Permit Case Number WSUP22-0005 (KP Investments)
Mailing Date: April 11, 2022
Page: Page 2 of 3

- a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs 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 a one-day event 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 seven 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 (attached) 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



Trevor Lloyd
Secretary to the Board of Adjustment

TL/CB/AA

Attachments: Conditions of Approval

Applicant: KP Investors, LLC.
patowens@usa.com

Property Owner: Christman Living Trust
0 Sierra View Road
Washoe County, NV 89508



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

To: Christman Living Trust
Subject: Special Use Permit Case Number WSUP22-0005 (KP Investments)
Mailing Date: April 11, 2022
Page: Page 3 of 3

Representatives: KLS Planning and Design Group
johnk@klsdesigngroup.com

Action Order xc: Mike Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Tim Simpson, Utilities; Walt West / Rob Wimer, Engineering and Capital Projects; Dale Way, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection; Regional Transportation Commission; Truckee Meadows Regional Planning Agency.



Conditions of Approval

Special Use Permit Case Number WSUP22-0005

The project approved under Special Use Permit Case Number WSUP22-0005 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on April 7, 2022. 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.

**WSUP22-0005
EXHIBIT A**

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; 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. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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

- d. In place of rip-rap the applicant shall use geo-fabric to stabilize the slopes.
- e. The applicant shall maintain the 60’ access easement along Reno-Park Blvd.
- f. All graded or disturbed areas, exposed slopes and areas of soil or landform disturbance not designated for development shall be revegetated after grading in order to mitigate adverse visual impacts, improve soil conditions, minimize erosion and stabilize necessary cut and fill slopes with plant roots.

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 – Rob Wimer; 775.328.2059; rwimer@washoecounty.gov

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.
- e. Exported materials shall not be sold without the proper business license.
- f. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- g. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- h. 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

- a. 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.
- b. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site to the satisfaction of the County Engineer.
- c. 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.
- d. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer.
- e. 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."

**WSUP22-0005
EXHIBIT A**

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

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

- a. Access to the proposed development is over roadways not currently maintained by Washoe County and the right-of-way is owned by third parties. At the time of any entitlement action (e.g., tentative map, special use permit, etc.), the applicant will need demonstrate that appropriate right-of-way has been or can be acquired over the project access roadways, and if roadways are to be owned and maintained by Washoe County, the right-of-way will need to be dedicated to Washoe County and roadway improvements constructed to Washoe County standards.
- b. Provide documentation of access to the site to the satisfaction of the County Engineer.
- c. Driveway locations shall conform to the Washoe County Code Article 436 for commercial driveways.
- d. An approved 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 sent to the Engineering Division.
- e. The minimum pavement structural section shall be four inches (4") of asphalt over six inches (6") of granular base for commercial collector roadway with a right-of-way of fifty-six feet (56') in width to the satisfaction of the County Engineer.
- f. The applicant shall submit a detailed geotechnical analysis and report for pavement design recommendations to the County Engineer for review and approval. The report shall be based on the estimated traffic loadings for a 20-year design life and shall include assumptions concerning the distribution of trucks and buses, to include project construction truck traffic. The resultant pavement thickness in the geotechnical analysis must be used if the report indicates a structural section that is stronger than minimum if required. The minimum pavement requirements for onsite paving shall be 3 inches asphalt on 6 inches granular base.
- g. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
- h. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer.
- i. Prior to finalization of any portion of the tentative map, a detailed analysis of turning movements for emergency and service vehicles shall be provided to the Engineering Division.
- j. An Encroachment and Excavation Permit shall be obtained from Washoe County Engineering and Capital Projects Division for any utilities or other encroachments/excavations constructed within existing County roadways/right-of-ways.
- k. The project traffic impact study shows several intersections that operate outside the acceptable levels of service (as defined by Washoe County Development Code). The traffic engineer shall provide level of service mitigation recommendations that are acceptable to the satisfaction of the County Engineer and NDOT.
- l. Provide a traffic circulation plan for the project development.

Truckee Meadows Fire Protection District

**WSUP22-0005
EXHIBIT A**

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; 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/>

Washoe County Parks Program

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

Contact: Sophia Kirchenman, 775.328-3600, skirchenman@washoecounty.us

- a. Should any earthen materials 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 Development Code Section 110.412.67 Revegetation.

Water Rights and Water Resources Management

5. The following conditions are requirements of Water Rights & Water Resources Management, which shall be responsible for determining compliance with these conditions.

Contact Name – Timber Weiss; 775.954.4626; Tweiss@washoecounty.gov

- a. A will serve letter from Great Basin Water Company prior to issuance of a Building Permit for construction on the resultant parcels. This condition is based on the Water Utilities’ rules and regulations and not Washoe County which will require the will serve prior to issuance of a C of O. Acquisition of this will serve letter is extremely important due to a State Engineer moratorium in this Valley which may or may not affect the will serve process to these parcels.
- b. Any construction of buildings on the resultant parcels will require coordination with Great Basin Water Co. new development staff to determine grading and infrastructure needs, fees and water rights demand and whether the State Moratorium applies to this project.

Board of Adjustment

6. At the Board of Adjustment the applicant committed to the following conditions:
 - a. A water truck will be on site 24/7 to ensure dust is mitigated.
 - b. South Avenue shall be paved.
 - c. Volunteer Court shall be paved.

*** End of Conditions ***

**WSUP22-0005
EXHIBIT A**



Dunbar Improvements

December 13, 2023

PRELIMINARY BUILD-OUT SPECIFICATION:

New Construction:

- 2,110 sqft of 3" AC Type 2, PG64-22 Light Duty Paving with Slurry Seal
- 1,750 sqft of Pulv Roadway & Regrade Road
- Possible Installation of 20 Inft of 1 ft diameter culvert pipe based on Project Max's final civil design

EXCLUSIONS:

1. Any item not specifically addressed in these specifications

ADA: Alston Construction, Inc. will make every attempt to comply with the Americans with Disabilities Act; however, such regulations are subject to changes and interpretations by building officials, governmental agencies, and insurance companies. Therefore, additional project requirements may be incurred above and beyond the scope of work specified herein, and the cost of the project would change accordingly.

Cost Escalation: Due to the current market volatility in raw materials such as, but not necessarily limited to, concrete, steel, lumber, as well as rising fuel costs currently facing the construction industry; subcontractors & suppliers may not be able to honor their original pricing for more than seven (7) days. Alston Construction is taking steps with Owners to anticipate & mitigate cost and schedule impacts in the current market.



Ficarrotta Improvements

December 13, 2023

PRELIMINARY BUILD-OUT SPECIFICATION:

New Construction:

- 750 sqft of 3" AC Type 2, PG64-22 Light Duty Paving
- 750 sqft of 6" Agg Base under Light Duty Paving

EXCLUSIONS:

1. Any item not specifically addressed in these specifications

ADA: Alston Construction, Inc. will make every attempt to comply with the Americans with Disabilities Act; however, such regulations are subject to changes and interpretations by building officials, governmental agencies, and insurance companies. Therefore, additional project requirements may be incurred above and beyond the scope of work specified herein, and the cost of the project would change accordingly.

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Wilson Improvements

December 13, 2023

PRELIMINARY BUILD-OUT SPECIFICATION:

New Construction:

- 8,300 sqft of 3" AC Type 2, PG64-22 Light Duty Paving
- 1,500 sqft of 6" Agg Base under Light Duty Paving

EXCLUSIONS:

1. Any item not specifically addressed in these specifications

ADA: Alston Construction, Inc. will make every attempt to comply with the Americans with Disabilities Act; however, such regulations are subject to changes and interpretations by building officials, governmental agencies, and insurance companies. Therefore, additional project requirements may be incurred above and beyond the scope of work specified herein, and the cost of the project would change accordingly.

Cost Escalation: Due to the current market volatility in raw materials such as, but not necessarily limited to, concrete, steel, lumber, as well as rising fuel costs currently facing the construction industry; subcontractors & suppliers may not be able to honor their original pricing for more than seven (7) days. Alston Construction is taking steps with Owners to anticipate & mitigate cost and schedule impacts in the current market.



Rieger Improvements

December 13, 2023

PRELIMINARY BUILD-OUT SPECIFICATION:

New Construction:

- 9,500 sqft of 3" AC Type 2, PG64-22 Light Duty Paving
- 8,940 sqft of 2.5" Agg Base split among four areas specified by Panattoni

EXCLUSIONS:

1. Any item not specifically addressed in these specifications

ADA: Alston Construction, Inc. will make every attempt to comply with the Americans with Disabilities Act; however, such regulations are subject to changes and interpretations by building officials, governmental agencies, and insurance companies. Therefore, additional project requirements may be incurred above and beyond the scope of work specified herein, and the cost of the project would change accordingly.

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From: [John Krmpotic](#)
To: [Bronczyk, Christopher](#)
Cc: [pkinne](#)
Subject: Project Max (WAC24-0002) Amendment of Conditions
Date: Wednesday, April 3, 2024 7:00:18 PM

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

Hi Chris,

The applicant and I discussed and we maintain the need to remove the condition 6c from the original SUP approval (action order dated 4/11/22). Frankly, this is a 3rd party issue that must be managed between the applicant and the neighbors on Volunteer Court. The Project Max owners will satisfy the intent of the original condition which is to pave Volunteer Court. They have also offered to make additional improvements beyond the original condition of paving of Volunteer Court for individual property owners on that street. Removal of the Condition will not affect the owners commitment on that matter.

Thank you
John

John F. Krmpotic, AICP
KLS Planning & Design
775 857 7710 (cell)



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INTERNATIONAL VISION. LOCAL FOCUS.

VIA FEDEX

March 26, 2024

Mr. Dave Dunbar
17950 Volunteer Court
Reno, Nevada 89506

RE: Volunteer Court Paving/Re-Paving and Additional Scope of Work

Dear Dave:

As you will recall, the Washoe County Board of Adjustment issued approval on Special Use Permit Case Number WSUP22-0005 on April 7, 2022. As part of that approval, the Board of Adjustment required the Applicant, as a Condition of Approval, to make off-site improvements on privately owned property along Volunteer Court.

Through many meetings with yourself, the other residents on Volunteer Court and with input from Washoe County staff, we pursued an alternative of constructing a new road on our property to meet that Condition of Approval. Under this alternative approach, each of the residents of Volunteer Court would have been granted exclusive access to the new road with new access points to each of the properties along Volunteer Court. As I have communicated to you, Washoe County staff unfortunately determined, after months of work, that the proposed alternative did not meet the intent of the Condition of Approval. As a result and for several different reasons on Thursday, April 4, 2024, we are now seeking removal of that Condition of Approval from the Washoe County Board of Adjustment.

Assuming the Washoe County Board of Adjustment votes to remove the paving/re-paving of Volunteer Court as a Condition of Approval, we still have every intent to deliver on that offer. Additionally and as you know, our original offer to pave/re-pave Volunteer Court never contemplated additional improvements for each of the property owners on Volunteer Court. However, we do recognize that our project will bring about change in the immediate area and so it is our intent to offer additional improvements to each of the property owners on Volunteer Court. We view this secondary offer of additional improvements on your property and your neighbors' properties as a good neighbor/good faith gesture and hope you view it as the same. All that said, please find enclosed the following items:

1. An aerial photograph (Exhibit A) of your immediate area showing the alignment of Volunteer Court. In this exhibit, Volunteer Court is denoted in gray and that gray area is where we are offering to pave/re-pave Volunteer Court for the benefit of all the residents.
2. An aerial photograph (Exhibit B) of your specific property. The map legend on Exhibit B shows areas of additional work that we are offering. These areas of offered additional improvements exclude the paved/re-paved area of Volunteer Court.
3. Scope of Work (Exhibit C) to your specific property. The Scope of Work is based off Exhibit B and provides a narrative of the additional improvements we are offering on your specific property.

We will continue to communicate with you and the other residents of Volunteer Court as to when the paving/repaving of Volunteer Court and construction of additional improvements will occur. Our access to your property for the paving/re-paving of Volunteer Court and the construction of the additional improvements will occur via separate document.

Dave, thank you in advance for your time in this matter. Upon completion of your review of the enclosed, please feel free to give me a call to address any questions or comments.

980 SANDHILL ROAD, SUITE 100 | RENO, NEVADA 89521
WWW.PANATTONI.COM

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Sincerely,

PANATTONI DEVELOPMENT COMPANY, INC.



Paul Kinne
Senior Development Manager
775-327-6264 PHONE
775-742-0175 MOBILE
pkinne@panattoni.com

enclosures

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EXHIBIT A

Volunteer Court Alignment and Proposed Paving/Re-Paving

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EXHIBIT B

Proposed Property Specific Additional Improvement

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LEGEND:



- PROPOSED PAVEMENT AND BASE OUTSIDE OF VOLUNTEER COURT 1,035 S.F.±



- PROPOSED VOLUNTEER COURT OVERLAY 2,760 S.F.±.

VOLUNTEER COURT
APN: 081-192-17

SCALE: 1" = 30'-0"



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EXHIBIT C

Property Specific Proposed Scope of Work

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Dunbar Improvements

February 27, 2024

PRELIMINARY BUILD-OUT SPECIFICATION:

New Construction:

- +/- 1,035 sqft of 3" AC Type 2, PG64-22 Light Duty Paving with 4" Agg Base
- Fog Seal on all paving sections

EXCLUSIONS:

1. Any item not specifically addressed in these specifications

ADA: Alston Construction, Inc. will make every attempt to comply with the Americans with Disabilities Act; however, such regulations are subject to changes and interpretations by building officials, governmental agencies, and insurance companies. Therefore, additional project requirements may be incurred above and beyond the scope of work specified herein, and the cost of the project would change accordingly.

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