



Conditions of Approval

Special Use Permit Case Number WSUP23-0032

The project approved under Special Use Permit Case Number WSUP23-0032 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on May 7, 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.

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 Northern Nevada Public 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.**

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

The conditions of approval shall apply to the project so long as the requirement contained within the condition language, codes, ordinances, and standards do not conflict with the requirements and stipulations that have been placed on the project through the Federal approval of the project.

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 – Tim Evans, Planner, 775.328.2314, TEvans@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 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.**
- c. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- 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.

- d. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. **For construction on sections of the power line that are greater than ½ mile from any existing, legally established residential use, construction activities shall be limited to the hours between 6am to 7pm, Monday through Sunday.** Any construction machinery activity or any noise associated with the construction activity are also limited to these hours.

The following conditions are requirements of Washoe County Planning and Nevada Department of Wildlife (NDOW), which shall be responsible for determining compliance with these conditions.

Contact Name – Tim Evans, Planner, Washoe County Planning 775.328.2314, TEvans@washoecounty.gov; Katie Andrlle, Western Region Supervising Habitat Biologist, Nevada Department of Wildlife, 775.688.1145, kmandrle@ndow.org

- e. All environmentally sensitive areas (i.e., culturally sensitive areas, meadows, and special status plant populations) will be temporarily fenced during construction for avoidance.
- f. Prior to construction, all construction personnel shall be instructed on the protection of sensitive biological and cultural resources that have the potential to occur on-site by qualified personnel.
- g. Signs, flagging, or other readily visible markings shall be used to indicate the presence of guy wires to reduce the potential for people and wildlife to run into the wires.
- h. Excavations deep enough to potentially entrap wildlife species shall be covered and fenced at night or when unattended to prevent livestock or wildlife from falling in. All covers shall be secured in place and strong enough to prevent breakage by wildlife.
- i. There shall be no new access roads or widening of existing roads for construction access through meadows. This measure will protect potential habitat for special status plant populations that are found in wetland and meadow habitats, such as Dog Valley ivesia (*Ivesia aperta* var. *canina*).
- j. If any sensitive wildlife or plant species are identified during pre-construction surveys or during construction activities, work in the general area of the identified species will be halted until a qualified biologist is consulted to determine an appropriate buffer and other protective measures. The USFS and Washoe County shall be notified within 24 hours of the discovery of the species. Buffer distance will be established in consultation with the USFS on a case by case basis depending on species and type and magnitude of construction activity. If avoidance is infeasible, consultation with the USFS and Washoe County, and at its discretion, any cooperating agencies will be contacted prior to continuing work in the immediate area of the species. The same process will be implemented in the event that any federal- or state-listed species are discovered on public land, with the discovery being reported to the USFS or BLM, and Washoe County, depending on the respective land administration.
- k. If appropriate, additional surveys for northern goshawk and flammulated owl or other sensitive species will be conducted prior to construction by a qualified biologist approved by the USFS. Coordination with the USFS will be conducted prior to commencing surveys to determine appropriate survey methodology, timing, and survey area. If nesting is detected, the USFS and Washoe County will be contacted within 24 hours and Forest Plan standard and guidelines (USFS 2004) will be implemented. A designated Protected Activity Center (PAC) will be delineated around the nest site. Within the PAC no construction activities may occur during the "Limited Operating Period" April 15th-September 30th. Pole construction will need to be designed to span the PAC.
- l. To reduce potential disturbance to migratory birds, construction shall occur outside the typical avian breeding season (April 1 to July 31). If construction activities cannot be avoided during this time period, surveys shall be conducted immediately prior to construction to locate active nesting areas.
- m. If active avian nests are located on NFS land or BLM-administered public land, they shall be flagged and avoided until after the breeding period. NV Energy shall coordinate with the USFS or BLM biologist to determine appropriate time frames for resuming construction.
- n. Placement of the ROW shall avoid wherever possible, isolated groups of trees and/or groups of trees with an average diameter of dominant and co-dominant trees greater than 24 inches at breast height (dbh) as directed/approved by the USFS Silviculturist.

- o. To protect raptors such as hawks and eagles from electrocution, transmission line and pole structures shall be constructed in conformance with the guidelines contained in Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006, prepared by the Avian Power Line Interaction Committee (APLIC) (2006).
- p. To avoid impacts to wintering mule deer, construction shall not occur from November 25 through May 25 within areas mapped as crucial winter or winter-spring high deer use, including the Mitchell Canyon Deer Management Area. Non-ground disturbing activities, such as surveying, staking, or resource driven activities (e.g., cultural surveys, biological surveys), may occur within this time frame.

This Design Feature will not apply to work within fenced and cleared areas associated with the existing California and Bordertown substations, including the Bordertown Substation expansion area that needs to be cleared and fenced prior to the Limited Operating Period (LOP) of November 25 through May 25, as long as the initial clearing of vegetation occurs outside the LOP. Once the vegetation is cleared and the Bordertown Substation expansion area is fenced, construction of the actual facility will no longer be bound to the LOP restriction.

- q. To limit the potential for impacts to aquatic resources, particularly to Lahontan cutthroat trout, pole sites or roads shall not be placed within the 100-year floodplain in Dog Creek, Bull Ranch Creek, and the Truckee River. During construction, no soil disturbing activities shall occur within the 100-year floodplain of these streams.
- r. Successfully restored areas shall be defined as:

Reference sites will be pre-established and approved by the USFS. Reference sites will include plant communities that are representative of the ecological site and must include plant communities that are in a late-seral and ecologically functioning condition. Appropriate reference sites will be determined by collecting baseline cover data to indicate plant succession and community structure.

In addition, to encourage the rapid recovery of vegetation communities that benefit species such as mule deer, NV Energy shall only cut brush species at ground level to preserve root systems allowing for re-growth.

- s. Where removal of vegetation other than trees is unavoidable, the vegetation shall be cut at ground level to preserve the root structure and allow for potential sprouting.
- t. To aid in providing browse for wintering mule deer, post construction revegetation in areas mapped as crucial winter and winter spring high use habitat shall include a seed mix of brush species preferred by mule deer (i.e., bitterbrush, mountain big sagebrush, mountain mahogany, serviceberry (*Amelanchier* spp.), snowberry, and Wyoming big sage) as well as appropriate forbs and grasses.
- u. To ensure that impacts to wildlife habitat, particularly mule deer are a less-than-significant impact, vegetation that would be permanently lost or temporarily disturbed from the Project, would require creation of or improvement of on or offsite wildlife habitat. To achieve this, NV Energy shall fund a habitat restoration account that includes the cost of restoring three acres to every one acre of habitat that is permanently or temporarily disturbed. The account will be administered by NDOW or a Sierra Front Wildlife Working Group that would include NDOW, Washoe County, USFS, BLM, City of Reno and other interested participants.

Washoe County Engineering and Capital Projects

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

Contact Name – Robert Wimer, Professional Engineer, 775.328.2059, RWimer@washoecounty.gov

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The applicant shall demonstrate that there is legal and physical access for construction and maintenance of the transmission line.
- c. The applicant shall be allowed to construct slopes steeper than 3:1 on the uphill side of the project roadways (2:1, 1:1, and 2' max height vertical cut slopes) within the 30-foot grading corridor granted by the United States Forest Service (USFS) permit. The constructed slopes shall be restored following completion of the construction as required by the USFS and through the Final Environmental Impact Statement. Road conditions shall be monitored during construction and if accessibility becomes compromised due to weather or sloughing, debris shall be cleared. The contractor shall post appropriate temporary signage during construction at access points to the temporary roads to inform the public that the temporary roads are not maintained. All grading shall be reviewed and approved by the County Engineer.

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, Fire Captain, 775.326.6079, blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>
- b. A vegetation management plan in accordance with the adopted Wildland Urban Interface Code (WUI) Appendix B is required for this project.
- c. Any blasting or hot works will require a permit issued by TMFPD.

Washoe County Regional Parks and Open Space

4. The following conditions are requirements of the Regional Parks and Open Space, which shall be responsible for determining compliance with these conditions.

Contact Name – Faye-Marie Pekar, Park Planner, FPekar@washoecounty.gov

- a. Should any earthen materials need be imported to the site, they shall be "certified weed free" to prevent the spread of noxious and invasive weeds.
- b. All undeveloped areas disturbed as a result of project activities shall be revegetated utilizing a native seed mix as reviewed and approved by the Washoe Storey Conservation District and/or Washoe County Regional Parks and Open Space.

Northern Nevada Public Health (NNPH), Air Quality Management Division (AQMD)

5. The following conditions are requirements of Northern Nevada Public Health, Air Quality Management Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Genine Rosa, Senior Air Quality Specialist, 775.784.7204, GRosa@nnph.org

- a. Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.
- b. If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

*** End of Conditions ***

Amended Possible Motion Language for WSUP23-0032 (NV Energy Transmission Line):

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 Planning Commission approve with conditions Special Use Permit Case Number WSUP23-0032 for NV Energy for the construction of 6.8 miles of a 120kV transmission line within unincorporated Washoe County, with the conditions included as Exhibit A, as amended, to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. I further move to vary the development code standard in Table 110.406.05.1 to allow structures up to 105 feet in height, waive the parking standards of Article 410, waive the landscaping standards of Article 412, and the 3:1 slope standard of Article 438 of the Washoe County Development Code.