



Planning Commission Staff Report

Meeting Date: December 2, 2014

Subject: Extension of Time Request for
Special Use Permit Case Number SW07-017
And Variance Case Number VA07-021

Applicant: Truckee Meadows Water Authority (TMWA)

Consent Item No.: 7.A.

Project Summary: Extension of deadline to submit construction plans and obtain building permits on Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 (TMWA-Mogul Booster Pumping Facility) from December 4, 2014 to December 4, 2021.

Recommendation: **Approval**

Prepared by: Sandra Monsalvè, AICP, Senior Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3608

E-Mail: smonsalve@washoecounty.us

Description:

Extension of Time Request (TMWA – Mogul Booster Pumping Facility) – To extend the deadline to submit construction plans and obtain building permits on Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021, TMWA-Mogul Booster Pumping Facility, from December 4, 2014 to December 4, 2021.

Application Information:

- Property Owner: Paul and Dahne Mullen
10385 Mountain Dew Circle
Reno, NV 89523
- Professional Consultant: Truckee Meadows Water Authority (TMWA)
Attn: Juan Esparza
P.O. Box 30013
Reno, NV 89520-3013
- Location: 10020 Timberwolf Drive, Reno, NV, approximately
300 feet west of its intersection with Cliff View Drive
- Assessor’s Parcel Number: 038-461-06
- Parcel Size: ±.79
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Verdi
- Citizen Advisory Board: Verdi
- Development Code: Authorized in Article 302.05.2, Allowed Uses and
Article 810, Special Use Permits
- Commission District: 5 – Commissioner Weber

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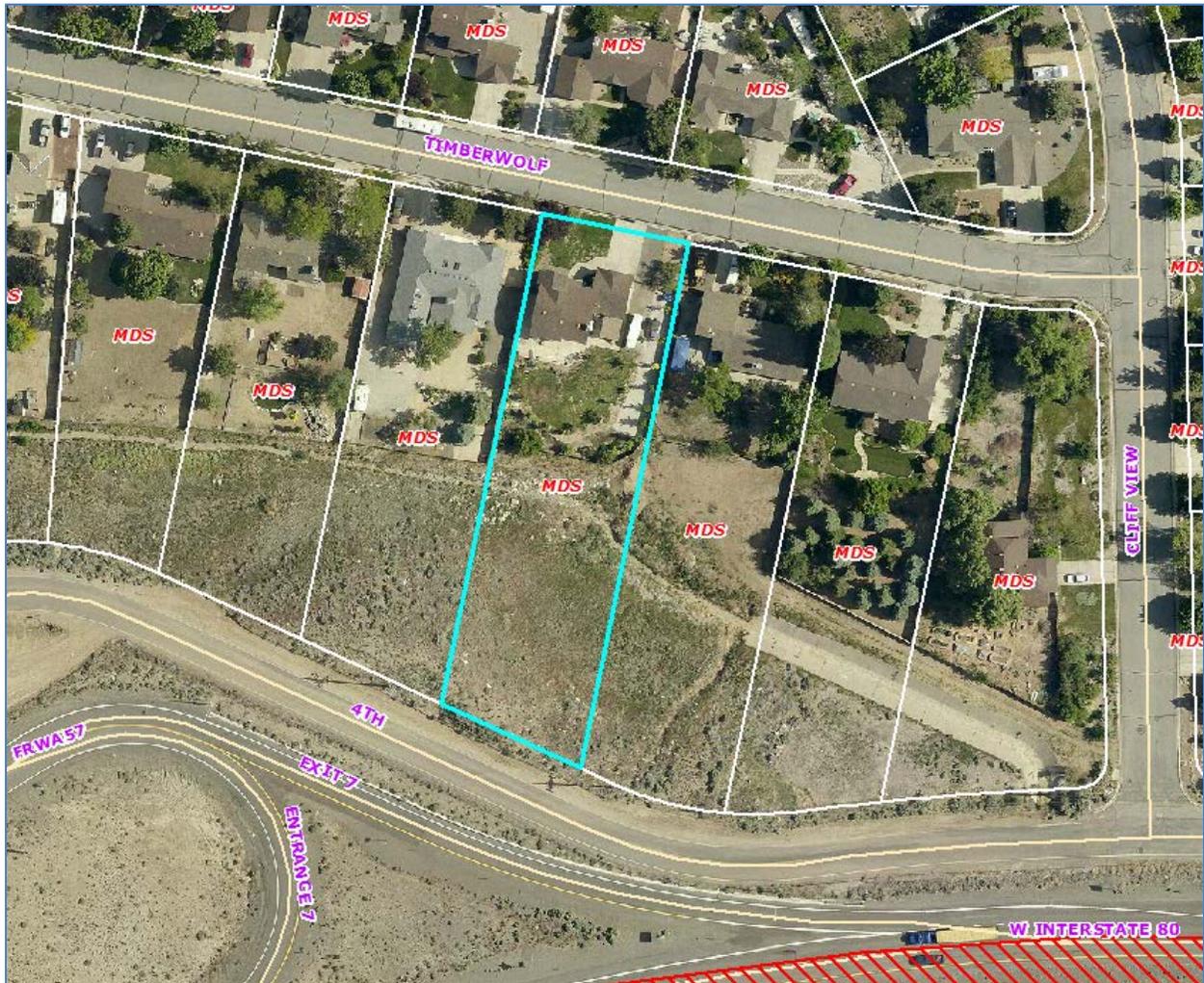
Exhibits Contents

Applicant Request Letter for Extension Exhibit A

Staff Report of Amendment of Conditions AC10-001 Exhibit B

Original Final Action Order, dated December 10, 2007 Exhibit C

VICINITY MAP



Review of Application Request/Background

October 30, 2014:

- The applicant, Truckee Meadows Water Authority (TMWA), submitted a letter requesting an additional extension of time to submit construction plans for building permits for the booster pump station project. This extension of time is for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station.
- The applicant has stated that due to the dramatic downturn in the economy affecting the building industry, the funding necessary to construct a booster pump station and all associated appurtenances was also greatly affected. The overall improvement to the economy has been slow, thus necessitating a request for additional time to construct this project.

February 3, 2010:

- The Washoe County Planning Commission approved Amendment of Conditions Case Number AC10-001 amending Condition number two (2) of the approved Special Use Permit (SW07-017) and Condition number one (1) of the approved Variance (VA07-021) to extend the time for issuance of building permits for the project. As a result of the approval, the new dates for building permit submittal became December 4, 2014.

December 4, 2007:

- The Washoe County Planning Commission approved Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station.

All other aspects of the original Conditions will remain as previously approved for both SW07-017 and VA07-021.

Because the project has not substantially changed, and the applicant submitted a timely request for an extension of time, staff is in full support of recommending that the Planning Commission agree to the extension of time request.

Recommendation

It is recommended that after a review of the request to extend the deadline for an additional extension of time to submit construction plans for building permits for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station, the Planning Commission agrees and approves the request. Staff offers the following motion for the Planning Commission's consideration:

Motion

“I move that, the Washoe County Planning Commission approve, per agreement under WCC 110.810.65 (a) and (b), the Extension of Time Request until December 4, 2021, for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul Booster Pump Station subject to the attached Amended Conditions of Approval from Amendment of Conditions Case Number AC10-001 having made the finding that the original findings remain valid, and that the circumstances have not appreciably changed since the project original approval, and subsequent Amendment of Conditions (AC10-001) approval. Counsel for the Planning Commission and the Planning Commission Secretary are hereby directed to prepare a written Action Order consistent with this motion”.

Property Owner: Paul and Dahne Mullen
10385 Mountain Dew Circle
Reno, NV 89523

Applicant: Truckee Meadows Water Authority (TMWA)
Attn: Juan Esparza
P.O. Box 30013
Reno, NV 89520-3013

NOV 13 2014

WASHOE COUNTY
COMMUNITY DEVELOPMENT

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30 October 2014

Ms. Sandra Monsalve, AICP, Sr. Planner
Washoe County Community Development
P.O. Box 11130
Reno, NV 89520-0037

Re: Request for Extension for Special Use Permit SW07-017 and Variance VA07-021

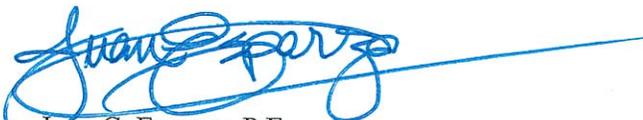
Dear Ms. Monsalve,

The Truckee Meadows Water Authority (TMWA) would like to request a seven (7) year extension to the above-referenced Special Use Permit and Variance for our property in Mogul. When TMWA originally made application for the project, it was anticipated that the pump station facility would be constructed within the timeframes called for in the permits. The dramatic downturn in commercial and residential development, that occurred shortly thereafter, resulted in a lack of funding to construct the facility. During the ensuing years, economic conditions have not changed substantially and TWMA has been unable to move forward with the project due to funding shortfalls and lack of new customer demands. We cannot anticipate when the pump station will be required.

TMWA committed to the project and acquired the property, at a cost of approximately \$80,000, based upon issuance of the SUP and variance. Having to go through the permitting process again would add costs for a project that was never controversial for the neighborhood. For these reasons, we would ask the County to extend the SUP and associated variance.

Thank you very much for your consideration.

Sincerely,



Juan C. Esparza, P.E.
Truckee Meadows Water Authority

/je

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30 October 2014

Ms. Sandra Monsalve, AICP, Sr. Planner
Washoe County Community Development
P.O. Box 11130
Reno, NV 89520-0037

Re: Request for Extension for Special Use Permit SW07-017 and Variance VA07-021

Dear Ms. Monsalve,

The Truckee Meadows Water Authority (TMWA) would like to request a seven (7) year extension to the above-referenced Special Use Permit and Variance for our property in Mogul. When TMWA originally made application for the project, it was anticipated that the pump station facility would be constructed within the timeframes called for in the permits. The dramatic downturn in commercial and residential development, that occurred shortly thereafter, resulted in a lack of funding to construct the facility. During the ensuing years, economic conditions have not changed substantially and TWMA has been unable to move forward with the project due to funding shortfalls and lack of new customer demands. We cannot anticipate when the pump station will be required.

TMWA committed to the project and acquired the property, at a cost of approximately \$80,000, based upon issuance of the SUP and variance. Having to go through the permitting process again would add costs for a project that was never controversial for the neighborhood. For these reasons, we would ask the County to extend the SUP and associated variance.

Thank you very much for your consideration.

Sincerely,



Juan C. Esparza, P.E.
Truckee Meadows Water Authority

/je



Community Development

"Dedicated to Excellence in Public Service"
Adrian P. Freund, FAICP, Community Development Director



(February 3, 2010)
Consent Item A

Staff Recommendation: **CONDITIONAL APPROVAL**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Planning Commission

Re: Amendment of Conditions Case Number AC10-001 (Amendment of Special Use Permit Case No. SW07-017 and Variance Case No. VA07-021 TMWA – Mogul Booster Pumping Facility)

Date: January 21, 2010

Prepared By: Sandra Monsalvè, AICP, Senior Planner

GENERAL INFORMATION SUMMARY

Applicant: Truckee Meadows Water Authority (TMWA)

Requested Action:

(Truckee Meadows Water Authority, Amendment of Conditions Case Number AC10-001) To amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021. The original request was to construct a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The grading for the project will include approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

AND

To vary the grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height approximately 8 feet from the front property line.

The subject parcel is located at 10020 Timberwolf Drive, approximately 300 feet west of its intersection with Cliff View Drive. The booster pumping facility is located at the rear of the property and will be accessed off West 4th Street. The ±0.793-acre parcel is designated Medium Density Suburban (MDS) in the Verdi Area Plan, and is situated in a portion of Section 14, T19N, R18E, MDM, Washoe County, Nevada. The property is located in the Verdi Township Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 038-461-06)

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RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission approve with conditions Amendment of Conditions Case Number AC10-001 for Truckee Meadows Water Authority (TMWA) having made the following findings in accordance with Washoe County Development Code Section 110.810.30 :

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Verdi 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 the type of development and for the intensity of the 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. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AND

I move that the Washoe County Planning Commission approve with conditions Variance Case No. VA07-021 for the Truckee Meadows Water Authority having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. That because of the special circumstances applicable to the property, including the narrowness of the property and exceptional topographic conditions, the strict application of the regulation results in exceptional and undue hardships upon the applicant and the community;

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2. No Detriment. That the relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

On December 4, 2007 the Washoe County Planning Commission approved a special use permit request for the construction and operation of a booster pump station, and a variance for the excess associated grading. This Amendment of Conditions request is for an amendment to condition number two (2) of the approved special use permit (SW07-017) and condition number one (1) of the approved variance (VA07-021).

Condition number 2 of the General Conditions of SW07-017, requires the applicant to apply for building permits for all structures within two (2) years from the date of approval by Washoe County. Additionally, condition number one (1) of the General Conditions for VA07-021 also stipulates that the applicant apply for building permits within two (2) years of the date of approval from Washoe County.

On October 14, 2009 the Washoe County Department of Community Development received a letter (Attached) from the applicant requesting a time extension. Specifically, the applicant is requesting an indefinite period of time extension for both approved discretionary permits for building permit issuance. The reasons stated by the applicant are the dramatic downturn in the economy, affecting the building industry which has subsequently affected the required necessary funding to construct a booster pump station all associated appurtenances.

Although this is a very significant reason for the time extension request, staff has concerns about an indefinite period of time. There could be a plethora of unforeseen

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circumstances that could arise over such a long period. Therefore, staff has recommended, with approval from the Planning Commission, a five (5) year time extension related to building permit issuance for both permits. Staff believes five (5) years is a reasonable time extension, thereby giving new expiration dates of December 4, 2014 for both SW07-017 and VA07-021. All other aspects of the original conditions will remain as previously approved for both SW07-017 and VA07-021.

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments: Letter from the Applicant dated, October 14, 2009.

xc: Applicant: Truckee Meadows Water Authority (TMWA), Attn: Juan Esparza,
P.O. Box 30013, Reno, NV 89520-3013.

Property Owner: Michael & Carrie Farquhar, 10020 Timberwolf Drive, Reno, NV
89439.

Agencies: Verdi Township Citizen Advisory Board, Chair.

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**CONDITIONS FOR
AMENDMENT OF CONDITIONS CASE NUMBER AC10-001**

(Amendment of Special Use Permit Case No. SW07-017 and Variance Case No. VA07-021 for the Mogul Booster Pumping Facility)

(As recommended by Department of Community Development and attached to Staff Report dated January 21, 2010)

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS AMENDMENT OF CONDITIONS IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE 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 THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall apply for building permits for all structures used to further the operation within ~~two~~ **seven (7)** years from the **original** date of approval (**December 4, 2007**) by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
4. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
5. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits issued by Washoe County.
6. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
7. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Saturday only. Allowable construction hours shall be extended to 7 p.m., May 1 through November 30 only. Machinery and construction vehicles shall not be started, or arrive on the site, prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.

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LANDSCAPING AND DESIGN CONDITIONS

9. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
 - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
 - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
 - d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 9(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
 - e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
 - f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.

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- g. The architectural design, color palette, and roofing materials of the proposed structure shall complement existing residential structures in the immediate vicinity. All exterior materials and colors shall be non-reflective.
- h. Any chain-link fencing surrounding the facility shall be of non-reflective, vinyl-coated chain link. The color of the chain link shall be a tan or dark brown to blend with surrounding environment.
- i. All proposed lighting at this facility shall be down-shielded to prevent spillover onto adjacent properties.
- j. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

SOUND CONDITIONS

10. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Sound emissions, as measured from the closest property line external to the project, from any source or operations on the property shall not exceed any of the following noise levels. Noise levels shall be measured as A-weighted sound pressure levels, using fast response setting on a Type 1 or a Type 2 sound level meter:
 - i. 65 dB $L_{eq(10)}$ during the hours of 7:00 a.m. to 7:00 p.m.
 - ii. 55 dB $L_{eq(10)}$ during the hours of 7:01 p.m. to 6:59 a.m.
 - iii. 85 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period.
 - iv. 75 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period, during the hours of 10:01 p.m. to 6:59 a.m.
 - v. 120 dB instantaneous peak measures at any time.
 - b. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code and those listed in Condition 10(a). Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the County within 30 days of presentation of the

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contract fee shall render the special use permit null and void. Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

ENGINEERING CONDITIONS

11. The following conditions are requirements of the County Engineer and it shall be responsible for determining compliance with these conditions:
 - 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 (BMPs) 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 by BMPs.
 - b. 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.

AND

SPECIFIC CONDITIONS FOR VARIANCE CASE NO. VA07-021

1. The applicant shall apply for building permits for all structures used to further the operation within ~~two~~ **seven (7)** years from the **original** date of approval (**December 4, 2007**) by Washoe County.. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached. The

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Department of Community Development shall determine compliance with this condition.

4. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

5. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Saturday only. Allowable construction hours shall be extended to 7 p.m., May 1 through November 30 only. Machinery and construction vehicles shall not be started, or arrive on the site, prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.

LANDSCAPING AND DESIGN CONDITIONS

6. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
 - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
 - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada

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to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.

- d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 6(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
- e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
- f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.
- g. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

***** END OF CONDITIONS *****



1355 Capital Blvd. • PO Box 30013 • Reno, NV 89520-3013
☎ 775.834.8080 • ☎ 775.834.8003

14 October 2009

Mr. Paul Kelly
Washoe County Community Development
P.O. Box 11130
Reno, NV 89520-0037

Re: Request for Extension for Special Use Permit SW07-017 and Variance VA07-021

Dear Mr. Kelly,

The Truckee Meadows Water Authority (TMWA) would like to request an indefinite extension of the above-referenced Special Use Permit and Variance. When TMWA made application for the project, it was anticipated that the pump station facility would be constructed within the timeframes called for in the permits. The dramatic downturn in commercial and residential development that occurred shortly thereafter resulted in a lack of funding to construct the facility. As economic conditions have not changed substantially during the past two years, TWMA has been unable to move forward with the project and cannot anticipate when the pump station will be required.

TMWA committed to the project and acquired the property, at a cost of approximately \$80,000, based upon issuance of the SUP and variance. Having to go through the permitting process again would add costs for a project that was not controversial for the neighborhood.

Thank you very much for your consideration.

Sincerely,

Juan C. Esparza, P.E.
Truckee Meadows Water Authority

/je

*Truckee Meadows Water Authority is a not-for-profit, community-owned water utility,
overseen by elected officials and citizen appointees from Reno, Sparks and Washoe County.*

**SW07-017 EXTENSION
EXHIBIT C**



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

December 10, 2007

Truckee Meadows Water Authority
Attn: Juan Esparza and Heather Edmunson
P.O. Box 30013
Reno, NV 89520

Michael and Carrie Farquhar
10020 Timberwolf Drive
Reno, NV 89439

Dear Applicant and Property Owner:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of December 4, 2007, approved the following with eleven (11) conditions.

SPECIAL USE PERMIT CASE NO. SW07-017 (MOGUL BOOSTER PUMPING FACILITY) – To construct a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The grading for the project will include approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height. The subject parcel is located at 10020 Timberwolf Drive, approximately 300 feet west of its intersection with Cliff View Drive. The booster pumping facility is located at the rear of the property and will be accessed off West 4th Street. The ±.793-acre parcel is designated Medium Density Suburban (MDS) in the Verdi Area Plan, and is situated in a portion of Section 14, T19N, R18E, MDM, Washoe County, Nevada. The property is located in the Verdi Township Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 038-461-06)

The approval of the special use permit was based on the following findings:

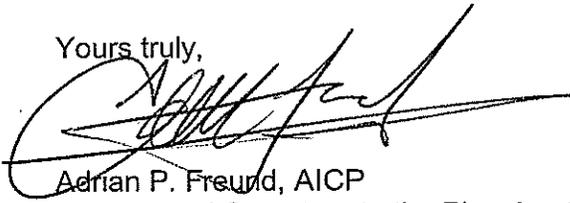
1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan, the land use of Public Semi-Public Facilities, the Verdi Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided for the construction and operation of the water storage tank; the operations 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. After an extensive analysis of potential site, it was determined that the proposed site is most suitable for the water tank as conditioned;

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4. Issuance Not Detrimental. That the continuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; injurious to surrounding land uses and the environment in general; or detrimental to the character of the surrounding area as conditioned;
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/KM/cm (SW07-017F1)

xc: Blaine Carlidge, Esq. District Attorney's Office; Marge Clausen, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; David Lindsey, Utility Division; Engineering Division; Sierra Fire Protection District; District Health; Gene Gardella, Chair, Verdi Township Citizen Advisory Board; Commissioner Bonnie Weber.

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**CONDITIONS FOR
SPECIAL USE PERMIT CASE NUMBER SW07-017
TRUCKEE MEADOWS WATER AUTHORITY
(As Approved by the Washoe County Planning Commission on December 4, 2007)**

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall apply for building permits for all structures used to further the operation within two years from the date of approval by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
4. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
5. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits issued by Washoe County.
6. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
7. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Saturday only. Allowable construction hours shall be extended to 7 p.m., May 1 through November 30 only. Machinery and construction vehicles shall not be started, or arrive on the site, prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.

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LANDSCAPING AND DESIGN CONDITIONS

9. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
 - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
 - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
 - d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 9(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
 - e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
 - f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.
 - g. The architectural design, color palette, and roofing materials of the proposed structure shall complement existing residential structures in the immediate vicinity. All exterior materials and colors shall be non-reflective.

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- h. Any chain-link fencing surrounding the facility shall be of non-reflective, vinyl-coated chain link. The color of the chain link shall be a tan or dark brown to blend with surrounding environment.
- i. All proposed lighting at this facility shall be down-shielded to prevent spillover onto adjacent properties.
- j. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

SOUND CONDITIONS

10. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Sound emissions, as measured from the closest property line external to the project, from any source or operations on the property shall not exceed any of the following noise levels. Noise levels shall be measured as A-weighted sound pressure levels, using fast response setting on a Type I or a Type 2 sound level meter:
 - i. 65 dB $L_{eq(10)}$ during the hours of 7:00 a.m. to 7:00 p.m.
 - ii. 55 dB $L_{eq(10)}$ during the hours of 7:01 p.m. to 6:59 a.m.
 - iii. 85 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period.
 - iv. 75 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period, during the hours of 10:01 p.m. to 6:59 a.m.
 - v. 120 dB instantaneous peak measures at any time.
 - b. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code and those listed in Condition 10(a). Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the County within 30 days of presentation of the contract fee shall render the special use permit null and void. Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately

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implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

ENGINEERING CONDITIONS

11. The following conditions are requirements of the County Engineer and it shall be responsible for determining compliance with these conditions:
 - 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 (BMPs) 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 by BMPs.
 - b. 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.

***** END OF CONDITIONS *****