



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

CM/ACM	_____
Finance	_____
DA	_____
Risk Mgt	<u>N/A</u>
HR	<u>N/A</u>
Comptroller	_____

STAFF REPORT

BOARD MEETING DATE: November 28, 2017

DATE: November 3, 2017

TO: Board of County Commissioners

FROM: Kelly Mullin, AICP, Senior Planner, Planning and Building Division, Community Services Department, 328-3608, kmullin@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., AICP, Division Director, Planning and Building Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Hearing and discussion to affirm, modify or reverse the Board of Adjustment's partial approval of Special Use Permit Case Number WSUP17-0014 (Gail Willey). This request is for the business operation of Gail Willey Landscaping and Colorock, which the applicant has described as a wholesale nursery facility with incidental retail sales. Staff has classified the proposed operation under the following uses: Wholesaling, Storage and Distribution – Heavy; Construction Sales and Services; and Wholesale Nursery. If approved as submitted by the applicant, the permit would generally include (1) the sale, storage, and disposal of trees, flowers, plants, and associated landscaping materials, (2) the sale, storage, and disposal of various types of rock, (3) the use of a variety of storage and office facilities on site, (4) parking for customers and employees, and (5) the use of a variety of trucks and other vehicles, machinery, and equipment associated with the operation. A separate special use permit (not yet submitted) would be necessary to facilitate proposed access to the operation, which would include construction of a vehicle bridge across Steamboat Creek, a Significant Hydrologic Resource.

The Board of Adjustment's partial approval allows for the uses staff believes qualify under the wholesale nursery portion of the request, including sale of plants, trees and flowers. The partial approval does not, however, allow the uses staff believes qualify as the Construction Sales and Services use type – a commercial use not allowed in the General Rural (GR) regulatory zone – nor the Colorock operations (Wholesaling, Storage and Distribution – Heavy use type) – an industrial use not allowed in the GR regulatory zone. In this appeal, the applicant asserts that all proposed uses qualify as a wholesale nursery with incidental retail sales and should therefore be allowed on the subject property in the GR regulatory zone with an appropriate special use permit.

The site is located at 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395 and within Section 5, T17N, R20E, MDM, Washoe County, NV. The parcel (APN: 017-430-01) is ±35.9-acres in size and within the boundaries of the South Valleys Area Plan.

AGENDA ITEM # _____

The Master Plan category is Rural, and the regulatory zone is General Rural. The property owner is Willey Land, LLC, and the appellant is Gail Willey Landscaping. (Commission District 2.)

SUMMARY

The appellant is seeking to overturn the Board of Adjustment's partial approval of Special Use Permit Case Number WSUP17-0014 (Gail Willey) and have the Washoe County Board of Commissioners (Board) approve the special use permit with the full range of operations initially requested by the applicant.

The Board may choose to affirm, modify or reverse the Board of Adjustment's action to partially approve the request.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

PREVIOUS ACTIONS

On September 14, 2017, the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) heard details of the proposed project. Concerns were largely related to the following topics: floodway, floodplain, and potential wetlands on the property; Colorock material being swept into Steamboat Creek during flood events; traffic, dust and noise; proximity to Andrew Lane; heavy industrial use in a rural residential area; not meeting the policies of the South Valleys Area Plan or character statement; public consternation that this is the third attempt at bringing this use to this property; hours of operation; size of bridge needed to support the operation; and visual impacts from the highway, dramatically changing the character of the area. The CAB voted unanimously to recommend denial of the project, stating that GR is not an appropriate regulatory zone for this type of business, and 134 Andrew Lane is not an appropriate location.

On October 5, 2017, the Board of Adjustment held a public hearing and took public testimony on the proposed project. Public comments were largely focused on topics similar to those discussed at the September 14th CAB meeting. Draft minutes of the meeting are included with this staff report as Attachment C. The Board of Adjustment voted 4-1 to partially approve the proposed project with conditions of approval as recommended by staff.

BACKGROUND

The applicant is seeking to relocate two businesses (Gail Willey Landscaping and Colorock) from their current location in Reno to 134 Andrew Lane – a property with a regulatory zone of General Rural (GR) located in Pleasant Valley.

The applicant asserts there is only a single proposed use onsite, and that use is a wholesale nursery with incidental retail sales. However, staff and the Board of Adjustment have determined that only a portion of the proposed business operations fall under the wholesale nursery commercial use type, which is described in Washoe County Code (WCC) Section 110.304.25(x) as follows:

Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:

- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
- (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.

Staff and the Board of Adjustment concluded that there are three separate use types proposed for the operations on the property: (1) Construction Sales and Services – a commercial use type not allowed in the GR regulatory zone; (2) Wholesaling, Storage and Distribution – Heavy – an industrial use type not allowed in the GR regulatory zone; and (3) Nursery Sales – Wholesale – a commercial use type that may be permitted in the GR regulatory zone with the approval of a special use permit.

Full details about the existing and proposed business operations are included with the staff report to the Board of Adjustment, which is provided as Attachment B.

Although it is staff's and the Board of Adjustment's position that two of the three proposed use types are simply not allowed on GR property, the staff analysis provided in Attachment B includes discussion on why the prohibited use types are also not appropriate on the subject site. In large part, this is due to: the proposed operations' impact on surrounding properties and the character of the area; relevant area plan policies and guidance regarding commercial activities in Pleasant Valley; and characteristics of the subject site. This riparian, rural property is severely constrained by a number of natural features. This includes Steamboat Creek and its associated Critical and Sensitive Stream Zone buffer areas, which traverse the property's northern edge along Highway 395. The property also contains FEMA floodway, 100-year floodplain, areas identified as containing potential wetlands, and the Big Ditch irrigation canal. The southern half of the parcel is comprised of a steep hillside with slopes over 30%.

Staff and the Board of Adjustment concluded that although Wholesale Nursery sales of plants, flowers and trees may be permitted and appropriate on the property, the other proposed operations would neither be appropriate nor permitted, as identified in WCC Tables 110.302.05.3 and 110.302.05.4 (Tables of Uses – Commercial and Industrial Use Types). The Board of Adjustment voted to partially approve the project, with conditions. This partial approval allows for the wholesale nursery portion of the request (growing and wholesaling of trees, plants and flowers), but does NOT allow the Construction Sales and Services use type, nor the Colorock operations (Wholesaling, Storage and Distribution – Heavy use type).

Basis of Appeal

The basis for the applicant's appeal is described in Attachment A as follows:

“... the Board of Adjustment erred in concluding that the sale of ground cover and related nursery items constitutes either Wholesaling, Storage or Distribution – Heavy or Construction Sales and Services. Washoe County Development Code Sections 110.304.30(1)(2); 110.304.25(j). Neither of these other use categories are applicable to [Gail Willey Landscaping and Colorock]'s proposed wholesale nursery. The sale of ground cover in the form of decorative rock and other inert materials constitutes the sale of 'related nursery items' within the definition of a 'Nursery-Wholesale commercial use. Washoe County Development Code Section 110.304.25(x).”

Staff Comment: Please see the staff report in Attachment B for a full description of the existing business operations and how each major portion of the proposed operations are classified. The sale of plants, flowers and related nursery items are included within the Wholesale Nursery use type. However, the other operations of Colorock and Gail Willey Landscaping fall well outside the scope of the Wholesale Nursery use type, and are captured adequately by the Construction Sales & Services use type, and the Wholesaling, Storage & Distribution – Heavy use type. These other operations include the sale, storage and distribution of rock, boulders, gravel, base, sand, block, brick and other hardscape material from open storage bins on the property; the dumping of landscape and construction debris; various services provided through the company’s truck and equipment fleet; and, landscape and hardscape construction services related to the Gail Willey Landscaping company.

It is critical that each use type within the proposed business operations be accurately identified in order to ensure that its appropriateness and potential impacts are adequately assessed.

The applicant is appealing the Board of Adjustment’s partial approval, and is seeking “approval of the special use permit for all of [Gail Willey Landscaping and Colorock]’s proposed operations.” Should the Board grant the appeal, revised recommended conditions of approval have been included with Attachment D (gray-highlighted text signifies changes or additions to the Board of Adjustment’s original conditions of approval).

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners affirm the Board of Adjustment’s partial approval with conditions of Special Use Permit Case WSUP17-0014 (Gail Willey).

POSSIBLE MOTIONS

Three possible motion options are provided, depending on whether the Board chooses to affirm, modify or reverse the Board of Adjustment’s partial approval of Special Use Permit Case WSUP17-0014 (Gail Willey).

Affirm Partial Approval

Should the Board agree with the Board of Adjustment’s action, a possible motion would be:

“Move to deny the appeal and affirm the decision of the Board of Adjustment to partially approve with conditions Special Use Permit Case Number WSUP17-0014 (Gail Willey). This includes allowing for the wholesale nursery portion of the request for the sale of plants flowers, and trees, but NOT allowing the Construction Sales and Services use type, nor the Colorock operations (Wholesaling, Storage and Distribution – Heavy use type).”

Modify and Approve with Conditions

Should the Board wish to modify the Board of Adjustment’s action by granting the appellant’s request and authorizing the full range of proposed uses, a possible motion would be:

“Move to grant the appeal and modify the decision of the Board of Adjustment by approving, with the amended conditions included as Attachment D to this matter, Special Use Permit Case Number WSUP17-0014 (Gail Willey), as originally requested by the applicant and as described in Attachment B.

Reverse and Deny

Should the Board disagree with the Board of Adjustment’s action and wish to reverse the partial approval by denying Special Use Permit Case Number WSUP17-0014 (Gail Willey), a possible motion would be:

“Move to reverse the decision of the Board of Adjustment and deny Special Use Permit Case Number WSUP17-0014 (Gail Willey). This denial is based on the Board’s review of the written materials provided for this item, as well as the oral testimony at the public hearing. The following finding(s) cannot be made by this Board:

[Select one or more of the following required findings which the Board cannot make, and provide explanation as to why the finding(s) cannot be made.]

- 1) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- 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 Nursery Sales - Wholesale, 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.
- 6) Character Statement. The community character as described in the South Valleys Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
- 7) Air Quality. No significant degradation of air quality will occur as a result of the permit.”

Attachments:

- A. Appeal application
- B. Staff report and addendums for Special Use Permit Case WSUP17-0014
- C. Draft minutes of Oct. 5, 2017 Board of Adjustment meeting
- D. Recommended Conditions of Approval if appellant request is approved

xc: Applicant: Willey Land, LLC, Attn: Gail Willey, PO Box 18789, Reno, NV 89511
 Consultant: Garrett Gordon, Esq., 50 W. Liberty St. #410, Reno, NV 89501

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ROTHGERBER CHRISTIE

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October 6, 2017

Our File Number: 302638-00001

VIA HAND DELIVERY

Washoe County Community Services
Department, Planning and Development Division
1001 E. 9th Street
Reno, NV 89512

Re: Appeal from Decision Denying a Portion of Special Use Permit Application No. WSUP17-0014

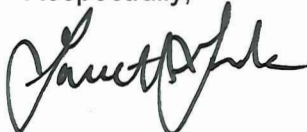
To Whom it May Concern:

This firm represents Gail Willey Landscaping and Colorock ("GWL") who is seeking a special use permit to move an existing wholesale nursery from Reno to a new location in Pleasant Valley located at 134 Andrew Lane, APN: 017-430-01. The proposed location is in the South Valleys Area Plan and is zoned General Rural.

On October 5, 2017, the Washoe County Board of Adjustment ("Board") heard GWL's application for a special use permit. GWL was present at the meeting, made a presentation, addressed concerns, and provided supporting documentation to the Board. The Board granted in part and denied in part GWL's special use permit application. Specifically, the Board of Adjustment erred in concluding that the sale of ground cover and related nursery items constitutes either Wholesaling, Storage or Distribution — Heavy or Construction Sales and Services. Washoe County Development Code §§ 110.304.30(l)(2); 110.304.25(j). Neither of these other use categories are applicable to GWL's proposed wholesale nursery.

The sale of ground cover in the form of decorative rock and other inert materials constitutes the sale of "related nursery items" within the definition of a "Nursery-Wholesale" commercial use. Washoe County Development Code § 110.304.25(x). Based on GWL's application, presentation, and supporting materials, GWL appeals the Board's decision and seeks approval of the special use permit for all of GWL's proposed operations pursuant to Washoe County Development Code Section 110.912.20(b)(6).

Respectfully,



Garrett D. Gordon
Casey J. Stiteler
Lewis Roca Rothgerber Christie LLP

Community Services Department
Planning and Development
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Development
1001 E. Ninth St., Bldg. A
Reno, NV 89520

Telephone: 775.328.3600

Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Development staff at 775.328.3600.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning & Development Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>October 6, 2017</u>	
Date of action by County: <u>October 5, 2017</u>	
Date Decision filed with Secretary: <u>TBD</u>	
Appellant Information	
Name: Gail Willey Landscaping (Applicant)	Phone: (775) 321-3420
Address: Lewis Roca Rothgerber Christie, LLP	Fax:
50 West Liberty Street, Ste. 410	Email: ggordon@lrrc.com
City: Reno State: NV Zip: 89501	Cell:
Describe your basis as a person aggrieved by the decision: Applicant for the special use permit to operate a wholesale nursery in a General Rurlal zone.	
Appealed Decision Information	
Application Number: Special Use Permit Case No. WSUP17-0014 (Gail Willey)	
Project Name: Special Use Permit Application (Nursery - Wholesale)	
State the specific action(s) and related finding(s) you are appealing: See attached letter.	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:

See attached letter.

Cite the specific outcome you are requesting with this appeal:

Reversal of the Board of Adjustment's denial of the special use permit as it applies to the sale of related nursery items and approval of the special use permit pursuant to Washoe County Development Code Section 110.912.20(b)(6).

Did you speak at the public hearing when this item was considered?

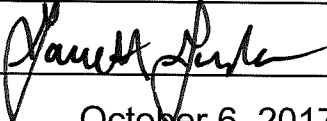
Yes
 No

Did you submit written comments prior to the action on the item being appealed?

Yes
 No

Appellant Signature

Printed Name: **Garrett D. Gordon, Esq., Attorney-In-Fact**

Signature: 

Date: **October 6, 2017**



Board of Adjustment Staff Report

Meeting Date: October 5, 2017

Subject: Special Use Permit Case Number WSUP17-0014

Applicant: Gail Willey

Agenda Item Number: 9F

Project Summary: Request to relocate the business operations of Gail Willey Landscaping and Colorock to 134 Andrew Lane

**Recommendation: Partial Approval with Conditions
(Allowing for the Wholesale Nursery use type; denying the other two use types: Construction Sales and Services, and Wholesaling, Storage and Distribution - Heavy)**

Prepared by: Kelly Mullin, AICP, Planner
Washoe County Community Services Department
Planning and Building Division

Phone: 775.328.3608

E-Mail: kmullin@washoecounty.us

Description

Special Use Permit Case Number WSUP17-0014 (Gail Willey) – For possible action, hearing and discussion to approve, partially approve or deny a special use permit for the business operation of Gail Willey Landscaping and Colorock, which the applicant has described as a wholesale nursery facility with incidental retail sales. Staff has classified the proposed operation under the following uses: Wholesaling, Storage and Distribution – Heavy; Construction Sales and Services; and Wholesale Nursery. If approved as submitted by the applicant, the permit would generally include (1) the sale, storage, and disposal of trees, flowers, plants, and associated landscaping materials, (2) the sale, storage, and disposal of various types of rock, (3) the use of a variety of storage and office facilities on site, (4) parking for customers and employees, and (5) the use of a variety of trucks and other vehicles, machinery, and equipment associated with the operation. A separate special use permit (not yet submitted) would be necessary to facilitate proposed access to the operation, which would include construction of a vehicle bridge across Steamboat Creek, a Significant Hydrologic Resource.

- Applicant/Property Owner: Willey Land, LLC, Attn: Gail Willey
- Location: 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395
- Assessor's Parcel Number: 017-430-01
- Parcel Size: ±35.9-acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, *Special Use Permits*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 5, T17N, R20E, MDM, Washoe County, NV

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Project ApplicationExhibit E

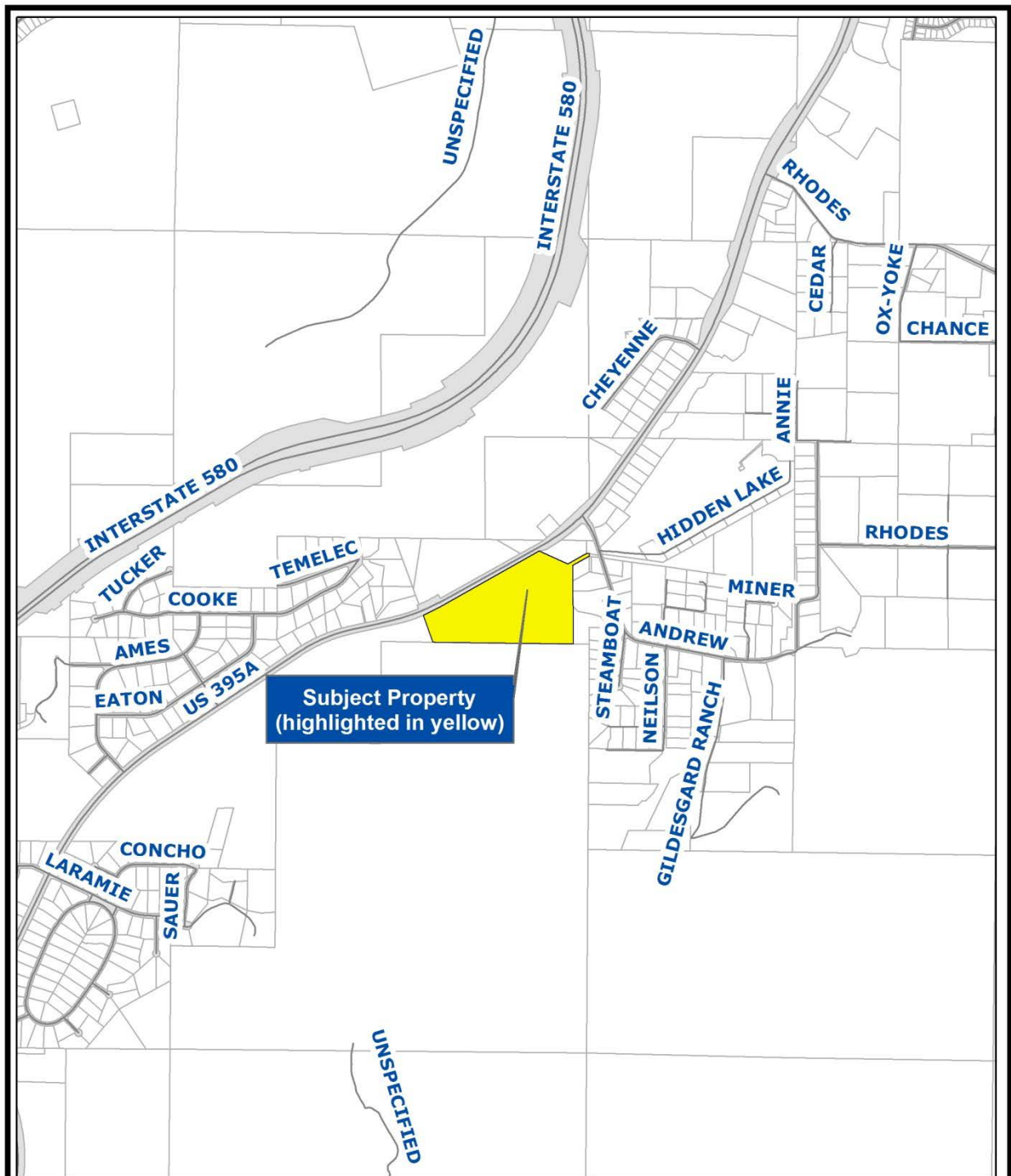
Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment (Board) grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

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

The Conditions of Approval for Special Use Permit Case Number WSUP17-0014 are attached to this staff report and will be included with the Action Order, if the request is approved.

The subject property has a regulatory zone of General Rural (GR). The business operations of Gail Willey Landscaping and Colorock have been identified as a wholesale nursery by the applicant; however, staff has classified the proposed uses under the following commercial and industrial use types: Wholesaling, Storage and Distribution – Heavy (not allowed in GR); Construction Sales and Services (not allowed in GR); and Nursery Sales – Wholesale (permitted in GR with a special use permit per Washoe County Code (WCC) Section 110.302.05.3). The applicant is seeking approval of the entire special use permit from the Board.



Special Use Permit Case No. WPVAR17-0014
Gail Willey Landscaping and Colorock

Source: Planning & Building



0 750 1,500
Feet

Date: September 18, 2017

Community Services
Department, Planning
and Building

WASHOE COUNTY
NEVADA

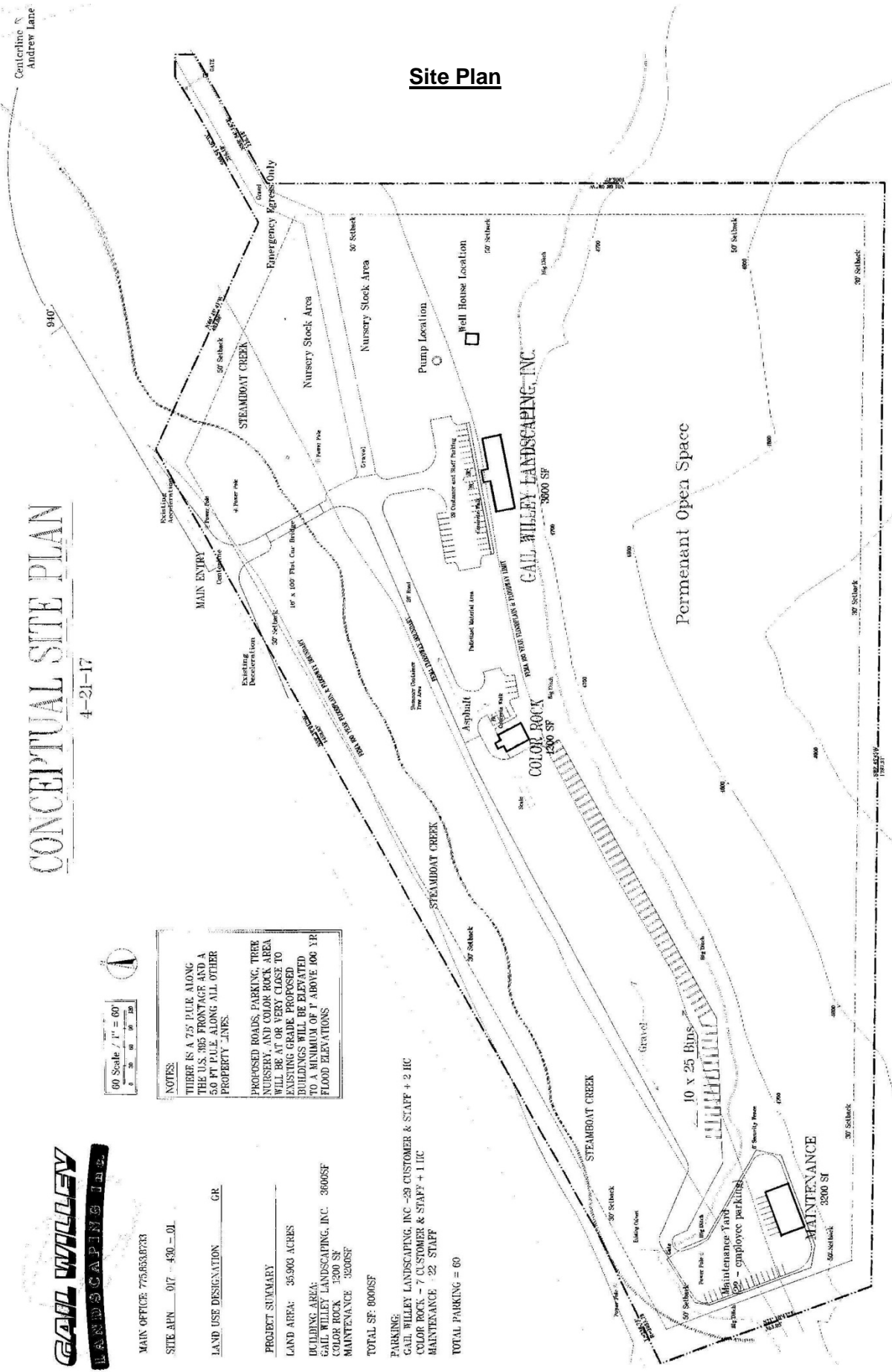
Post Office Box 11130
Reno, Nevada 89520 (775) 328-3600

Vicinity Map

CONCEPTUAL SITE PLAN

4-21-17

Site Plan



NOTES:
 THERE IS A 7.5' PILE ALONG THE U.S. 395 FRONTAGE AND A 5.0' FT. PILE ALONG ALL OTHER PROPERTY LINES.
 PROPOSED ROADS, PARKING, TREE NURSERY, AND COLOR ROCK AREA WILL BE AT OR VERY CLOSE TO EXISTING GRADE. PROPOSED BUILDINGS WILL BE ELEVATED TO A MINIMUM OF 1' ABOVE 100 YR FLOOD ELEVATIONS.



MAIN OFFICE: 775.653.7233

SITE: AHN 017 - 430 - 01

LAND USE DESIGNATION: GR

PROJECT SUMMARY

LAND AREA: 35.900 ACRES
 BUILDING AREA:
 GAIL WILLEY LANDSCAPING, INC. 3,800SF
 COLOR ROCK 4,500 SF
 MAINTENANCE 3,800SF
 TOTAL SF: 8000SF

PARKING:

GAIL WILLEY LANDSCAPING, INC. - 29 CUSTOMER & STAFF + 2 HC
 COLOR ROCK - 7 CUSTOMER & STAFF + 1 HC
 MAINTENANCE - 22 STAFF
 TOTAL PARKING = 60



Aerial Photo of Proposed Location
(Property outlined in blue)



Aerial Photo of Existing Business Location for Colorock and Gail Willey Landscaping
(9825 S. Virginia; just north of South Meadows Pkwy; across from Wal-Mart shopping plaza)

Photos of Existing Business Operations



Existing business location
Rear of Gail Willey Landscaping office; material and cargo containers



Existing business location
Gail Willey Landscaping office (rear), material and equipment



Existing business location
Various Colorock equipment



Existing business location
Boulders and equipment for Gail Willey Landscaping operations; Colorock material bins in background



Existing business location
Palletized material for Gail Willey Landscaping operations



Existing business location
Material and equipment for Gail Willey Landscaping operations



Existing business location
Colorock material bins and trucks/equipment



Existing business location
Nursery area (tree/plant containers); to be expanded at proposed location



Existing business location
Colorock bins and material



Existing business location
Colorock bins, material and equipment

Photos of Proposed Site



Proposed site
From eastern end of property, looking southwest



Proposed location
From eastern end of property, looking east towards Andrew Lane



Proposed location

From center of property, looking northeast towards Andrew Lane. Hillside (shown) makes up the southern half of the property.



Proposed location

Steamboat Creek runs across the entire northern length of the property



Proposed location

From northern edge of property, looking northeast towards Reno; proposed entrance is on the right.



Proposed location

Highway 395 in Pleasant Valley offers scenic vistas in all directions. Subject site is on the left.

Project Evaluation

The project site is located at 134 Andrew Lane, immediately south of Highway 395 in Pleasant Valley. The property is just under 36-acres and has a regulatory zone of General Rural (GR). As the minimum lot size for GR is 40 acres, this is a nonconforming property. It is situated within the Pleasant Valley Rural Character Management Area, part of the South Valleys Area Plan. Steamboat Creek, an identified and regulated perennial stream, runs through the length of the property near its northern border. Federal open space abuts the property to the south, with residential development to the east and north.

The applicant is seeking to relocate two businesses (Gail Willey Landscaping and Colorock) from their current location at 9825 S. Virginia Street in Reno to the subject site in Pleasant Valley. The applicant has confirmed that the existing business operations on S. Virginia Street are an accurate representation of how the businesses would operate at the new location, with

the addition of more plant and tree storage onsite after the move. Pages 7-10 of this staff report offer photos of the current business facilities.

Description of Proposed Uses, and Uses Not Allowed by Code

Although many properties in Washoe County contain only one principal established use (such as with single-family homes), it is also common for parcels to have several principal uses. This is especially prevalent with commercial and industrial properties. In these cases, each principal use is classified separately, per WCC Section 110.304.05(d).

The submitted application asserts that there is only a single proposed use onsite, and that it is a wholesale nursery. However, staff has concluded that only a portion of the proposed uses fall under the wholesale nursery use type as described in the Development Code. Staff's review concludes that there are up to three use types proposed:

- (1) Construction Sales and Services: a commercial use type not allowed in the General Rural regulatory zone;
- (2) Wholesaling, Storage and Distribution – Heavy: an industrial use type not allowed in the General Rural regulatory zone; and
- (3) Nursery Sales – Wholesale: a commercial use type that may be permitted in General Rural with a special use permit.

Further description of the proposed business operations and use types are below.

Gail Willey Landscaping

On its website (www.gailwilley.com), the Gail Willey Landscaping Company describes itself as a "design/build construction firm" and "landscaping company" that designs and builds "all types of landscapes and hardscapes for both residential and commercial businesses." The website describes the services offered as: "xeriscaping; landscape design/installation; hardscape design/installation; pavers; patios; trees; shade structures; retaining walls; rock beds; gardens; rock gardens; rock walls; and water features."

This type of landscaping business / commercial use is classified under "Construction Sales and Services" which is defined within WCC Section 110.304.25(j) as:

Construction Sales and Services. Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.

Per WCC Table 110.302.05.3, this use type is not allowed in the General Rural regulatory zone. It is only allowed in the Industrial regulatory zone, and may potentially be allowed in the General Commercial regulatory zone with a special use permit.

Colorock

Colorock wholesales, stores and distributes boulders, rock, gravel, sand, base, and mulch by cubic yard and/or weight. As shown in the photos on pages 7-10 of this report, these materials are stored in several dozen open-storage bins. The Colorock website (www.colorock.com) indicates the company offers the following additional services: boulder pickup; snow removal

with loaders and skid-steers; transporting of equipment up to 45,000 pounds; using a grapple truck to place boulders; and trucking services to deliver “everything from palletized material, boulders and construction materials.” Colorock’s truck fleet includes flatbed, end-dump, transfer, triple-transfer and grapple trucks.

Colorock also allows for dumping of landscape and construction debris at their business location.

The Development Code classifies this type of wholesaling, storage and distribution operation under the Industrial use type of Wholesaling, Storage and Distribution – Heavy. **Pursuant to WCC Table 110.302.05.4, this industrial use type is not allowed in the General Rural regulatory zone.** This use type is only allowed in Industrial regulatory zones with the issuance of an Administrative Permit. WCC Section 110.304.30(I) defines the Wholesaling, Storage and Distribution use types as follows:

Wholesaling, Storage and Distribution. Wholesaling, storage and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage and bulk sale distribution including, but not limited to, open air handling of material and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

- (1) Light. Light refers to wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
- (2) Heavy. Heavy refers to distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.

The applicant has described the above two businesses (Gail Willey Landscaping and Colorock) as falling under the wholesale nursery use type. However, WCC Section 110.304.25(x) defines wholesale nursery sales as follows:

Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:

- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
- (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.

As part of the relocation project, the applicant proposes to add a nursery stock area with trees and plants along the northeastern section of the property. This portion of the business does qualify under the Nursery Sales – Wholesale use type, which is allowed in the General Rural regulatory zone with the issuance of a special use permit. However, the remainder of the businesses would not be allowed on General Rural property.

The applicant contends that the materials used in the Colorock operation are “related nursery items.” However, it is clear from the current business operations at both Colorock and Gail Willey Landscaping that they are separate use types distinct from a true wholesale nursery as defined by WCC Section 110.304.25(x).

Although it is staff’s position that two of the three proposed principal uses are simply not allowed on General Rural property, this staff report will provide an analysis of all three use types. Where appropriate, the analysis will include discussion on why the prohibited use types are also not appropriate on the subject site.

Background and Recent History

Previous Special Use Permit

A similar proposal was put forward for this property by the applicant in 1998. It sought to relocate the same businesses and allow for sales of rock, mulch, soil, trees, etc. As with the current application, it also sought to classify such operations under the wholesale nursery use type. The final decision by the Board of County Commissioners in 1998 was to allow a wholesale nursery, but not allow for the sale of rock on the property. The final project was never completed, and the special use permit has since expired.

Recent Development Code Amendment

In April 2017, the Planning Commission heard a request by the applicant, Gail Willey, to amend the Development Code such that the industrial use type of Wholesaling, Storage and Distribution – Heavy would be allowed on General Rural properties with the issuance of a special use permit. The Planning Commission ultimately denied the request, being unable to make the relevant findings for approval.

As before, this means that the Colorock operation of wholesaling, storage and distribution of rock material remains a use that is not allowed on General Rural properties, including the parcel subject to this special use permit request – 134 Andrew Lane.

Project Specifics

As proposed, the applicant seeks to establish three main structures on-site: a 3,600 square foot office for Gail Willey Landscaping; a 1,200 square foot office for Colorock; and a 3,200 square foot shared maintenance shop. There would also be a shared maintenance yard, an area for material on pallets, a nursery stock area, and an area in the summer for storing tree containers, as depicted on the site plan on page 5 of this report. Three separate parking lots with 60 parking spaces would service the onsite facilities. This would include parking for an anticipated 20-25 employee vehicles. During peak season (April through October), the applicant estimates having as many as 80-90 employees, although the majority of them would be based out of job sites – not at the Pleasant Valley property.

The applicant has indicated that four cargo containers would also be placed on site to support the landscaping business. Over 50 open-storage bays (10'W x 25'L) would be used to store rock, stone, sand, soil, mulch and other inert materials as part of the Colorock operation. The owner has estimated the businesses as having approximately a dozen large trucks (such as those seen in the photos on pages 7-10 of the staff report) to transport material to and from the site. This would be in addition to the wholesale and incidental retail customers who transport material themselves.

The applicant has stated that the businesses service approximately 75-100 wholesale customers in the region.

Traffic, Access and Crossing Steamboat Creek

The applicant's traffic engineer provided a letter with the application (Exhibit E) stating that the proposed wholesale nursery use type would generate 19 A.M. peak hour trips and 41 P.M. peak hour trips, with a total of 312 weekday trips. This volume is below the amount requiring a full traffic study to be completed. However, the estimates are based on a wholesale nursery and not the businesses' current operations. Nevada Department of Transportation (NDOT) has included a condition of approval requiring a traffic study be completed in order to determine appropriate improvements to Highway 395 adjacent to the project site. Seventy percent of the

generated trips are anticipated to be to/from the Reno/Sparks area to the north, while the remaining thirty percent are expected to be to/from the south (Carson City, Gardnerville, etc.)

Primary access is proposed directly off of Highway 395, approximately 850 feet south of its intersection with Andrew Lane. Access from the property to Andrew Lane would be restricted to gated, emergency access only. Primary access via Highway 395 would require a bridge to be constructed across Steamboat Creek, which is an identified and regulated perennial stream. Constructing a bridge across this waterway would require a special use permit that addresses a number of special review considerations focused on protecting the creek. This review would be governed by Washoe County Code Chapter 110, Article 418, *Significant Hydrologic Resources*. The applicant elected not to provide details regarding the stream crossing with this special use permit application, citing a concern for engineering costs. Therefore, should any part of this special use permit be approved, it would be contingent upon the applicant successfully obtaining a separate special use permit to bridge Steamboat Creek. A condition of approval to this effect has been included with Exhibit A.

Water, Water Rights and Wastewater

The applicant is proposing to use an onsite well and septic system to service the operations. The Washoe County Health District has provided conditions of approval requiring that a Commercial Onsite Sewage Disposal System be constructed, which would be regulated through the Nevada Division of Environmental Protection (NDEP). Additionally, it is anticipated that the applicant would need to construct a permitted public water system and submit a Water Project to the Health District for review and approval.

The applicant would work with the State Engineer and Washoe County to determine the projected groundwater demand to support the onsite operations. Adequate water rights would then need to be transferred to a well on the property. If available, surface water rights that the applicant holds may be used to supplement groundwater rights for specific non-potable uses such as dust control and watering nursery stock.

Grading

The project area is largely located within the flatter areas of the property that slope gently down from west to east. No specific grading details have been provided with the application. However, a number of grading, drainage and stormwater conditions of approval have been included with Exhibit A and will be addressed during the permitting process, if any portion of this project is approved.

Noise, Dust and Lighting

The applicant has proposed the following hours of operation: 7 a.m. to 5 p.m., Monday through Friday; 8 a.m. to 2 p.m. on Saturday; closed Sunday. The wholesale nursery portion of the operation would not be expected to generate significant noise or dust. However, the industrial nature of the Colorock operations could reasonably be anticipated to generate a substantial amount of noise impact due to the large equipment and trucks coming, going, and operating on-site. This includes the moving of rocks and boulders and the "back-up beeping" generated by large trucks and equipment when operated in reverse. The applicant has stated that the location of the Colorock operation on-site, coupled with the nursery stock area to the northeast will serve as a sufficient buffer for the residential properties to the east.

Dust from the operation is proposed to be controlled by speed limits and two on-site water trucks. The current business location operates with dirt maneuvering areas, with some portions having sparse gravel coverage. Any development on the proposed site would be required to meet the standards of Article 410, *Parking and Loading*, which require all parking, loading and maneuvering areas to be paved and permanently maintained.

Security lighting is proposed for each of the three structures. Any lighting on site would be required to meet the standards of Article 414, *Noise and Lighting Standards*.

Development Constraints

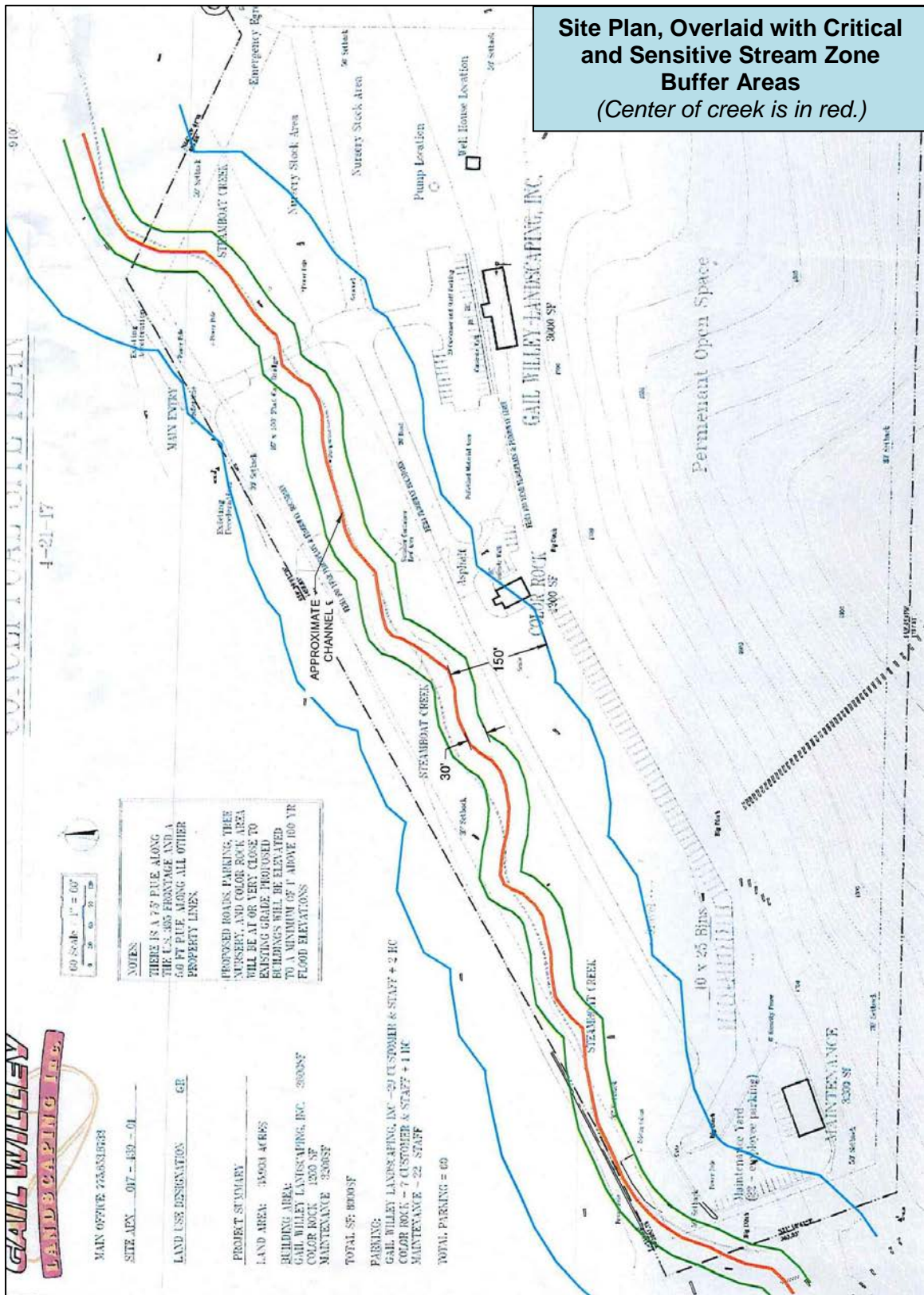
As shown on the map below, this riparian, General Rural property is severely constrained by a number of natural features. Steamboat Creek, and its associated Critical and Sensitive Stream Zone buffer areas, traverse the property's northern edge, parallel to Highway 395. The property also contains FEMA floodway and a 100-year floodplain roughly parallel to the creek. Within this area, the property is also identified as containing potential wetlands, as designated by the South Valleys Development Suitability map. This is in addition to the Big Ditch irrigation canal traversing the property. The southern half of the parcel also contains a hillside with slopes over 30%.



This image shows physical constraints on the property. The parcel is outlined in dark pink. Yellow lines are 2-foot contours. The closer together the yellow lines are placed, the steeper the area. The pink shaded section reflects the Sensitive Stream Zone buffer area that surrounds Steamboat Creek in its center. The shaded blue area is FEMA 100-year flood zone.

Steamboat Creek is identified by the Development Code as a Significant Hydrologic Resource (SHR), which is governed by Article 418 of the Code. As an SHR, the creek has buffer zones that prohibit or constrain development in these areas. The critical stream zone buffer area is 30-feet on either side of the centerline of the creek. The sensitive stream zone buffer area covers the additional area that extends out 150-feet on either side of the centerline of the creek. These buffer areas are established to ensure water quality of perennial streams are not jeopardized through development activity. Per WCC Section 110.418.20, the use type of Wholesaling, Storage and Distribution – Heavy is prohibited in the critical stream zone buffer area. Also prohibited in this area are parking and ornamental landscaping. The use type of Wholesaling, Storage and Distribution – Heavy is also prohibited in sensitive stream zone buffer area due to its potential to negatively impact the perennial stream. Colorock is classified as this use type. As shown on the site plan below, the Colorock offices are proposed to be located partially within the sensitive stream zone buffer area. The open air material storage bins are

proposed to be placed a short distance from this buffer area, and immediately adjacent to the 100-year floodplain. Some of the bins are proposed to be placed within the floodplain itself. As is visible on the development constraints map on the previous page, the floodplain extends almost all the way up the hillside that covers the southern half of the property. The only area where this is not the case is along the eastern property line that abuts residentially developed parcels off of Andrew Lane.



Compatibility with Surrounding Properties

Properties to the north and east are largely residentially-developed parcels reflecting a mix of Low Density Suburban (LDS) and General Rural (GR) regulatory zones. The GR properties are almost exclusively sub-standard in size (i.e. less than 40 acres; all are 1-4 acres in size). GR zoning is often used to identify physically constrained properties, and this is the case here. All of the adjacent GR properties to the north and east share one or more of the same constraints as the subject property – steep slopes, flood zones, creek buffer areas, etc.

To the south is federally-owned open space, and to the west across the highway is additional residential development.

The Washoe County Land Use and Transportation Element identifies LDS and GR properties as having low compatibility with industrial and commercial uses and properties.

Relevant Policies and Text of the South Valleys Area Plan

Relevant excerpts from the South Valleys Area Plan's Character Statement are below:

“The South Valleys, namely Steamboat, Pleasant and Washoe Valleys are located at the extreme southern border of the County. These valleys are largely rural agricultural communities filled with scenic vistas, wildlife habitats, and numerous outdoor recreation areas. Together, these three valleys comprise the last expansive vista of extended greenbelt, water resources, mountains and wildlife habitat in southern Washoe County. U.S. Highway 395, which winds through these verdant valleys, is a scenic corridor offering peaceful bucolic scenery, pastoral respite and magnificent mountain vistas. ... Maintaining the scenic, agricultural, and rural character of these valleys will provide an important break between the more urban and suburban landscapes of Reno and Carson City. ... While some land use designations in the South Valleys are also typical of more suburban areas, the area's communities enjoy a decidedly rural feel. This rural atmosphere extends to the commercially designated areas. This rural atmosphere and community character are supported by an intimate integration of the natural environment, extensive historical resources, widespread agricultural activities, and livestock/equestrian stewardship. ... Future growth into previously undeveloped areas will be limited. This limited development will be managed to minimize negative impacts on the character of the area's communities, particularly those impacts related to the generation of light, air, and water pollution, wildlife and wildlife habitat and the blending of new development with any existing development.”

Staff Comment: A wholesale nursery with trees, plants and flowers and an outside nursery stock area would blend with existing development and the scenic, agricultural and rural character of the South Valleys. However, establishing a Construction Sales and Services use type and the industrial use of Wholesaling, Storage and Distribution – Heavy on this property would offer a harsh counterpoint to the valley's bucolic character, as described above.

The following text on page 8 of the South Valleys Area Plan text describes the general nature and character of Pleasant Valley and how it is intended to develop:

“Pleasant Valley is home to much more limited commercial uses. Commercial endeavors in Pleasant Valley are often strongly associated with the equestrian and agricultural character of the area. **Future commercial activities will generally continue this trend and will be planned with the pastoral, serene, bucolic, residential nature of the area in mind and designed with consideration of the impact such development would have on the character and charm of the**

Pleasant Valley. All non-residential activities should make significant contributions to the character of the Pleasant Valley community as described in this statement.”

Staff Comment: As described previously, it is anticipated that a wholesale nursery with trees, plants, flowers and an outside nursery stock area would blend with the distinct pastoral character of Pleasant Valley. Again, it is staff’s position that the remainder of the proposed operations, however, are not allowed in the General Rural regulatory zone and if permitted, would negatively impact the valley’s character – not make a significant contribution to it.

SV 2.3 Site development plans in the South Valleys planning area must submit a plan for the control of noxious weeds. The plan should be developed through consultation with the Washoe County District Health Department, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District. The control plan will be implemented on a voluntary compliance basis.

Staff Comment: A recommended condition of approval has been included to this effect.

SV 2.4 Applicants required to present their items to the Citizen Advisory Board (CAB) must submit a statement to staff regarding how the final proposal responds to the community input received from the CAB.

Staff Comment: This statement was not yet available as of the date of this staff report; however, it will be provided to the Board of Adjustment in advance of the public hearing.

SV.2.7 Any lighting proposed must show how it is consistent with current Best Management Practices “dark-sky” standards. In subdivisions established after the date of final adoption of this Plan, the use of streetlights will be minimized.

Staff Comment: The applicant proposes to install what is described as a “security street lamp” at each of the three new structures shown on the site plan. Lighting will be required to comply with the provisions of Article 414, *Noise and Lighting Standards*, which include down-shielding and no spillover onto adjacent properties.

SV.2.13 The impact of development on adjacent land uses will be mitigated. The appropriate form of mitigation should be determined through a process of community consultation and cooperation. Applicants should be prepared to demonstrate how the project conforms to this policy.

Staff Comment: The impacts of a wholesale nursery, especially with a nursery stock area providing a buffer to adjacent residential uses, can be adequately mitigated through conditions of approval. However, it is staff’s position that the other proposed uses (Construction Sales and Services; and Wholesaling, Storage and Distribution – Heavy) are not allowed in the General Rural regulatory zone. Even if these uses were potentially allowed with a special use permit, their visual, environmental, and sound impacts could not be adequately mitigated – neither for the adjacent landowners nor for their effects on the scenic and pastoral quality of Pleasant Valley as a whole.

SV.2.16 The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement

can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: This finding has been added to the list of required findings for approval and will be discussed later in this staff report.

- SV.5.1** The Pleasant Valley Rural Character Management Area, as depicted on the South Valleys Character Management Plan map, will provide a limited range of residential and non-residential land uses. Residential development will be designed to enhance the rural and agricultural character of the area. Nonresidential land uses should contribute to and enhance the essential character of this community as described in the Character Statement.

Staff Comment: As described previously, a wholesale nursery for the sale of trees, plants and flowers is anticipated to adequately blend with the essential character of the area. The other proposed operations, especially on this particular property with its numerous natural constraints, would neither contribute to nor enhance the Valley's qualities described within the Character Statement.

- SV.5.2** The review of all special use permits for the establishment of a non-residential use in Pleasant Valley must include a consideration of how the proposed use contributes to the desired community character as described in the character statement.

Staff Comment: Please see above.

- SV.10.7** Prior to the completion of I-580, Washoe County will be an advocate for restricted access to U.S. 395. Upon completion of I-580, access to U.S. 395 will be restricted according to the corridor management plan conducted by the Nevada Department of Transportation or other standards adopted by the Washoe County Department of Public Works in consultation with the Regional Transportation Commission.

Staff Comment: The application was provided to NDOT, the Regional Transportation Commission and Washoe County's traffic engineer for review. NDOT will require an additional traffic study in order to determine necessary improvements to Highway 395. The other agencies have also provided recommended conditions of approval, which are included with Exhibit A.

- SV.18.3** The granting of special use permits in the South Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Staff Comment: This finding has been added to the list of required findings for approval and will be discussed later in this staff report.

- SV.19.1** Development proposals, with the exception of single family homes and uses accessory to single family homes, within the South Valleys planning area will include detailed soils and geo-technical studies sufficient to:

- a. Ensure structural integrity of roads and buildings.
- b. Provide adequate setbacks from potentially active faults or other hazards.
- c. Minimize erosion potential.

Staff Comment: Several conditions of approval have been included with regards to grading, stormwater, and erosion control. Should any portion of this special use permit be approved, the applicant will also be required to go through a separate permitting process to ensure that any development or business activities within the Steamboat Creek buffer areas will not harm the creek.

SV.24.5 Washoe County will require all new development in the Eagle Valley, Pleasant Valley and Truckee Meadows hydrographic basins of the South Valleys planning area to use certificated or permitted water rights, and may permit imported water rights from immediately adjoining hydrographic basins, in an amount necessary to serve the development, provided all other policies under Goal 24 are applied.

Staff Comment: Recommended conditions of approval have been included to this effect.

SV.27.3 Development proposals that impact any area designated “potential wetlands” on the Development Suitability map must conduct a wetlands delineation study and obtain Army Corps of Engineers certification of the proposed wetlands.

Staff Comment: Areas adjacent to Steamboat Creek are identified as potential wetlands according to the South Valleys Development Suitability Map. A recommended condition of approval has been provided that requires this delineation prior to the issuance of any permits.

SV.29.4 For proposals to establish commercial uses, the applicant must demonstrate that an analysis has been conducted that defines the anticipated trade area and demonstrates that the intended use is community serving. The study shall be submitted at the time of development application as part of the discretionary permit review process, recognizing that if the application is a master plan amendment, the granting of a master plan category change may not be conditioned to a specific project.

Staff Comment: The applicant is to provide this analysis prior to the Board of Adjustment hearing.

South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)

The proposed project was presented by the applicant’s representative at the Citizen Advisory Board meeting on September 14, 2017. A draft of the CAB minutes will be provided to the Board of Adjustment prior to the public hearing. 17 members of the public spoke in opposition to the project, while 3 spoke in favor. The CAB voted unanimously to recommend denial of the project, stating that although the applicant had 3 people speak in his favor as a tenant and businessman, that General Rural is not an appropriate regulatory zone for this type of business, and 134 Andrew Lane is not an appropriate location.

A summary of the comments and concerns discussed at the CAB meeting is provided below:

- Floodway, flood plain, and potential wetlands on the property
- Concerns about Colorock material being swept into Steamboat Creek during flood events
- Traffic, dust and noise
- Proximity to Andrew Lane
- Heavy industrial use in a rural residential area
- Not meeting the policies of the South Valleys Area Plan or character statement
- Public consternation that this is the third attempt at bringing this use to this property
- Proposed hours of operation too early

- Size of bridge across Steamboat Creek needed to support large trucks transporting rock material
- “Most catastrophically wrong location possible”
- Visual impacts from the highway, dramatically changing the character of the area

As of the date of this report, staff has also received 17 letters of opposition regarding the project. These are attached as Exhibit C.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation:

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects Division
 - Utilities/Water Rights
 - Parks and Open Space
- Washoe County Health District
 - Air Quality Management Division
 - Environmental Health Services Division
 - Emergency Medical Services Program
- Washoe County Sheriff's Office
- Washoe-Storey Conservation District
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Nevada Department of Transportation
- Nevada Division of Environmental Protection
- Nevada Division of Water Resources
- Nevada Department of Wildlife
- Nevada Historic Preservation Office
- U.S. Army Corps of Engineers
- U.S. Fish & Wildlife
- Truckee Meadows Water Authority
- AT&T and NV Energy

Several of the above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if any portion of the application is approved by the Board.

- Washoe County Planning and Building Division addressed allowed uses, operational conditions in effect for the life of the project, subsequent approvals necessary in order to operate, and other conditions applicable to the project.

Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

- Washoe County Water Rights provided conditions related to groundwater and surface water rights necessary to support commercial activities on the property.
Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us
- Nevada Division of Water Resources commented that there is one active water right associated with the parcel for irrigation purposes and one domestic well on the property to be used for a single-family dwelling only.
Contact: Steve Shell, 775.684.2836, sshell@water.nv.gov
- Washoe County Engineering and Capital Projects Division provided conditions related to grading, import/export of material, stormwater management, traffic access points, truck turn-arounds, cattle guards, FEMA floodplains, wetlands and other topics.
Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us and Clara Lawson, 775.328.3603, clawson@washoecounty.us
- Washoe County Utilities requires that no activities or structures on the property interfere with the future Pleasant Valley Sewer Interceptor.
Contact: Tim Simpson, 775.954.4648, tsimpson@washoecounty.us
- Nevada Department of Transportation provided comments and recommended conditions of approval regarding any work or activity affecting the NDOT right-of-way, in addition to requirements related to signage, parking, cattle guards, and the proposed bridge crossing. NDOT will also require an additional traffic study.
Contact: Jae Pullen, 775.834.8300, jpullen@dot.state.nv.us
- Regional Transportation Commission provided recommendations regarding access control standards, minimum distances between driveways, deceleration pockets, and policy levels of service.
Contact: Rebecca Kapuler, 775.332.0174, rkapuler@rtcwashoe.com
- Washoe County Health District, Air Quality Management Division requires that a dust permit and stationary source permit be obtained.
Contact: Michael Wolf, 775.784.7206, mwolf@washoecounty.us
- Washoe County Health District, Environmental Health Services Division addressed requirements for a commercial on-site sewage disposal system, permitted public water system and solid waste management standards for material storage.
Contact: Wes Rubio, 775.328.2635, wrubio@washoecounty.us
- Nevada Division of Environmental Protection addressed the need for appropriate permits for a commercial on-site sewage disposal system, and appropriate State and Federal permits for any construction or improvements affecting Steamboat Creek.
Contact: Patrick Mohn, 775.687.9419, pmohn@ndep.nv.gov
- US Army Corps of Engineers commented that they are in the process of completing a jurisdictional determination request. If a later request is submitted to cross Steamboat Creek, the Corps will provide additional comments at that time.
Contact: Aaron Park, 775.784.5305, Aaron.C.Park@usace.army.mil

The Washoe County Sheriff's Office, Washoe County Parks and Open Space Program, and the Health District's Emergency Medical Services Program reviewed the application and indicated they had no comments or conditions of approval.

Staff Comments on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is partially in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan.

Staff Comment: As described within the staff report, the wholesale nursery use type (for the sale of trees, plants and flowers) would meet the policies and other requirements of the South Valleys Area Plan. The other two proposed use types (Construction Sales and Services; and Wholesaling, Storage and Distribution – Heavy) are not allowed within the General Rural regulatory zone and do not meet several of the policies within the Area Plan, especially with regards to the Character Statement.

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.

Staff Comment: Reviewing agencies have provided numerous recommended conditions of approval in order to ensure that all of the infrastructure needs identified in this finding would be met for a commercial use on this property.

3. Site Suitability. That the site is physically suitable for Nursery Sales – Wholesale and for the intensity of such a development.

Staff Comment: As described within the staff report, this property is uniquely and severely constrained by numerous factors, including a Significant Hydrologic Resource (and associated buffer areas), a 100-year floodplain, potential wetlands, the Big Ditch irrigation canal, and a steep hillside with slopes of over 30% over a significant portion of the property. Due to these constraints, the other proposed use types would be infeasible on the subject site (in addition to not being allowed by Code).

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.

Staff Comment: The wholesaling of trees, plants and flowers is not anticipated to be significantly detrimental or injurious, and staff believes that the potential impacts from this specific use can be mitigated with the included conditions of approval. However, the other proposed use types, in addition to not being allowed on GR properties, would be detrimental to the character of

the surrounding area and it is not believed that the negative impacts could be adequately mitigated.

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.

Staff Comment: There is no military installation that would be affected by the proposed project.

6. Character Statement. The community character as described in the South Valleys Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: As described in the staff report, a wholesale nursery selling trees, plants and flowers is not anticipated to violate the tenets of the Area Plan's character statement, assuming the proposed conditions of approval are met. The other proposed uses, however, would be in direct contravention to many of the statements within the Character Statement, especially in terms of the South Valleys' rural feel and scenery.

7. Air Quality. No significant degradation of air quality will occur as a result of the permit.

Staff Comment: Conditions of approval from the Washoe County Health District's Air Quality Management Division have been included with Exhibit A in order to address potential air quality impacts of the proposed use.

Recommendation

Those agencies which reviewed the application included a number of recommended conditions of approval to help mitigate potential impacts of the proposal, or provided no comments. However, as described on pages 14 and 15 of this staff report, staff has taken the position that two of the proposed uses are not allowed within the General Rural regulatory zone. Therefore, after a thorough analysis and review, Special Use Permit Case Number WSUP17-014 is being recommended for partial approval with conditions. As described in the staff report, it is recommended that the wholesale nursery portion of the request be approved, but that the Construction Sales and Services use type, and Colorock operations (Wholesaling, Storage and Distribution – Heavy use type) NOT be approved. 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 partially approve, with the conditions of approval included as Exhibit A to this matter, Special Use Permit Case Number WSUP17-0014 for Gail Willey. This includes allowing for the wholesale nursery portion of the request, but NOT allowing the Construction Sales and Services use type, nor the Colorock operations (Wholesaling, Storage and Distribution – Heavy use type). With this modification to the application and partial approval, I can make all five findings in accordance with Washoe County Code Section 110.810.30 and the two required findings from the South Valleys Area Plan:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;

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 Nursery Sales - Wholesale, 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.
6. Character Statement. The community character as described in the South Valleys Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
7. Air Quality. No significant degradation of air quality will occur as a result of the permit.

Appeal Process

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

Applicant/Owner: Willey Land, LLC
Attn: Gail Willey
PO Box 18789
Reno, NV 89511

Consultant: Garrett Gordon, Esq.
50 W. Liberty St. #410
Reno, NV 89501



Conditions of Approval

Special Use Permit Case Number WSUP17-0014

The project approved under Special Use Permit Case Number WSUP17-0014 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 5, 2017. 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.

Operational Conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**
- **The NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) is directed and governed by its own board. Therefore, any conditions set by the Nevada Department of Transportation must be appealed to that Board.**

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 the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

- a. This special use permit is not valid unless and until the applicant successfully applies for and obtains a separate special use permit for constructing a bridge across Steamboat Creek to provide primary access to the site.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- c. The applicant shall submit complete construction plans and 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.
- d. 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.

- e. Prior to the issuance of any grading permit, building permit or business license, the applicant shall provide evidence that all construction, grading and business activity occurring within or potentially affecting the critical or sensitive stream zone buffer areas of Steamboat Creek comply with the requirements of Washoe County Code Chapter 110, Article 418, *Significant Hydrologic Resources*.

- f. All driveways, parking spaces and maneuvering areas (including surfacing material) shall comply with the requirements of Washoe County Code Chapter 110, Article 410, *Parking and Loading*.
- g. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Planning and Building Division for review and approval. 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.
- h. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to NRS 623A shall be submitted the Planning and Building Division for review and approval. 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 the Planning and Building Division has waived, if applicable.
- i. All landscaping shall be maintained in accordance with the provisions found in Washoe County Code 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 Planning and Building, prior to any Certificate of Occupancy or issuance of any business license. The plan shall be wet-stamped.
- j. Prior to the issuance of any building permit, grading permit or business license, the applicant shall provide evidence that a valid permit has been issued for the operation of a commercial on-site sewage disposal system.
- k. Prior to the issuance of any building permit, grading permit or business license, the applicant shall provide evidence that the necessary State and Federal permits have been obtained for any construction or improvements proposed within or near Steamboat Creek. This may include, but is not limited to: a Construction Stormwater permit; Nevada Division of Environmental Protection Temporary Working in Waterways permit; US Army Corps of Engineers permits.
- l. Prior to the issuance of any building or grading permit, the applicant shall conduct a wetlands delineation study and obtain Army Corps of Engineers certification of the potential wetlands. If wetlands are found to be present on the subject site, the applicant shall provide evidence of how any on-site development in these areas is consistent with Goal 27 of the South Valleys Area Plan.
- m. The applicant has indicated that the proposed improvements will not exceed the major grading thresholds that require a special use permit. If the final construction drawings include grading that exceeds the Major Grading Permit Thresholds listed in Washoe County Code Chapter 110, Article 438, *Grading Standards*, the applicant shall apply for a special use permit for grading; and if approved, may be delayed up to three months processing time. In addition, all related standards within the Washoe County Development Code shall be met on the construction drawings.
- n. The following **Operational Conditions** shall be required for the life of the business:
 - i. This special use permit authorizes the growing and wholesaling of trees, plants and flowers only as a Wholesale Nursery Use Type as defined in Washoe County Code

Chapter 110, Article 304, *Use Classification System*. Any other use, including wholesaling, storage and/or distribution of rock, boulders, gravel, base, sand, block, brick or other hardscape material is strictly prohibited. Operations falling under the Construction Sales and Services commercial use type and the Wholesale, Storage and Distribution industrial use type are also strictly prohibited.

- ii. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.
- iii. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
- iv. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Building Division.
- v. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
- vi. Hours of operation are limited to: 7 a.m. to 5 p.m., Monday through Friday; 8 a.m. to 2 p.m. Saturday; and closed Sunday.
- vii. Vehicular access shall be from Highway 395 only. Andrew Lane shall be used for gated, emergency access only.
- o. Prior to the issuance of a building permit, the applicant shall provide a plan for the control of noxious weeds on the property. The plan should be developed through consultation with the Washoe County District Health Department, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District.

Water Rights Conditions

Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us

- p. This project will require stand-alone (non-supplemental) ground water rights in support of the commercial activities proposed. The applicant and County personnel shall estimate the projected ground water demand for the commercial activities to the satisfaction of Washoe County.
- q. Adequate ground water rights per the estimate in Condition 1(p) shall be transferred to an appropriate ground water well on the parcel associated with this application. Transfer of these water rights requires filing of applications with the Nevada State Engineer.
- r. The application indicates possible appurtenant surface water rights from Steamboat Creek associated with this parcel of land. These surface water rights may be utilized in conjunction with the ground water rights in Condition 1(p) above, when available and for appropriate non-potable uses such as dust control, and watering of nursery stock.
- s. The water rights shall be in conformance with Article 422 of the Washoe County Development Code and subject to dedication requirement as described under said Code, and in conformance with the South Valleys Area Plan.

Nevada Division of Water Resources

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

Contact: Steve Shell, 775.684.2836, sshell@water.nv.gov

- a. Any water used on the described lands for commercial purposes shall be provided by an established utility or under permit issued by the State Engineer's Office.
- b. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.
- c. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).
- d. Municipal water service is subject to Truckee Meadows Water Authority rules and regulations and approval by the Office of the State Engineer regarding water quantity and availability.

Washoe County Engineering and Capital Projects Division

3. The following conditions are requirements of the Washoe County Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

General Engineering Conditions

Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us

- 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 owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and Inspection Fee prior to obtaining a grading/building permit.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- e. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.

- g. Driveway locations shall conform to NDOT requirements and Washoe County Code Article 436 for commercial driveways.
- h. 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.
- i. A 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.
- j. Any increase in storm water runoff resulting from the development of the site shall be detained on site to the satisfaction of the County Engineer.
- k. A hydraulic analysis of the proposed main entry crossing of Steamboat Creek shall be prepared by a registered engineer shall be submitted to FEMA for review and approval. The report shall demonstrate that there will be no adverse effects to upstream and downstream properties after construction of the crossing of Steamboat Creek.
- l. The FEMA 100-year floodplain and floodway shall appear on the site and/or grading plan to the satisfaction of the County Engineer. Building permits for structures and any grading in these areas shall be in conformance with the Washoe County Development Code Article 416.
- m. Prior to the issuance of a grading or site permit the owner shall obtain a permit from the Army Corps of Engineers (COE) for any work within the wetlands/waters of the U.S., or a letter from the COE indicating that a permit is not required. If the COE requires the preparation of wetlands delineation map a copy shall be provided to the County Engineer. A copy of the permit or permit not required letter shall be submitted to the County Engineer.
- n. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
- o. Prior to issuance of a grading permit or site permit, an approval letter from the Big Ditch shall be submitted to the County Engineer.

Traffic Conditions

Contact: Clara Lawson, 775.328.3603, clawson@washoecounty.us

- p. Provide truck turning radius for on-site vehicle turn-around.
- q. Provide left-turn pocket according to Traffic Works report and NDOT approval.
- r. Provide right-turn access according to NDOT approval.
- s. Prevent wild horse access along Highway 395 and property frontage. An acceptable example would be fencing along Highway 395 and a cattle guard on the private driveway.

Utilities Condition

Contact: Tim Simpson, 775.954.4648, tsimpson@washoecounty.us

- t. The owner shall not erect or construct, nor permit to be erected or constructed any buildings, fences or structures, nor permit any activity which in the reasonable judgement of the County is inconsistent with the easements filed as documents 3575049 & 3575050 for the purpose of the future Pleasant Valley Sewer Interceptor.

Nevada Department of Transportation (NDOT)

4. The following conditions are requirements of the Nevada Department of Transportation, which shall be responsible for determining compliance with these conditions.

Contact: Jae Pullen, 775.834.8300, jpullen@dot.state.nv.us

- a. Existing occupancy permits are personal; however, the upkeep and repair responsibilities shall transfer to the property owner's successor. Actual work being performed in the NDOT Right-of-Way is cannot be transferred without prior written approval from NDOT. If the property changes use, the new property owner will need to apply for a new occupancy permit for access to the state highway.
- b. For any non-permanent activities or temporary traffic control such as placement of cones, static signs, and portable electronic signs within NDOT Right-of-Way will require a temporary permit. Please submit temporary permit applications at least 4 weeks prior to the scheduled activity or work. Contact the Permit Office for more information.
- c. Prior to any grading adjacent to NDOT Right-of-Way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. Please contact the Permit Office at (775) 834-8330 for more information.
 - i. A Drainage Report shall be submitted for any development or construction that impacts flow to or within NDOT Right-of-Way.
 - ii. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.
 - iii. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following:
 - Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
 - Include FEMA flood maps pertaining to the proposed project location.
 - Include construction plans or any other supporting documentation.
- d. Applicant is responsible for mitigating any project site drainage within the property. Drainage facilities within NDOT Right-of-Way is not recommended. Any proposal with facilities within the NDOT Right-of-Way will require a license or lease.
- e. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near a highway or on bridge.
- f. Signs for advertising will not be allowed within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near highway or on bridge. Please ensure sign base, post and sign edge is outside of NDOT Right-of-Way.
- g. The property owner must provide adequate parking on the property or in the vicinity. NDOT does not issue permits for long term parking for business use. If needed, NDOT

will post NO PARKING signs to mitigate any parking concerns. NDOT recommends not depending on State Right-of-Way to accommodate parking.

- h. NDOT will require a traffic study for this project. The traffic study shall quantify the number of trucks (triple, doubles, etc.) to determine a suitable driveway configuration and the need for deceleration and acceleration lanes, if applicable.
- i. The applicant shall need to coordinate with the Army Corps of Engineers and/or Coast Guard regarding any permits associated with the bridge over Steamboat Creek. Based on the proposed public use of the bridge for a commercial business, the bridge will be governed by NRS 403 – County Roads, Highways and Bridges.
- j. For public safety, direct access onto US 395A shall include a cattle guard that meets NDOT Standards. Any further emergency access shall be gated. Fencing along roadway frontage and property shall be maintained.

Regional Transportation Commission (RTC)

- 5. The following conditions are requirements of the Regional Transportation Commission, which shall be responsible for determining compliance with these conditions.

Contact: Rebecca Kapuler, 775.332.0174, rkapuler@rtcwashoe.com

- a. The Regional Transportation Plan (RTP) identifies South Virginia Street as an arterial with high-access control. To maintain arterial capacity, the following RTP access control management standards shall be maintained:

Access Management Standards-Arterials ¹ and Collectors							
Access Management Class	Posted Speeds	Signals Per Mile and Spacing ²	Median Type	Left From Major Street? (Spacing from signal)	Left From Minor Street or Driveway?	Right Decel Lanes at Driveways?	Driveway Spacing ³
High Access Control	45-55 mph	2 or less Minimum spacing 2350 feet	Raised w/channelized turn pockets	Yes 750 ft. minimum	Only at signalized locations	Yes ⁴	250 ft./500 ft.

¹ On-street parking shall not be allowed on any new arterials. Elimination of existing on-street parking shall be considered a priority for major and minor arterials operating at or below the policy level of service.
² Minimum signal spacing is for planning purposes only; additional analysis must be made of proposed new signals in the context of planned signalized intersections, and other relevant factors impacting corridor level of service.
³ Minimum spacing from signalized intersections/spacing other driveways.
⁴ If there are more than 30 inbound, right-turn movements during the peak-hour.

- b. The Traffic Report submitted with the application identifies access to the site off South Virginia Street approximately 800 feet south of Andrew Lane. The study identifies a left-turn lane/deceleration pocket will be required for southbound Virginia Street at the project driveway per NDOT Access Management System and Standards.

Washoe County Health District (WCHD)

- 6. The following conditions are requirements of the Washoe County 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.

Environmental Health Services Division Conditions

Contact: Wes Rubio, 775.328.2635, wrubio@washoecounty.us

- a. The proposed use will require approval for Commercial Onsite Sewage Disposal Systems through the State of Nevada NDEP. The approved plans must be submitted with all proposed building plans to ensure all site plans match for the approved primary septic area and the approved repair area.
- b. The development of this parcel with the proposed number of parking places, buildings, offices, and operations will likely require that this parcel become a permitted public water system.
 - i. Based on the number of daily trips this would be classified as a transient public water system.
 - ii. The applicant is required to submit a Water Project directly to WCHD for review and approval. All proposed infrastructure must be included and identified on the civil sets in order to obtain approval from WCHD.
- c. All storage of materials must be in compliance with the WCHD Regulations Governing Solid Waste Management.

Air Quality Management Division (AQMD) Condition

Contact: Mike Wolf, 775.784.7206, mwolf@washoecounty.us

- d. A dust control permit and stationary source permit from AQMD is required prior to the issuance of building permits, grading permits and any business license.

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



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

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

August 21, 2017

TO: Kelly Mullen, Planner, CSD, Planning & Development Division
FROM: Vahid Behmaram, Water Management Planner Coordinator, CSD
SUBJECT: Special Use Permit Case Number WSUP17-0014 (Gail Willey): 017-430-01

Project description:

The applicant is proposing a special use permit in support of the business operation of Gail Willey Landscaping and Color Rock, which the applicant has described as a wholesale nursery facility.

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

- 1) This project will require stand-alone (non-supplemental) ground water rights in support of the commercial activities proposed. The applicant and County personnel shall estimate the projected ground water demand for the commercial activities to the satisfaction of Washoe County.
- 2) Adequate ground water rights per the estimate in item # 1 shall be transferred to an appropriate ground water well on the parcel associated with this application. Transfer of these water rights requires filing of applications with the Nevada State Engineer.
- 3) The application indicates possible appurtenant surface water rights from Steamboat Creek associated with this parcel of land. These surface water rights may be utilized in conjunction with the ground water rights in item # 1 above, when available and for appropriate non-potable uses such as dust control, and watering of nursery stock.
- 4) The water rights shall be in conformance with article 422 of the Washoe County development code and subject to dedication requirement as described under said code, and in conformance with the South Valleys Area Plan.



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

**901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>**

September 8, 2017

RE: Comments on Special Use Permit WSUP17-0014

To: Kelly Mullin
Washoe County Community Services Department
1001 East Ninth Street, Building A
Reno, NV 89512

Name: Gail Willey Landscaping and Color Rock Operation

County: Washoe County – U. S. Highway 395 South and Andrew Lane

Location: A portion of Sections 4 and 5, Township 17 North, Range 20, East, MDB&M.

Plat: Tentative: One (1) lot totaling approximately 35.90 acres and being Washoe County Assessor's Parcel Number 017-430-01.

**Water Service
Commitment**

Allocation: No water is committed at this time.

**Owner-
Developer:** Willey Land, LLC
P. O. Box 18789
Reno, NV 89511

Engineer: Garreh Gordon, Esq.
50 West Liberty Street #410
Reno, NV 89501

**Water
Supply:** None

General: There is one active water right for irrigation purposes appurtenant to the described lands in this proposed project being Permit 2559 in the name of J. S. Lyon and H. C. Nelson. There is a domestic well located on the property. Pursuant to NRS 534.350 (8) As used in this section: (a) "Domestic Well" means a well used for culinary and household purposes in: (1) A single-family dwelling; and (2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including the watering of a garden, lawn and domestic animals and where the draught does not exceed 2 acre-feet per year. The lands of the proposed project lie within the Truckee Meadows Water Authority service area. Any water used on the described lands for commercial purposes should be provided by an established utility or under permit issued by the State Engineer's Office.

All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.

Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).

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

Action: No action is required at this time.

Best regards,

Steve Shell

Steve Shell
Water Resource Specialist II



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: August 31, 2017
TO: Kelly Mullin, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **WSUP17-0014**
APN 017-430-01
GAIL WILLEY

I have reviewed the referenced special use permit and have the following conditions:

1. 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.
2. The owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The owner/applicant shall complete and submit the Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and Inspection Fee prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
4. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
5. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
6. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
7. Driveway locations shall conform to NDOT requirements and Washoe County Code Article 436 for commercial driveways.

WSUP17-0014
EXHIBIT B

8. 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.
9. A 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.
10. Any increase in storm water runoff resulting from the development of the site shall be detained on site to the satisfaction of the County Engineer.
11. A hydraulic analysis of the proposed main entry crossing of Steamboat Creek shall be prepared by a registered engineer shall be submitted to FEMA for review and approval. The report shall demonstrate that there will be no adverse effects to upstream and downstream properties after construction of the crossing of Steamboat Creek.
12. The FEMA 100-year floodplain and floodway shall appear on the site and/or grading plan to the satisfaction of the County Engineer. Building permits for structures and any grading in these areas shall be in conformance with the Washoe County Code Article 416.
13. Prior to the issuance of a grading or site permit the owner shall obtain a permit from the Army Corps of Engineers (COE) for any work within the wetlands/waters of the U.S., or a letter from the COE indicating that a permit is not required. If the COE requires the preparation of wetlands delineation map a copy shall be provided to the County Engineer. A copy of the permit or permit not required letter shall be submitted to the County Engineer.
14. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
15. Prior to issuance of a grading permit or site permit, an approval letter from the Big Ditch shall be submitted to the County Engineer.

LRV/lrv



STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

District II
310 Galletti Way
Sparks, Nevada 89431
(775) 834-8300 FAX (775) 834-8319

September 6, 2017

BRIAN SANDOVAL
Governor

RUDY MALFABON, P.E., Director

Washoe County
Planning and Development Division
P.O. Box 11130
Reno, NV 89520-0027

WSUP17-0014
Gail Willey
Landscaping/Color Rock US 395

Attention: Ms. Kelly Mullin, Planner

Dear Ms. Mullin:

Nevada Department of Transportation (NDOT), District II has reviewed the request to approve the business operation of Gail Willey Landscaping and Color Rock/wholesale nursery. District has the following comments:

1. Existing occupancy permits are personal; however, the upkeep and repair responsibilities shall transfer to the property owner's successor. Actual work being performed in the NDOT Right-of-Way is cannot be transferred without prior written approval from NDOT. If the property changes use, the new property owner will need to apply for a new occupancy permit for access to the state highway.
2. For any non-permanent activities or temporary traffic control such as placement of cones, static signs, and portable electronic signs within NDOT Right-of-Way will require a temporary permit. Please submit temporary permit applications at least 4 weeks prior to the scheduled activity or work. Contact the Permit Office for more information.
3. Prior to any grading adjacent to NDOT Right-of-Way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. Please contact the Permit Office at (775) 834-8330 for more information.
 - a. A Drainage Report shall be submitted for any development or construction that impacts flow to or within NDOT Right-of-Way.
 - b. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.
 - c. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following:
 - Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
 - Include FEMA flood maps pertaining to the proposed project location.

- Include construction plans or any other supporting documentation.
4. Applicant is responsible for mitigating any project site drainage within the property. Drainage facilities within NDOT Right-of-Way is not recommended. Any proposal with facilities within the NDOT Right-of-Way will require a license or lease.
 5. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near a highway or on bridge.
 6. Signs for advertising will not be allowed within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near highway or on bridge. Please ensure sign base, post and sign edge is outside of NDOT Right-of-Way.
 7. The property owner must provide adequate parking on the property or in the vicinity. NDOT does not issue permits for long term parking for business use. If needed, NDOT will post NO PARKING signs to mitigate any parking concerns. NDOT recommends not depending on State Right-of-Way to accommodate parking.
 8. NDOT will require a traffic study for this project. The traffic study shall quantify the number of trucks (triple, doubles, etc.) to determine a suitable driveway configuration and the need for deceleration and acceleration lanes, if applicable.
 9. The applicant shall need to coordinate with the Army Corps of Engineers and/or Coast Guard regarding any permits associated with the bridge over Steamboat Creek. Based on the proposed public use of the bridge for a commercial business, the bridge will be governed by NRS 403 – County Roads, Highways and Bridges.
 10. For public safety, direct access onto US 395A shall include a cattle guard that meets NDOT Standards. Any further emergency access shall be gated. Fencing along roadway frontage and property shall be maintained.
 11. The state defers to municipal government for land use development decisions. Public involvement for Development related improvements within the NDOT Right-of-Way should be considered during the municipal land use development public involvement process. Significant public improvements within the NDOT Right-of-Way developed after the municipal land use development public involvement process may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.
 12. No other comments at this time.

Additionally, NDOT reserves the right to incorporate further changes and/or comments as the design review advances. I look forward to working with you and your team and completing a successful project. Please feel free to contact me at (775)834-8300, if you have any further questions or comments.

Sincerely,

DocuSigned by:

DC6D2FB6D946439...

09/07/2017

Jae Pullen, PE, PTOE
District II Engineering Services

JEP/rmo

cc: Thor Dyson, NDOT District Engineer
Richard Oujevolk, NDOT District Traffic
Kelly Mullin, WACO Community Services
File

A blue rectangular box with rounded corners, containing the handwritten initials "TD" in black ink. The letters "DS" are printed in small black font in the top right corner of the box.

09/07/2017



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

September 5, 2017

FR: Chrono/PL 183-17

Ms. Kelly Mullin, Planner
Community Services Department
Washoe County
PO Box 11130
Reno, NV 89520

RE: WSUP17-0014 (Gail Willey)

Dear Ms. Mullin,

The RTC has reviewed this request to approve the business operation of Gail Willey Landscaping and Color Rock, a wholesale nursery facility. This project is located at 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395.

The Regional Transportation Plan (RTP) identifies south Virginia Street as an arterial with high-access control. To maintain arterial capacity, the following RTP access control management standards should be maintained.

Access Management Standards-Arterials¹ and Collectors							
Access Management Class	Posted Speeds	Signals Per Mile and Spacing ²	Median Type	Left From Major Street? (Spacing from signal)	Left From Minor Street or Driveway?	Right Decel Lanes at Driveways?	Driveway Spacing ³
High Access Control	45-55 mph	2 or less Minimum spacing 2350 feet	Raised w/channelized turn pockets	Yes 750 ft. minimum	Only at signalized locations	Yes ⁴	250 ft./500 ft.

¹ On-street parking shall not be allowed on any new arterials. Elimination of existing on-street parking shall be considered a priority for major and minor arterials operating at or below the policy level of service.

² Minimum signal spacing is for planning purposes only; additional analysis must be made of proposed new signals in the context of planned signalized intersections, and other relevant factors impacting corridor level of service.

³ Minimum spacing from signalized intersections/spacing other driveways.

⁴ If there are more than 30 inbound, right-turn movements during the peak-hour.

The policy Level of Service (LOS) standard for South Virginia Street is LOS D. Policy LOS for intersections shall be designed to provide a level of service consistent with maintaining the policy level of service of the intersecting corridor. This project should be required to meet all the conditions necessary to complete road improvements to maintain policy LOS standards.

The Traffic Report submitted with the application identifies access to the site off South Virginia Street approximately 800 feet south of Andrew Lane. The study identifies a left turn lane/deceleration pocket will be required for southbound Virginia Street at the project driveway per NDOT Access Management System and Standards.

The RTP, the RTC Bicycle/Pedestrian Master Plan and the Nevada Department of Transportation Pedestrian Safety Action Plan, all indicate that new development and re-development will be encouraged to construct pedestrian and bicycle facilities, internal and/or adjacent to the development, within the regional road system. Also, these plans recommend that the applicant be required to design and construct any sidewalks along the frontage of the property in conformance with the stated ADA specifications.

Thank you for the opportunity to comment on this application. Please feel free to contact me at 332-0174 if you have any questions or comments.

Sincerely,



Rebecca Kapuler
Planner

RK/jm

Copies: Mojra Hauenstein, Washoe County Community Services
Roger Pelham, Washoe County Community Services
Kelly Mullin, Washoe County Community Services
Julee Olander, Washoe County Community Services
Jae Pullen, Nevada Department of Transportation, District II
Daniel Doenges, Regional Transportation Commission
Tina Wu, Regional Transportation Commission
Mark Maloney, Regional Transportation Commission
Julie Masterpool, Regional Transportation Commission
David Jickling, Regional Transportation Commission

/470 Gail Willey



Washoe County
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects
MEMORANDUM

To: Kelly Mullin, Planner
From: Clara Lawson, PE, PTOE, Licensed Engineer
CC: Kristine Klein, PE, Senior Engineer
Leo Vesely, PE, Licensed Engineer
Date: September 1, 2017
Re: WSUP17-0014 - Color Rock on 395

Here are my conditions of approval

- Provide truck turning radius for on-site vehicle turn around
- Provide left turn pocket according to Traffic Works report and NDOT approval.
- Provide right turn access according to NDOT approval
- Prevent wild horse access along 395 and property frontage. An acceptable example would be fencing along 395 and a cattle guard on the private driveway.

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

September 12, 2017

Kelly Mullin, Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: Gail Willey; APN 017-430-01
Special Use Permit; WSUP17-0014

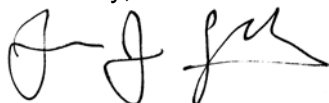
Dear Ms. Mullin:

The Washoe County Health District, Environmental Health Services Division (WCHD) has reviewed the above referenced project. Approval by the WCHD is subject to the following conditions:

1. The WCHD has reviewed the above proposed special use permit and has the following comments and requirements:
 - a. The proposed use will require approval for Commercial Onsite Sewage Disposal Systems through the State of Nevada NDEP. The approved plans must be submitted with all proposed building plans to ensure all site plans match for the approved primary septic area and the approved repair area.
 - b. The development of this parcel with the proposed number of parking places, buildings, offices, and operations will likely require that this parcel become a permitted public water system.
 - i. Based on the number of daily trips this would be classified as a transient public water system.
 - ii. The applicant is required to submit a Water Project directly to WCHD for review and approval. All proposed infrastructure must be included and identified on the civil sets in order to obtain approval from WCHD.
 - c. All storage of materials must be in compliance with the WCHD Regulations Governing Solid Waste Management.

If you have any questions or would like clarification regarding the foregoing, please contact Wes Rubio, Senior Environmental Health Specialist at wrubio@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Waste Management/Land Development Programs

JE:wr

From: Patrick Mohn
To: [Mullin, Kelly](#)
Cc: [Fagan, Donna](#)
Subject: NDEP Review SUP Case WSUP17-0014 Gail Willey
Date: Monday, August 21, 2017 3:19:11 PM

Kelly,

I've reviewed the proposed project. The submittal indicated the method of sewage disposal as septic, which the SUP application claimed is already approved. Before granting the SUP, I would recommend that Washoe County obtain verification from the applicant that they have a valid permit to operate the commercial septic system for the landscaping business. It would either be a permit issued by Washoe County or Nevada as an OSDS General Permit.

The heart of the SUP is the construction of a bridge across Steamboat Creek. Prior to approval of the SUP, I would recommend that Washoe County obtain proof from the applicant that they have obtained the necessary State and Federal permit for the construction and improvements at Steamboat Creek. At the minimum, will probably need both Construction Stormwater and an NDEP Temporary Working in Waterways permit.

These are all the comments I have at this point.

Regards,

Pat



Patrick A. Mohn, M.Sc., P.E.
UIC Compliance Coordinator
Bureau of Water Pollution Control (BWPC)
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701
p: 775.687.9419 fax: 775.687.4684
pmohn@ndep.nv.gov

From: Park, Aaron C CIV USARMY CESPK (US)
To: [Mullin, Kelly](#)
Subject: RE: August Agency Review Memo
Date: Monday, August 21, 2017 1:50:18 PM

I am currently reviewing a jurisdictional determination request for the Gail Willey Landscaping project (APN 017-430-01). I have also had a pre-application meeting with the applicant's agents regarding information needed for a complete permit application. It is my understanding that the applicant is performing a cultural/historic property survey to submit with the permit application. The applicant's agent described a tentative project to relocate steamboat creek for "flood mitigation" that would also result in more usable land for the proposed business. Please contact me with any questions about this project.

Aaron Park
Project Manager
US Army Corps of Engineers, Sacramento District
Reno Regulatory Field Office
300 Booth Street, Room 3050
Reno, Nevada 89509-1361
(775) 784-5305

To: The Board of Adjustments

Re: Special Use Permit Case no. WSUP17-0014 (Gail Willey)
Application of Gail Willey to allow operations for Wholesaling, Storage, and Distribution, a **Heavy Industrial** use, in General Rural (GR) Regulatory Zone.

Please take a few minutes of your day to read this letter regarding a topic of vital concern to all South Valley County residents. My name is Delia Greenhalgh and I have lived at 140 Andrew Lane, Steamboat Valley for 43 years. I have served on the Pleasant/Steamboat Valley Landowners Board over 20 years and have worked many hours/evenings with our residents and county working on our South Valleys Area Master Plan. I also have served as Secretary/Treasurer of the Big Ditch Company and I have observed all development that has occurred in our area during that time.

My property adjoins Gail Willey's property. I attended the Planning Commission meeting on April 4, 2017, where the Planning Commission denied his application to amend the Development Code to allow Wholesaling, Storage, and Distribution, **classified as a Heavy Industrial use**, in General Rural (GR) Regulatory Zones with a Board of Adjustment Special Use Permit. Mr Willey intends to conduct storage, wholesale and retail sales of stone and rock (Color Rock) on his property. Since the initial adoption of the Development Code, this specific heavy industrial use has been limited to the Industrial Regulatory Zone, and never allowed in a General Rural Zone, even with a Special Use Permit. **All four findings of fact** that the Planning Commission addressed were found not to support the proposed Development Code amendment. Mr. Willey's Color Rock business was **DENIED** by the County Commissioners then in office in 1998. The proposed use was a bad idea then, and it is even worse now because of additional residential development in close proximity. At the South Valleys CAB meeting Sept. 14, 2017 it was denied by all Board Members. The CAB members indicated that this type of land use was inappropriate for the location. They also stated that this Industrial Business would be built in a **FLOOD PLAIN** and that hearing about all the flooding problems in Lemmon Valley and Houston, Texas, again it would be inappropriate to build in a FEMA Flood Zone.

Mr. Willey owns 35 acres. Only approximately 7 acres of that parcel are suitable for the proposed use. I urge each Board of Adjustment member to come out and view this property. Approximately 2/3 of the 35 acres is unusable because both Steamboat Creek and the Big Ditch traverse the lot. It is in a Flood Plain, and it has a steep hillside slope along the entire southeast boundary. You need to look at how small an area is really workable. We are not opposed to having a tree farm and nursery on that site, but are very much opposed to a rock and stone (Heavy Industrial) business being allowed on a non-conforming General Rural parcel. The trees and bushes are minor, I feel that it is a window dressing for his heavy rock and gravel business. We have cattle and horses on both sides of this property, and the predominant nearby development over the last 25 years has been residential. Why make this change for one individual business owner.

Even with a Special Use Permit, there is absolutely no way that this heavy industrial use can be conditioned to make it compatible with surrounding development and land use in a GR zone, in our South Valley area. With the proliferation of non-conforming GR parcels during past and recent years, allowing this type of use could have disastrous consequences. The heavy industrial activities proposed are an extremely intensive and intrusive land use. In their application they stated that they will be making 312 trips a day. Imagine single dump truck,

double and triple tractor-trailer rock/stone deliveries, and heavy equipment use required to store and re-load rocks/stone for delivery and sale. The unavoidable noise, air pollution from dust and diesel fumes, and traffic hazards simply cannot be mitigated with conditions.

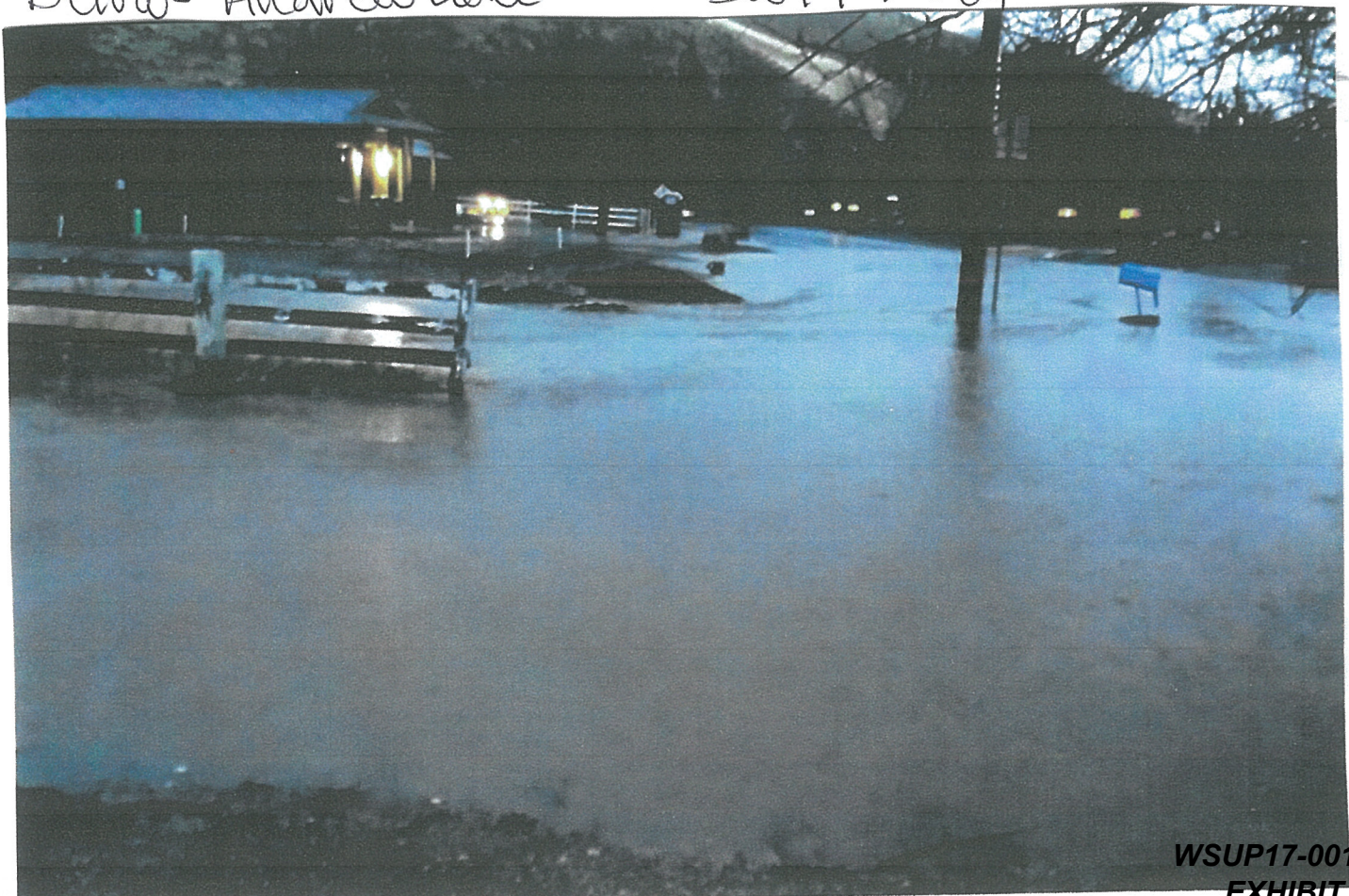
Steamboat/Pleasant Valley is the link between the Mr Rose Highway and Washoe Valley Scenic Corridor. I am at a loss as to why anyone would think this would be a good fit for our area or any GR zoning area. You have supported our General Rural way of life in the past, please don't disregard years and years of sound and established precedent to make a change to appease only one individual. I urge you to revisit all industrial uses now allowed in GR zones, with special use permits, many of which are entirely dependent on availability of natural resources. Your vote will affect all County and South Valley residents, please consider our concerns. Enclosed are a few photo's of just many of the **FLOODS** that we have gone through over the past years. In the winter of 2016 & 2017 Steamboat/Pleasant & Washoe Valley had severe flooding. Thank You Delia Greenhalgh *Delia Greenhalgh*



2017 Flood Looking up at Coail Wilkey's property from Andrew Lane



Above- Looking South to Cecil Wilkey's Property
Below- Andrew Lane 2017 Flood





1996 Flood

Galena Creek near Andrew Lane also called Steamboat Cree



Coil Willey property, Bridge is proposed
just South West, 1996 Flood

WSUP17-0014
EXHIBIT C



140 Andrew Lane Below and Adjoining the
Coil Willey Property



Looking Up
the Canyon
From 140
Andrew Lane
to Coil
Willey's
Property.

Flood of 1996

To The Board of Adjustment,

It has been brought to my attention that Gail Wiley is seeking a Special Use Permit. I do not trust what he says because of his dishonesty in the past. He went door to door in our community previously and assured us that he would just have a tree farm. The county commissioners denied his color rock business. He planted a few trees then started bringing in rock disregarding what he told us.

I am asking that you deny this permit. The Planning Commission denied his Zoning Ordinance Change in April of this year. I think a rock business would be very hazardous to our community.

Thank you,

A handwritten signature in cursive script that reads "Luanne Konrath".

Luanne Konrath

To: The Board of Adjustment

RE: Gail Willey's property request change on Hwy 395 South thru Pleasant Valley area

My name is Irene Hagblom. I live on Eaton Rd in Pleasant Valley and have lived here for 27 years. I can look out my back window and see the property Gail Willey wants to put his Color Rock business at.

Gail Willey, owner of Color Rock, is asking for an amendment to the Development Code to allow wholesale, storage, bulk sale and distribution in all of the County's General Rural zoning areas. This type of use is classified as Heavy industrial and is currently restricted to Industrial Regulatory zoning areas. This is not allowed in General Rural areas. I attended the Citizens Advisory Board meeting on September 14, 2017 for a Special Permit hearing for this zoning change. It was denied.

My concerns are:


This particular area is a flood plain.

Hwy 395 runs north and south, 2 lanes in each direction with a bike lane in each direction. The speed limit is 50 mph. Some vehicles tend to go faster. In this particular, by Andrew Lane there is a curve in the highway. There is a stop light at Mt. Rose Hwy intersection and no other stoplight until you get to Carson City, NV. This area of Hwy 395 is also used a lot by bicyclists. There are also school busses running on Hwy 395 for the elementary school, middle school and high school for this area. **THIS IS NOT AN AREA FOR GAIL WILLEY'S COLOR ROCK BUSINESS.** They should be rightfully restricted to industrial areas.

This business would also be noise, cause dust, diesel fumes, pollution from the rock dust to the creeks/air and traffic accidents.

Please keep this area as General Rural .

Thank you.


Irene Hagblom

Dear Washoe County Board of Adjustments Member,

I am a concerned resident of 165 Andrew Lane and the Vice President of The Big Ditch Water Co. I am writing you to ask respectfully that you deny the requests of Mr. Wiley to convert his property on Andrew Lane to Industrial zoning in order to allow his rock yard to be established. The effects of approving this request carry short term and long term negative impacts for every resident of Pleasant Valley, the South Reno Area, and all of the lands nearby Truckee Meadows Watersheds. Photos have also been attached for your convenience to show indications of what Mr. Wiley's operation will become as they are of his current auxiliary rock yard.

The vast majority (about 30 acres out of a total of 38 acres) of Mr. Wiley's property are inside the FEMA 10-year flood zone and unsuitable for industrial use. Harmful chemicals and metals used in the coloring of decorative rock will be at risk of being washed into Steamboat Creek every rainfall and as seen this past (2017) winter and spring, this creek has flooded to 'Major Flood Stage' several times impacting the roadways and homes in the area. Furthermore, access to this property is solely off of Andrew Lane; a narrow and undivided county road that must cross over a small bridge which the Steamboat Creek runs underneath. Our road is not wide enough or intended for such heavy weighted use. Moreover, school buses stop directly in front of Mr. Wiley's access road 4 times per day with children who then walk to various homes up and down Andrew Lane where there is no sidewalk. Finally, Andrew Lane is a small, poorly marked and uncontrolled street that merges onto a 4-lane highway with a history of fatal car accidents and the potential for many more incidents if approved to move forward as Mr. Wiley wishes.

Mr. Wiley projects upwards of 312 trips per day of vehicle traffic onto this property per his proposal for special use. That amounts to 13 vehicles per hour (12hr day). Color Rock trucks and the associated heavy equipment pose a huge risk to residents especially the children who live and play in the area. Their trucks are oversized and will cause accelerated wear and tear on the roadway (see attached photo 'Truck on Andrew Lane'). Andrew Lane is already in the process of placing traffic calming devices to deal with high traffic and speeding issues. The consistent speeding issue that is ever present compounded by low visibility on Andrew Lane are cause enough to deny his request.

Several months ago, Mr. Wiley attempted his rezoning with the promise of only using the land for a tree farm. This is now proven to be a thinly veiled cover for him to establish a rock yard. His true intent is to bring heavy equipment that will undoubtedly cause noise and air pollution to our small clean neighborhood not to mention, again, the risk that it poses to the families and children who live in this community. To show more evidence to deny Mr. Wiley's request, a large group of properties on Andrew Lane and off of Steamboat Creek irrigate from waters that come from the area of Mr. Wiley's property and proposed plans. If Mr. Wiley's plans are endorsed, multiple rock bins, parking places, and a non-permeable driveway will inhibit natural ground saturation and provide an uncontrolled path for contaminated water to enter our irrigation network. If allowed, this will correspondingly pollute our irrigation water, ground water, and the air quality for hundreds of residents. Is the water that we drink and air that we breathe not important enough to be clean and untainted by unwelcome fallout of industrial waste?

In closing and as you may know, Mr. Wiley attempted this effort of rezoning nearly 20 years ago without success and last fall he attempted to create a county wide measure to allow heavy industrial zoning to general rural areas that also did not come to fruition. He did this all the while circumnavigating his duty to inform neighborhood residents of his intentions and sneak his proposal into action. And now again, Mr. Wiley is working to have special accommodations made to benefit his private business at the expense of hundreds of residents and an entire neighborhood. Please take into consideration the denial of Mr. Wiley's proposal and think about the proximity to the vital Truckee Meadows Watershed, inadequate road and lighting infrastructure, heavy residential traffic, and highway access safety concerns as your primary reasons for denying Mr. Wiley the request to change zoning of this property. It should also not be forgotten that wildlife, habitat destruction, noise, light, and dust pollution are of concern but the complete disregard that Mr. Wiley has for the planning commission master plan is fundamentally wrong and is moral reason enough to deny his request. The short and long-term repercussions of approving this request will most certainly lead to poorly controlled industrialization of our rural communities, a cause for trepidation for our health and that of our children, and an overall devastation of our master plan community model that we treasure and will continue to fight for.

With Earnest Regard,



Jeff Cates and Family
165 Andrew Lane
Reno, NV 89521

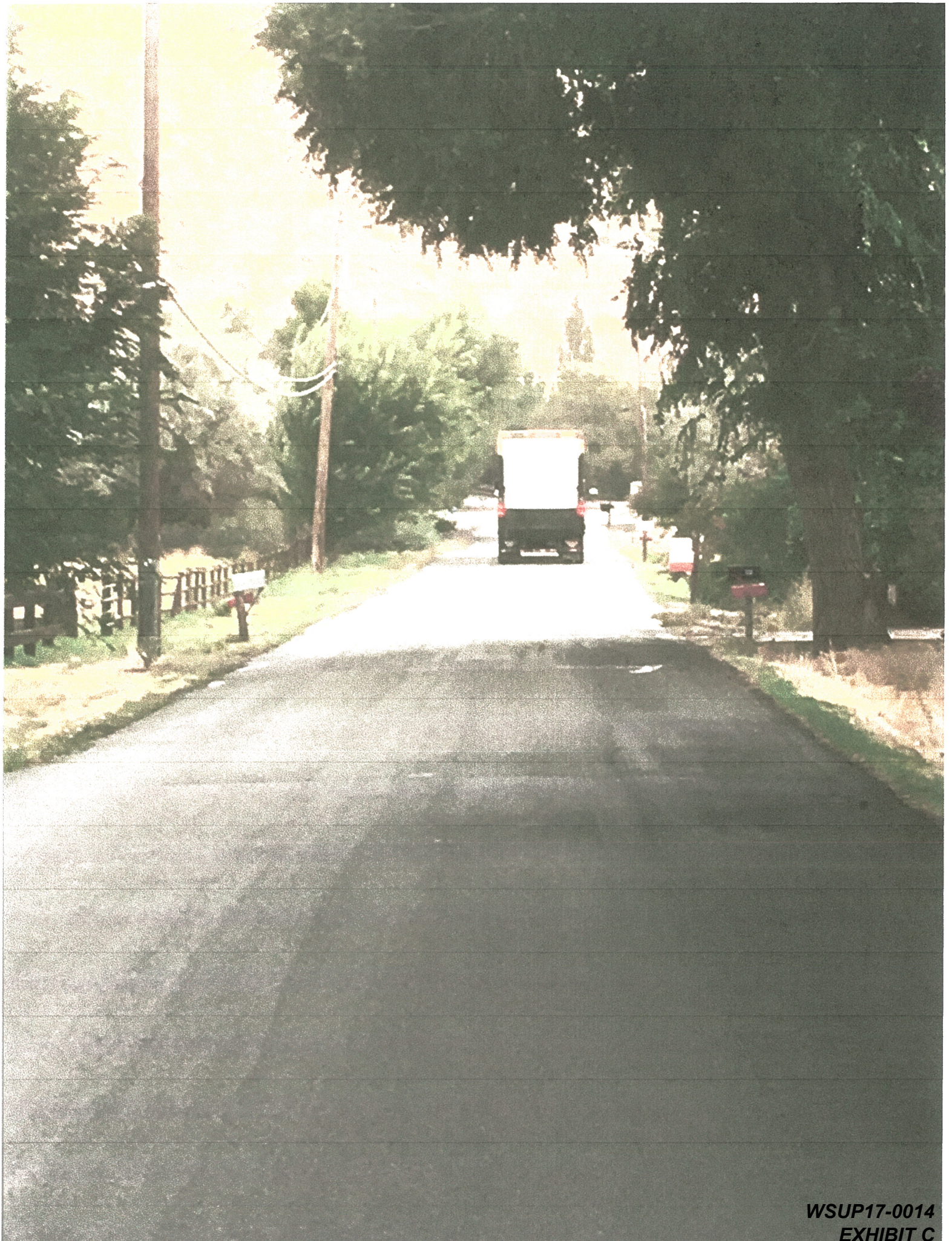


WSUP17-0014
EXHIBIT C









WSUP17-0014
EXHIBIT C

September 15, 2017

Hello Kelly,

Please add my name for the record as being in opposition to allowing Gail Willey Landscape to move his landscaping business and rockery operations to the Steamboat Valley on US 395.

I have lived in the valley for 24 years and, as mentioned by others at the meeting, the draw for myself and many others is the peace, quiet, beauty and serenity it affords its residents. If Gail Willey Landscape had been doing a tree farm only, (as was presented to me by one of his legal advisors earlier this summer while I was working at the building counter) I would not object.

However, the rockery operation is too extreme in nature, scope and visual effect for the serene setting that is Pleasant Valley / Steamboat Valley.

I am very concerned by the fact that there were no traffic studies done, or required, during inclement weather, when traffic is heaviest due to driver aversion of I-580, that fact that Andrew Lane is a bus route, and the impact to those residents in immediate proximity to Mr. Willey's property. The noise, smells, dust, etc. would greatly diminish their standard of living as well as their property values.

Thanks for the opportunity to add my concerns.

Stephanie Racy-McIntyre
19715 Paddlewheel Lane
Reno NV 89521

From: Laurie Smith
To: [Mullin, Kelly](#)
Subject: Gail Willey Special Use Case
Date: Saturday, September 16, 2017 9:30:08 AM

My husband, Ed and my self totally disapprove of this Special Use Permit requested by Gail Willey. The added noise, air pollution, traffic congestion, and disruption of the Steamboat Creek to name a few, will disrupt the peaceful, rural, residential valley that now exists. The area he has is on a current flood plain and cannot support the huge gravel/rock trucks that he will be using.

Please, drive through his present business location to see what he wants to build in our area. Then, drive through our residential valley and visualize how disruptive this will be. The business should be located in some commercial/industrial area, not this valley.

Thank you,
Ed and Laurie Smith
505 Rhodes Rd.

From: Gil Grieve
To: [Mullin, Kelly](#)
Subject: heavy industrial
Date: Tuesday, September 19, 2017 3:14:44 PM

To whom it concerns. Heavy industrial [color rock company] would be a challenge to this area due to the damage it would do to the existing roadway [heavy trucks big loads destroy road base and asphalt] the safety issues at the bottom of Washoe hill road Xing, the traffic and congestion could be quite heave, if a control light were to be put in to control traffic the down slope headed north on adverse weather days could be quite interesting stopping on that hill [much like arrow creek parkway], and don't forget the rock damage and broken windshields to all the vehicles on the existing road ways in pleasant valley. The reason I mention the challenges is the north valleys face and are still facing due to the rock quarry on pyramid highway. Same with golden valley rock quarry. I believe the area wasn't master planned for heavy industry such as mining and rock removal from a residential area such as pleasant valley steamboat corridor. Thanks for letting the citizens of the south valleys area have a voice in your decision sincerely Gilbert Grieve 155 cottontail In Washoe valley NV. 89704

From: Valerie Grieve
To: [Mullin, Kelly](#)
Subject: Color Rock
Date: Tuesday, September 19, 2017 12:27:15 PM

Hello!

I (we) have lived in Washoe Valley for 22 years next month. The thought of Color Rock and the trucks that would be involved just shakes us to our core. This is not the reason we built our house in a rural community. Please, please do not allow any change in the code to allow industrial in our residential communities. Thank you so much!

Respectfully,
Gilbert and Valerie Grieve
155 Cottontail Lane
Washoe Valley, NV 89704
775 849 9688

09/14/17

Citizens Advisory Board,

Gail Wiley is up to his same old tricks. He has said in the past that he wants to be a good neighbor, but he has proven that he is anything but that. He has lied in the past about what his true intentions were when he told everyone that he only wanted to have nursery, but tried to move in large industrial rock without proper permits. We as neighbors were able to stop this from happening. Earlier this year Mr. Wiley tried to sneak a county wide ordinance change past everyone so that he could have his large industrial rock yard in a rural area. This was stopped because he was not completely truthful with the county planning commission and we as neighbors were able to prevent this from happening and having a ripple effect across the entire county affecting not only our valley but all of Washoe County. I cannot imagine a industrial wholesale rock yard in this valley. A business that is proposing to have up to 60 rock bins that are roughly 20'x40' with trucks picking up and dropping off rocks and other landscape material. Growth is important to all of Washoe County, allowing this type of business is not what this area needs. Growth in the south valley area should be more open space with beautiful homes on large lots were people have the ability to have livestock and not have large trucks, dust and noise associated with any industrial whole sale rock yard. I know that Mr. Wiley promises they will keep the dust down, having 60-100 trucks a day weather large or small would require a large amount of water. The amount of water required to achieve this is a large amount and I would like to know where he plans on getting this water when his water rights for the property are for agricultural use only. Please take into consideration not only the impact that approving this industrial rock yard in south valley will have but also the ripple effect it can have on the entire county. A wholesale tree nursesey would be a good fit not a rock yard. Gail Wiley is not a good neighbor.

Thank you
Jenny Ramsdell
1975 Paddlewheel Lane
Reno, NV 89521



REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD

Agenda Item: _____ Date: 14 Sep 2017

Name: Jerome Fritz

Address (optional): 17995 S Virginia St

Phone (optional): (775) 737-1649

E-mail (optional): JeromeFritz@yahoo.com

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

I live at 17995 S Virginia St right across
the road almost from where there driveway
is at. On windy days the trucks are redriated
past my home, and it always makes sounds
and ~~shakes~~ ~~shakes~~ shakes the house.
I know that increased large truck traffic
will cause this on a daily basis.

Where they showed the buffer that
they are going to put up. It does not
buffer my home, please don't let this
happen.

When submitted, this document becomes part of the public record and is
available for public review.



REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD

Agenda Item: 7-A Date: 9-14-17

Name: Ed + Laurie Smith

Address (optional): 505 Rhodes Rd

Phone (optional): 849-0496

E-mail (optional): _____

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

This development is not one that should be
in this peaceful valley. where it is located now
on S. Virginia is a commercial area + that is where
it should be.

(loading of trucks)
Added traffic, noise + pollution (dust + diesel fumes)
will be a detriment to the Steamboat Valley.

The Steamboat Creek runs through this area + many
birds live in this area.

The trucks are big + noisy !! Backing up will cause the
usual "beep" and is very annoying + causes a long
distance!

The presentation stated that the "hill" would buffer the
noise; however, the trucks would be using Andrew Lane + it
is not buffered in any way!!!

When submitted, this document becomes part of the public record and is
available for public review.

Large trucks pulling onto the Hwy 395 + turn off to Andrew Lane could
be very dangerous. Traffic studies can't be accurate because trucks

sizes have not been accessing Andrew Lane.

The only positive thing I can say is the rocks won't float away when the area floods!!

Our master plan does not allow this type of development.

The Gail Willey current location is a total commercial area, very unlike the property of ~~Andrew Lane~~ Andrew Lane.

Please do not allow this to happen!



**REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD**

Agenda Item: 7.A. Date: 9/14/2017

Name: Susan Stephens

Address (optional): _____

Phone (optional): _____

E-mail (optional): _____

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

The current location of Mr. Willey's
business is in the city where
people choose to live near traffic,
noise and businesses. The people
in Steamboat, Pleasant Valley,
and Washoe Valley chose a quiet
rural area in which to live.

NOT A CITY! Industry belongs
in industrial areas. The noise
and pollution from trucks would
ruin their Pleasant Valley and
the rural character of the
community.

When submitted, this document becomes part of the public record and is available for public review.



REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD

Agenda Item: Fa Date: 9/14/2017

Name: Celine Cing

Address (optional): 17995 S. Virginia St.

Phone (optional): 775-223-5861

E-mail (optional): _____

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

- What will be done regarding noise level?
- What will be done to manage the flood plain?
- The area currently surrounding the Willey business is subject to high level of noises given the surrounding businesses + traffic. The area planned does not + therefore will not be a "non-issue".
- How about ecological study? → nearby protected habitat??

When submitted, this document becomes part of the public record and is available for public review.



**REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD**

Agenda Item: 7A Date: 9/14/17

Name: Robert Floyd

Address (optional): 180 Ox-yoke LN, Reno NV

Phone (optional): _____

E-mail (optional): _____

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

granting special use permits to industrial operations to operate in sensitive riparian areas situated in a neighborhood is a bad idea and will only open opportunities for other companies to invade.

This goes against the existing south valleys masterplan, which took years to devise and thousands of hours.

When submitted, this document becomes part of the public record and is available for public review.



**REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD**

Agenda Item: 7A Date: 9/14/2017

Name: Kimberly Olsen-Wilson

Address (optional): 180 Ox-Yoke Lane Reno NV 89521

Phone (optional): 916-769-9116

E-mail (optional): Kowodub@e Netscape.net

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

This proposal goes against the South Valley's
Master Plan. In addition, if one industrial
business is allowed into this area, there will be more
industrial businesses wanting to move to this area.

**When submitted, this document becomes part of the public record and is
available for public review.**



REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD

Agenda Item: 7A Date: 9-14-17

Name: Cindy Stephens

Address (optional): 1355 ESTRIKE BLVD Washoe Valley

Phone (optional): 775-813-2210 NV 89704

E-mail (optional): CPRICESTEPHENS58@gmail.com

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

As a life-long resident of Washoe Valley I am STRONGLY opposed to this.

We live in a rural area for a reason.

This request does not meet with the plan of our area

60 PARKING SPOTS?? YIKES

6 Buildings YIKES

Big Trucks - YIKES

When submitted, this document becomes part of the public record and is available for public review.



**REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD**

Agenda Item: 7A - WSUP17-0014 Date: 9/14/17

Name: MARVEN & DONA JEPSON

Address (optional): 20845 EATON Rd.

Phone (optional): _____

E-mail (optional): DON@ROGUEWORKS.NET

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

OPPOSED TO NOISE, AIR QUALITY, IMPACTS TO
FLOOD PLAIN, TRAFFIC, WATER QUALITY, & QUALITY
OF LIFE.

PROJECT SHOULD BE DENIED AS ALLOWED
BY WCC 110.

When submitted, this document becomes part of the public record and is available for public review.



**REQUEST TO SPEAK and/or
SUBMIT COMMENTS FOR THE RECORD**

Agenda Item: 7A Date: 8/24/17

Name: Gary Hawk

Address (optional): _____

Phone (optional): _____

E-mail (optional): _____

In Favor In Opposition I am officially representing a group of citizens
(Please provide name of group below.)

I wish to speak. I do not wish to speak.
(Please include my written comments in the public record.)

Washoe Valley Alliance

Request 6:00pm @ Planning Commission

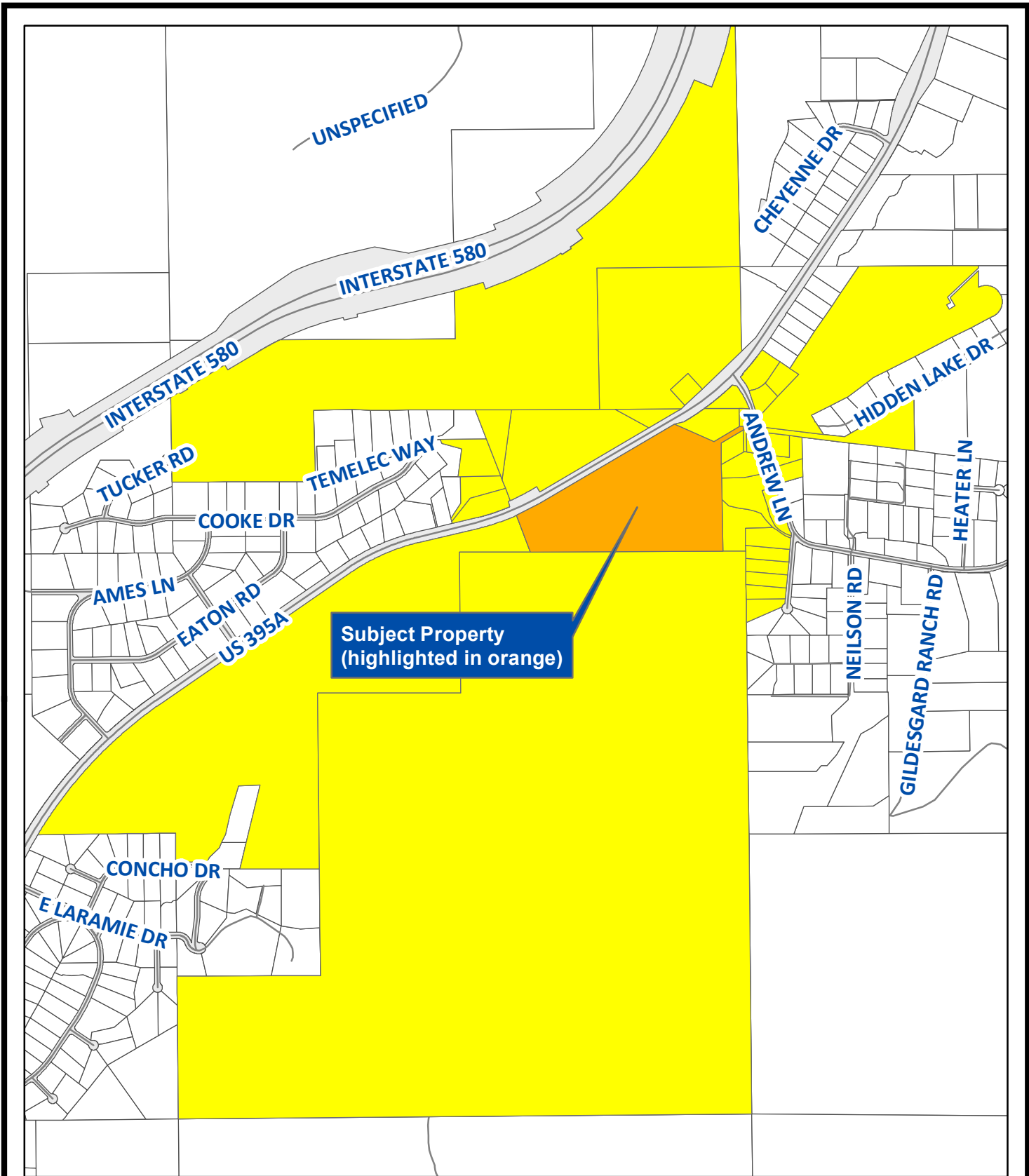
When submitted, this document becomes part of the public record and is available for public review.



Triple transfer



Grapple

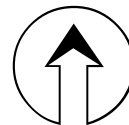


Subject Property
(highlighted in orange)

Public Notice Map
Special Use Permit Case Number WSUP17-0014
 (Gail Willey)

*Provided with notice: 31 owners of 37 parcels
 within a distance of 500 feet of the project site.*

Source: Planning and Building Division



0 250 500 1,000
 Feet

Date: August 18, 2017

**Community Services
 Department**

**WASHOE COUNTY
 NEVADA**

Post Office Box 11130
 Reno, Nevada 89520 (775) 328-3600

WSUP17-0014

EXHIBIT D

ORIGINAL

Community Services Department

Planning and Development

SPECIAL USE PERMIT

(see page 5)

SPECIAL USE PERMIT FOR GRADING

(see page 11)

SPECIAL USE PERMIT FOR STABLES

(see page 16)

APPLICATION



ATTN: MOJRA HAUENSTEIN

Community Services Department
Planning and Development
1001 E. Ninth St., Bldg. A
Reno, NV 89520

Telephone: 775.328.3600

WSUP17-0014
EXHIBIT E

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: _____	
Project Name: GAIL WILLEY LANDSCAPING WHOLESALE NURSERY			
Project Description: WHOLESALE NURSERY FOR GAIL WILLEY LANDSCAPING AND COLOR ROCK OPERATIONS			
Project Address: 134 ANDREW LANE			
Project Area (acres or square feet): 35.903 ACRES			
Project Location (with point of reference to major cross streets AND area locator): U.S. HIGHWAY 395 AND ANDREW LANE			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
017-430-01	35.903		
Section(s)/Township/Range: see attached Assessor's Map			
Indicate any previous Washoe County approvals associated with this application: Case No.(s). SUP APPROVED APPROX. 18 YEARS AGO			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Willey Land, LLC		Name: GARRETT GORDON, ESQ.	
Address: PO BOX 18789		Address: 50 N. Liberty St. #416	
RENO, NV Zip: 89511		RENO, NV Zip: 89501	
Phone: 775-853-8733 Fax:		Phone: 775-321-3470 Fax:	
Email: john@gaillwilley.com		Email: ggordon@lrrc.com	
Cell: Other:		Cell: 775-762-6765 Other:	
Contact Person: GAIL Willey		Contact Person:	
Applicant/Developer: same		Other Persons to be Contacted:	
Name: SAME		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: WILLEY LAND, LLC

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
COUNTY OF WASHOE)

I, GARRETT GORDON, ATTORNEY-IN-FACT
(please print name)

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

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

Assessor Parcel Number(s): 017-430-01

Printed Name GARRETT GORDON

Signed [Signature]

Address 50 W. LIBERTY ST. #410

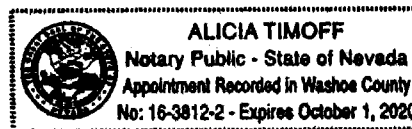
RENO, NV 89501

(Notary Stamp)

Subscribed and sworn to before me this 19 day of JUNE, 2017.

[Signature]
Notary Public in and for said county and state

My commission expires: OCT. 1, 2020



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

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



9825 South Virginia Street ~ P.O. Box 18789 ~ Reno, Nevada 89511

June 19, 2017

Washoe County Department of Planning
1001 E. Ninth Street
PO Box 11130
Reno, NV 89520-0027

Please allow the following individual to submit applications and sign for permits within the Washoe County building region on behalf of Willey Land LLC and Gail Willey Landscaping, Inc. as our attorney-in-fact.

Garrett D. Gordon
Partner
775.321.3420 office
775.321.5569 fax
ggordon@lrrc.com

Lewis Roca
ROTHGERBER CHRISTIE

Lewis Roca Rothgerber Christie LLP
50 West Liberty Street, Suite 410
Reno, Nevada 89501-1922
lrrc.com

Please contact my office should you require additional information.

Thank you,

A handwritten signature in black ink, appearing to read "Gail Willey", is written over a horizontal line.

Gail Willey
Owner
Gail Willey Landscaping, Inc.

Washoe County Treasurer
Tammi Davis

Washoe County Treasurer
P.O. Box 30039, Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2500
Email: tax@washocounty.us

Account Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information

Parcel ID	Status	Last Update
01743001	Active	6/19/2017 2:11:07 AM
Current Owner: WILEY LAND LLC PO BOX 18789 RENO, NV 89511		SITUS: 134 ANDREW LN WCTY NV
Taxing District	Geo CD:	
Legal Description		
SubdivisionName UNSPECIFIED Range 20 Township 17 Lot 4		

Tax Bill (Click on desired tax year for due dates and further details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2016	\$4,115.72	\$4,115.72	\$0.00	\$0.00	\$0.00
2015	\$4,112.50	\$4,112.50	\$0.00	\$0.00	\$0.00
2014	\$4,113.74	\$4,113.74	\$0.00	\$0.00	\$0.00
2013	\$4,112.94	\$4,112.94	\$0.00	\$0.00	\$0.00
2012	\$4,458.00	\$4,458.00	\$0.00	\$0.00	\$0.00
Total					\$0.00

Important Payment Information

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

Pay Online

No payment due for this account.

\$0.00

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845



The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washocounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to special use permits may be found in Article 810, Special Use Permits.

1. What is the type of project being requested?

A WHOLESALE NURSERY (Gail Willey Landscaping & Color Rock)

2. What currently developed portions of the property or existing structures are going to be used with this permit?

PROPERTY IS CURRENTLY UNDEVELOPED

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

NEW STRUCTURES: GAIL Willey Landscaping OFFICE (3600 SF)
COLOR ROCK OFFICE (1200 SF)
MAINTENANCE SHED (3200 SF)
ROADWAY: ASPHALT DRIVEWAY AND GRAVEL AREAS
UTILITIES: EXISTING POWER POLES ONSITE
SEWER: PREVIOUSLY APPROVED FOR ONSITE SEPTIC
WATER: ONSITE WELL HOUSE AND PUMP
PARKING: 60 SPACES (CUSTOMERS AND STAFF)

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

Project will be completed approximately 6-12 months
AFTER APPROVAL OF SPECIAL USE PERMIT.

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

Project is surrounded by PERMANENT OPEN SPACE,
STEAMBOAT CREEK/U.S. Highway 395 AND THE PROJECT'S
WHESEBY STOCK AREA WILL BUFFER THE RESIDENTIAL
properties to the NORTH.

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

PROJECT INCLUDES BEAUTIFICATION AND FLOOD CONTROL IMPROVEMENTS TO STEAMBOAT CREEK. CARDNO ENGINEERING IS CURRENTLY SEEKING STATE AND FEDERAL PERMITS FOR THIS WORK, WHICH ARE EXPECTED IN THE FALL.

PROPERTY OWNER WORKING WITH BIG DITCH COMPANY TO IMPROVE DITCH RUNNING THROUGH THE PROPERTY.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

NONE.

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the project special use permit to address community impacts:

- (1) HOURS OF OPERATION LIMITED TO 7:00AM TO 5:00PM ON MONDAY-FRIDAY, 8:00AM TO 2:00 PM ON SATURDAY AND CLOSED SUNDAY.
- (2) ANDREW LAKE IS EMERGENCY ACCESS ONLY.
- (3) COLOR ROCK OPERATIONS SHALL OCCUR ON SOUTHERN PORTION OF THE PROPERTY AS DEPICTED ON SITE PLAN.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

60 SPACES TOTAL AS SHOWN ON SITE PLAN.

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

TREES, BUSHES, PLANTS AND DECORATIVE ROCKS AND BARK AS USED IN CONJUNCTION WITH THE GAIL WILLEY LANDSCAPING AND COLOR ROCK BUSINESSES.

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

A SECURITY STREET LAMP WILL BE LOCATED AT EACH OF THE 3 STRUCTURES.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

13. Utilities:

a. Sewer Service	SEPTIC
b. Electrical Service	EXISTING POWER POLES
c. Telephone Service	EXISTING POWER POLES
d. LPG or Natural Gas Service	TSD
e. Solid Waste Disposal Service	TSD
f. Cable Television Service	TSD
g. Water Service	DITCH RIGHTS

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

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

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

SEE ATTACHED DEED.

14. Community Services (provided and nearest facility):

a. Fire Station	TRUCKEE MEADOWS FPD (39)
b. Health Care Facility	RENO LN
c. Elementary School	PLEASANT VALLEY
d. Middle School	DEPO ACT
e. High School	DAMONTE RANCH
f. Parks	UNKNOWN
g. Library	SOUTH RENO
h. Citifare Bus Stop	SOUTH RENO

APN#: 017-430-01

Recording Requested By:
Western Title Company, Inc.

Escrow No.: 082542-CKL

When Recorded Mail To:

Willey Land LLC a Nevada
limited liability company

PO Box 18789

Reno, NV 89511

Mail Tax Statements to: (deeds only)

Same As Above

(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature

Cindy Locker/EO

GRANT, BARGAIN AND SALE DEED

****THIS DOCUMENT IS BEING RE-RECORDED TO ADD
WATER RIGHTS VERBIAGE**

This page added to provide additional information required by NRS 111.312

DOC #4662440

12/16/2016 08:16:59 AM

Electronic Recording Requested By
ETRCO

Washoe County Recorder

Lawrence R. Burtness

Fee: \$22.00 RPTT: \$0

Page 1 of 6

APN#: 017-430-01

Recording Requested By:
Western Title Company, Inc.

Escrow No.: 082542-CKL

When Recorded Mail To:

Wiley Land LLC a Nevada
limited liability company
PO Box 18789
Reno, NV 89511

Recorded Electronically
ID 46122440
County Washoe
Date 12-10-16 Time 8:10
Simplifile.com 800.460.5657

Mail Tax Statements to: (deeds only)

Same As Above

(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature _____

Cindy Locker/EO

GRANT, BARGAIN AND SALE DEED

****THIS DOCUMENT IS BEING RE-RECORDED TO ADD
WATER RIGHTS VERBIAGE**

This page added to provide additional information required by NRS 111.312

DOC #4662009

12/14/2016 04:53:44 PM
Electronic Recording Requested By
ETRCO
Washoe County Recorder
Lawrence R. Burtness
Fee: \$20.00 RPTT: \$2562.50
Page 1 of 4

APN#: 017-430-01
RPTT: \$2,562.50

Recording Requested By:
Western Title Company
Escrow No.: 082542-CKL

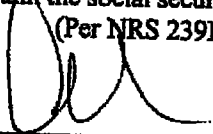
When Recorded Mail To:
Willey Land, LLC, a Nevada limited
liability company
PO Box 18789
Reno, NV 89511

Mail Tax Statements to: (deeds only)
Same as Above

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.

(Per NRS 239B.030)

Signature _____



Cindy Locker/EO

Grant, Bargain, and Sale Deed

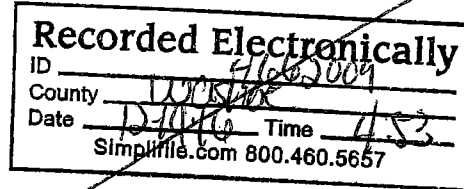
This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

APN#: 017-430-01
RPTT: \$2,562.50

Recording Requested By:
Western Title Company
Escrow No.: 082542-CKL

When Recorded Mail To:
Willey Land, LLC, a Nevada limited
liability company
PO Box 18789
Reno, NV 89511

Mail Tax Statements to: (deeds only)
Same as Above



I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature
Cindy Locker/EO

****THIS DOCUMENT IS BEING RE-RECORDED TO ADD
WATER RIGHTS VERBIAGE****

Grant, Bargain, and Sale Deed

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Naomi E. Braun, a married woman as her sole and separate property

do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to

Willey Land, LLC, a Nevada limited liability company

and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of Reno, County of Washoe State of Nevada bounded and described as follows:

See attached Exhibit A

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

****THE ORIGINAL 23 ACRE FEET OF WATER RIGHTS ARE TO BE CONVEYED TO THE GRANTEE AND ANY AND ALL REMAINING WATER RIGHTS SHALL BE RETAINED BY THE GRANTOR****

Dated: 12/06/2016

Naomi E. Braun
Naomi E. Braun

STATE OF Nevada

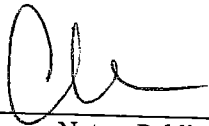
COUNTY OF Washoe

} ss

This instrument was acknowledged before me on

Dec. 12, 2016

By Naomi E. Braun.


Notary Public

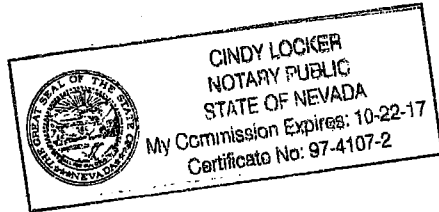


EXHIBIT "A"

All that real property situate in the City of Reno, County of Washoe, State of Nevada, described as follows:

PARCEL 1:

Parcel IV of Parcel Map #878 for ROBERT A. & LELA B. TOGLIATTI, MERTON & EVELYN BROOM and ALBERT J. ROTELLA, filed June 27, 1979 under Document No. 614093, Official Records of Washoe County.

PARCEL 2:

A non-exclusive easement for roadway and utility purposes which is more particularly described as follows:

The Southerly thirty feet, more or less of that parcel of real property conveyed to Grantor herein, JOHN E. LYONS, by Quitclaim Deed recorded as Document No. 321914 at Book 806, Page 183, on April 1, 1974 in the Official Records of the Recorder of Washoe County, Nevada.

Said Southerly thirty feet, more or less being more fully described as follows:

COMMENCING at the Northwest corner of the Southeast quarter of the Southwest quarter of Section 4, Township 17 North, Range 20 East, M.D.B.&M.; thence South along the section line a distance of 197.43 feet; thence South 82°35'25" East, a distance of 126.29 feet to the true point of beginning; thence North 82°35'25" West a distance of 126.29 feet; thence North along the section line a distance of 30 feet; thence South 82°35'25" East to the Easterly property line of the said parcel, abutting on Andrew Lane; thence South 18°04'25" East along said property line and Andrew Lane right-of-way to the point of beginning.

NOTE: The above metes and bounds description appeared previously in that certain document recorded May 25, 1979, in Book 1392, Page 30, as Instrument No. 607859

**Assessor's Parcel Number(s):
017-430-01**

CONCEPTUAL SITE PLAN

4-21-17



MAIN OFFICE: 775.653.8733

SITE APN: 017-430-01

LAND USE DESIGNATION: CR

PROJECT SUMMARY

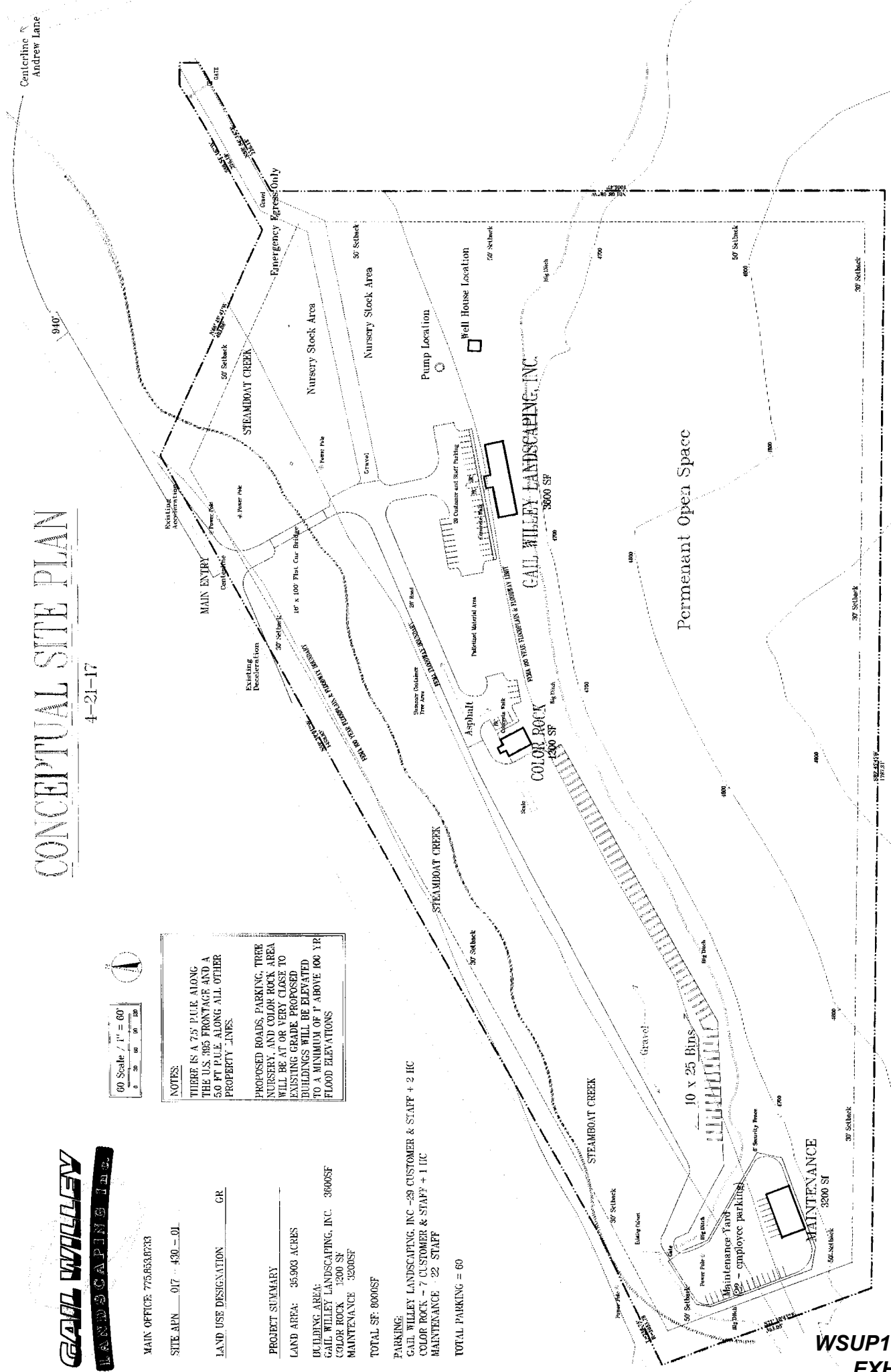
LAND AREA: 35.993 ACRES
 BUILDING AREA:
 GAIL WILLEY LANDSCAPING, INC. 3600SF
 COLOR ROCK 3200 SF
 MAINTENANCE 3200SF
 TOTAL SF: 8000SF

PARKING:

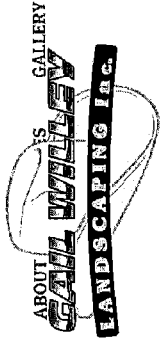
GAIL WILLEY LANDSCAPING, INC. - 28 CUSTOMER & STAFF + 2 HC
 COLOR ROCK - 7 CUSTOMER & STAFF + 1 HC
 MAINTENANCE - 22 STAFF
 TOTAL PARKING = 60



NOTES:
 THERE IS A 7.5' P.U.K. ALONG THE U.S. 965 FRONTAGE AND A 5.0' FT. P.U.K. ALONG ALL OTHER PROPERTY LINES.
 PROPOSED ROADS, PARKING, TREE NURSERY AND COLOR ROCK AREA WILL BE AT OR VERY CLOSE TO EXISTING GRADE. PROPOSED BUILDINGS WILL BE ELEVATED TO A MINIMUM OF 1' ABOVE 100 YR FLOOD ELEVATIONS.

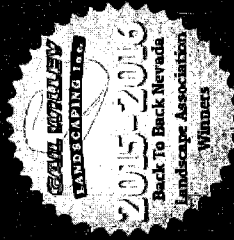
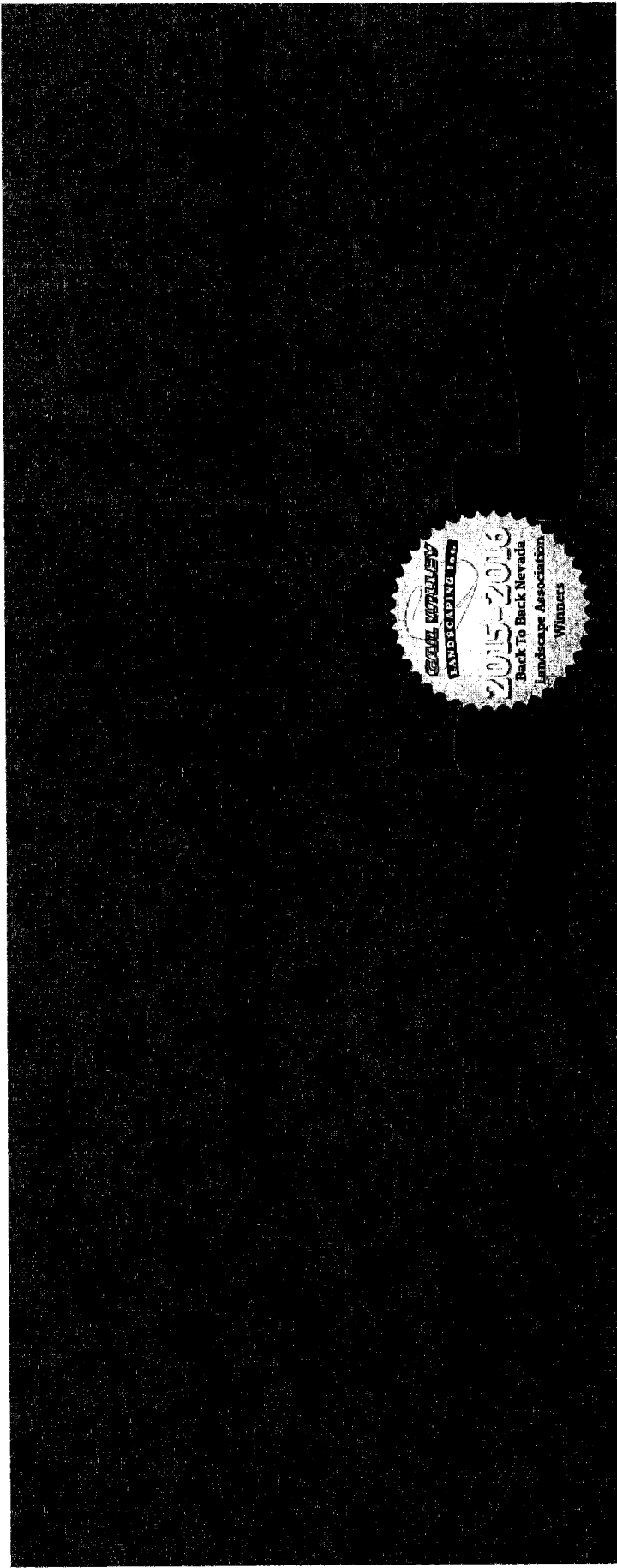


HOME



TESTIMONIALS SERVICE Northern Nevada and Lake Tahoe

(775) 285-7691



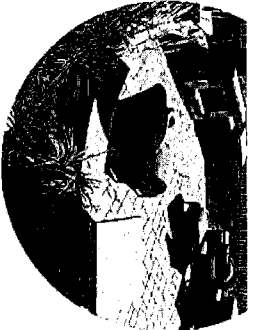
EXPLORE OUR
Xeriscaping

EXPLORE OUR
Retaining Walls





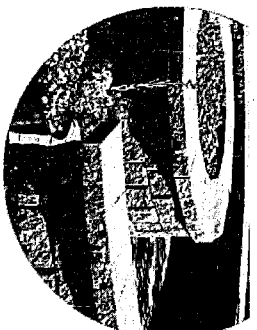
About Us



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Landscaping Company Serving Reno / Sparks and more

Welcome To Gail Willey Landscaping

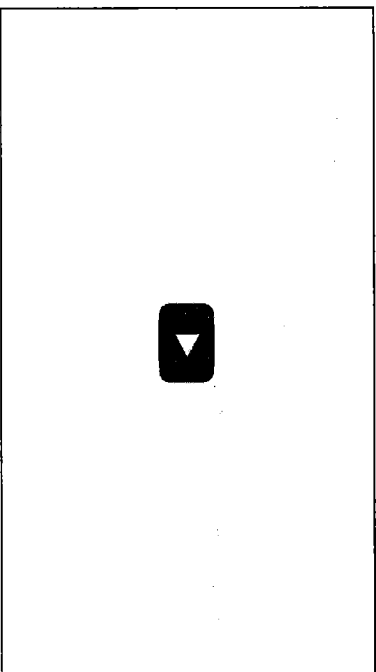
2016 Nevada Landscape Association Winners



Gail Willey Landscaping is a full service landscaping company located in Reno, NV, serving the greater Northern Nevada area. We specialize in all types of landscaping and xeriscaping. If you are looking for a landscaping contractor who is fully certified, insured, licensed, and highly knowledgeable give us a call today. Our team has the skill, education, equipment, and enthusiasm to get the job done right the first time.

Our Services

Gail Willey Landscaping is a local and family-owned landscaping company servicing the Reno / Sparks area and parts of the Tahoe area. We design and build all types of landscapes and hardscapes for both residential and commercial businesses.



Some of the great services we offer include:

Landscape Custom Design

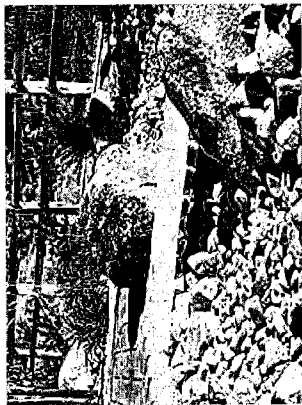
Retaining Walls

Landscape Installation

Rock Beds

Hardscape Installation

Xeriscaping Hardscape Custom Design Patios Gardens Rock Walls
 Pavers Rock Gardens Shade Structures Water Features These are just some of the great landscaping and hardscape services we offer. Give us a call today for a free estimate and to ask any questions you may have.

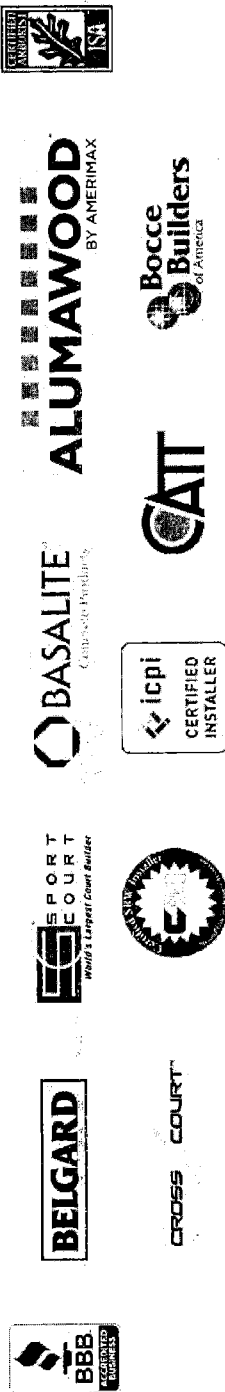


Landscaping/Hardscaping

Gail Willey Landscaping offers the Northern Nevada customized, high quality landscaping and hardscape design and installation. Our team of contractors are all highly skilled and will work closely with our clients to design exactly what you want within your budget. Our landscapers take pride in their work and we guarantee the highest quality and services with landscaping and hardscape features. We use only the highest grade products and our landscapers have the knowledge to make your home or business look amazing all year long. Give us a call today to schedule an appointment, start a project, or to ask us any questions.

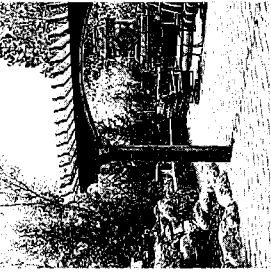
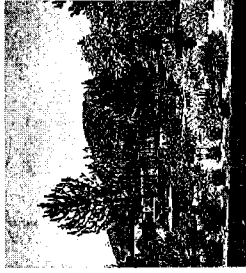
"We just wanted to thank you and Gail for the outstanding job you did on our landscaping! Who would have thought that the back yard could look so beautiful? You took 2.5 acres of sagebrush and made it look like a green, non-desert, beautifully designed backyard. People come up to us all the time telling us how much they like our backyard landscaping..." *Read more* →

CERTIFIED. BONDED. LICENSED. INSURED.



VIEW SOME OF OUR RECENT WORK

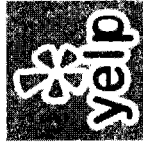
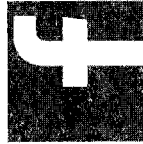
CLICK ON THE IMAGE TO ENLARGE



We Love Hearing From Our Clients

Read our customers reviews or leave your own!

Has Gail Willey Landscaping worked on your yard? Leave us a review on your favorite social media site below!



Why You Should Choose Gail Willey Landscaping

Some great reasons we think we're top notch!

Quality workmanship that is guaranteed to last.

Work from licensed professionals who are honest and hardworking.

Dependable service that is completed on time and on budget.

Free estimates for your landscaping dreams.

We aim to perform to the highest standards.

We're Licensed, Insured and Bonded

We strive for Honesty, and are Dedicated to our work.

Customer satisfaction is most important to us

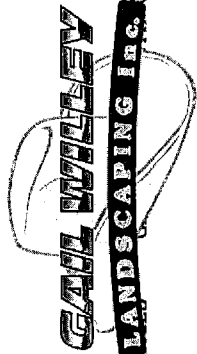
We simply do things that other companies do not do.

Passionate about the success of your project.

CALL TODAY! 775-285-7698



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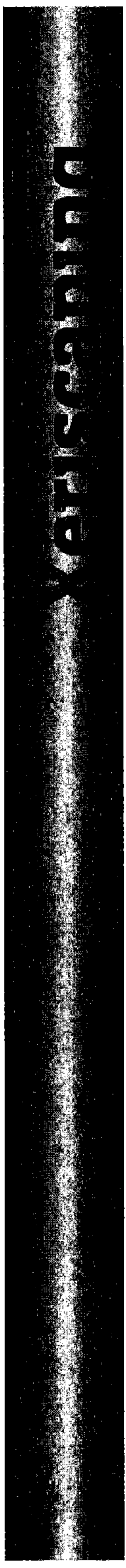
ABOUT

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BLOG

Q



Xeriscaping Service in Reno - Desert Landscaping

A Low Maintenance Design With Maximum Appeal

Gail Willey Landscaping is the number one choice for all your xeriscaping needs. We are local and know what thrives best in the Nevada desert. We offer quality xeriscaping to both commercial and residential properties. Our team of landscaping contractors are licensed, certified, and insured for



all your xeriscaping needs. Give us a call today for all your xeriscaping questions. We also offer free estimates and our xeriscape prices are very affordable.



What is Xeriscaping?

Xeriscaping is a special type of landscaping that reduces or eliminates the need for water. Drier climates where water is not plentiful or easily accessible, such as Northern Nevada, are the perfect candidates for xeriscaping. Xeriscaping also uses soil grading, planting design, and mulching to get the most out from rainfall retention. By using natural plants and dry rock formations, Gail Willey Landscaping will create a beautiful area for you.



Pros of Xeriscaping

We care about your and the environment and will work closely with you to give you the perfect xeriscape, landscape, or hardscape.

Xeriscaping uses two thirds less water than other types of landscapes. This makes more water available for other uses.

Xeriscapes are fairly maintenance free. You will spend almost zero time outside maintaining your beautiful xeriscape.

They are also very cost effective and reduce waste and pollution.

We Love Hearing From Our Clients

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CREATIVITY

QUALITY

EXPERIENCE

Passionate about the success of your project.
CALL TODAY! 775-285-7698

WSUP17-0014
EXHIBIT E



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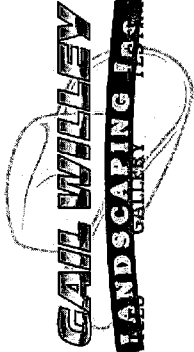
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Inspirational Newsletter



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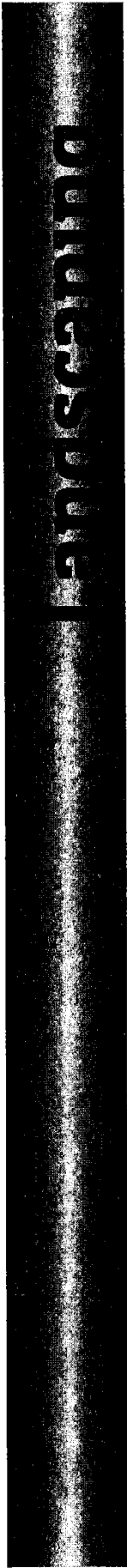
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Landscape Serving Reno / Sparks and More - Landscape Design

One Stop Shop for All Landscaping Design / Build Needs

Gail Willey Landscaping is a full service landscaping company located in Reno. Our landscape contractors are all licensed, insured, certified, and ready to begin your next project. We use only the best products for our landscaping and hardscape designs and installations. Whether you have an idea in mind or just want a custom design, our team is here for all your



landscaping needs. Our talented landscape contractors will take the time to work closely with you, creating a design that fits your dreams and needs.

Residential

Instant Curb Appeal & Your Personal Haven

Every Northern Nevada residence can benefit from landscaping. Landscaping transforms a home into a beautiful oasis that you and your family and friends will enjoy for years to come. We offer all types of landscaping services, from design to installation. We also offer hardscapes to local residents. From water features to patios, Gail Willey Landscaping does it all. Give us a call today for all your residential landscaping needs.



Commercial

Make the First Good Impression with Your Clients

Looking to upgrade your Reno business? Gail Willey Landscaping is here to help. The first thing your clients see is the outside of your business. We can make heads turn with instant curb appeal. Adding inviting pavers, a cascading water feature or customized outdoor living space that's sure to turn heads. A nice outdoor area will attract clients to your business as well as boost the morale of your employees. From basic landscaping with flowers and trees, patios and rock beds to snow removal, we do it all. For more information on our commercial landscaping rates give us a call today. We guarantee you will love our services and our landscaping contractors.



We Love Hearing From Our Clients

Read our customers reviews or leave your own!

Has Gail Willey Landscaping worked on your yard? Leave us a review on your favorite social media site below!

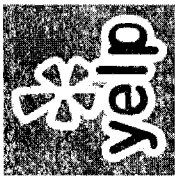
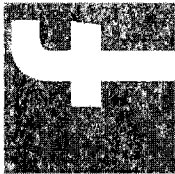
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CREATIVITY QUALITY EXPERIENCE

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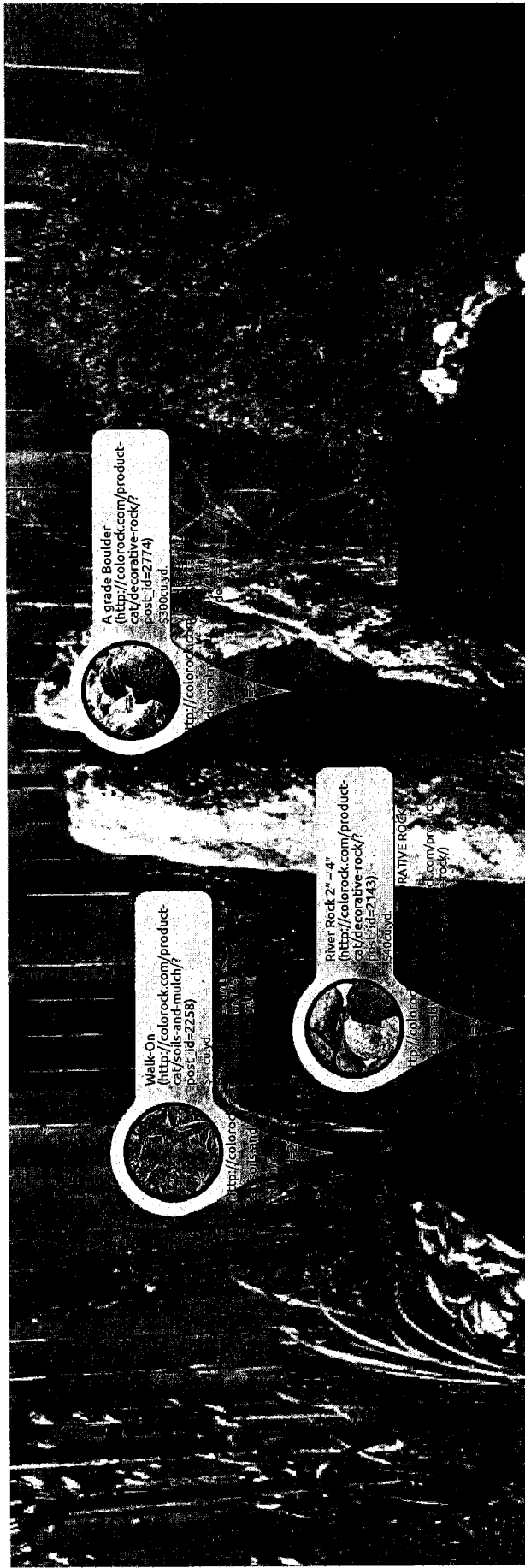
Delivery Charges

Contact

(775) 853-5004

9825 S. Virginia St. Reno, Nevada 89511

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Welcome To Colorock

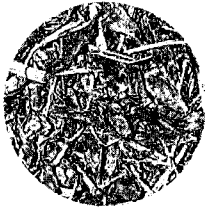
Featured Products



DECORATIVE ROCK

Versatile and offered in an array of varieties: from smooth washed pebbles to crushed gravel. With many uses it can be used around trees shrubs, decks, or driveways to accent your yard and help with erosion and water efficiency.

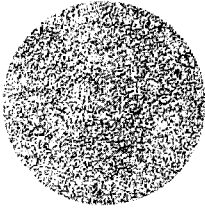
more info
(<http://colorock.com/product-cat/decorative-rock/>)



SOILS & MULCH

Soils and mulch not only beautiful your landscape areas, they are packed with useful benefits. They block light access, help moderate temperature, conserve soil moisture and discourage weed growth.

more info
(<http://colorock.com/product-cat/soils-and-mulch/>)



BASE & SAND

Base and sand are commonly used as grade preparation. They are often placed under structural construction like driveways, pavers, and concrete footings.

more info
(<http://colorock.com/product-cat/base-and-sand/>)



DRAIN ROCK

Works well for drainage applications and stands as a very low maintenance ground cover. With a smooth and round surface this rock does not work as well in driveways because it does not pack down.

more info
(<http://colorock.com/product-cat/drain-rock/>)

Specials

Salt & Pepper 3 / 4" x 1" (http://colorock.com/product-cat/decorative-rock/?post_id=2220) \$60cu.yd.

[View all DECORATIVE ROCK category >>](http://colorock.com/product-cat/decorative-rock/)

Lewis Roca Rothgerber Christie LLP
50 West Liberty Street
Suite 410
Reno, NV 89501

775.823.2900 main
775.823.2929 fax
lrrc.com

Garrett D. Gordon
Admitted in Nevada
775.321.3420 direct
775.321.5569 fax
ggordon@lrrc.com

August 15, 2017

Our File Number: 302638.00001

David M. Solaro, Director
Washoe County Community Services Dept.
1001 E. Ninth Street Bldg. A
Reno, NV 89502

RE: Gail Willey Landscaping – Additional Information for its Special Use Permit

Dear Director Solaro:

As you know, we represent Gail Willey Landscaping and Colorock (collectively, "GWL") who is seeking to operate a "wholesale nursery" on Washoe County Assessor Parcel Number 017-430-01 (the "Property"). The Property has a General Rural zoning classification, so a special use permit is required for this proposed use.

GWL is a family-owned wholesale nursery that is currently operating at 9825 S. Virginia Street, Reno, Nevada. GWL's subsidiary purchased the Property and GWL plans relocate the business to the Property following approval of the special use permit. Gail Willey Landscaping, Inc. will operate out of a 3,600 square foot office and Colorock will operate out of a 1,200 square foot office. Both businesses will share a Maintenance Shop (approximately 3,200 square feet), Maintenance Yard, Nursery Stock area with trees and plants, and supply bins with related nursery items, including, but not limited to, base, sand, decorative and drain rock, bark, soils and mulch. GWL sells nursery materials to dozens of local landscaping companies and is critical to the building industry in Northern Nevada.

Enclosed with this letter are the following: (i) traffic letter prepared by Traffic Works, (ii) updated site plan showing the critical and sensitive stream zone buffer areas for Steamboat Creek, and (iii) building elevations.

Please let me know if you need anything further.

Sincerely,



Garrett D. Gordon
Lewis Roca Rothgerber Christie LLP



Traffic Engineering, Transportation Planning & Forensic Services

August 14, 2017

Garrett Gordon
 Lewis Roca Rothgerber Christie
 50 West Liberty Street, Suite 410
 Reno, NV 89501

Trip Generation & Access – Gail Willey Landscaping Pleasant Valley

Dear Mr. Gordon,

This letter summarizes the anticipated trip generation and access requirements associated with the development of a Pleasant Valley Gail Willey Landscaping location on South Virginia Street, just south of Andrew Lane. This letter has been prepared to document existing traffic volumes, quantify traffic volumes generated by the proposed project, and identify potential impacts.

The proposed landscaping and rock supply project includes 8,000 square feet of building space, as well as supply yards for landscaping rock and nursery stock. A conceptual site plan is included as **Attachment A**.

EXISTING CONDITIONS

The project site is 35.9 acres located in Pleasant Valley on the southeast side of South Virginia Street, south of Andrew Lane. South Virginia Street at this location is a four-lane minor arterial with a wide striped median/center turn lane and a reported average annual daily traffic (AADT) of 5,700 vehicles [2015, NDOT Traffic Records Information Access (TRINA)]. Existing weekday AM and PM Peak hour volumes, collected in August 2017, are shown in **Attachment B**.

TRIP GENERATION & DISTRIBUTION

Trip generation rates for the future project were obtained from the *Trip Generation Manual, 9th Edition*, published by the Institute of Transportation Engineers. The calculation results for daily, AM peak hour, and PM peak hour trips are summarized in **Table 1**. Detailed calculations are provided in **Attachment C**.

Table 1: Trip Generation Estimates

Land Use	Size	Weekday			A.M. Peak Hour			P.M. Peak Hour		
		Entry	Exit	Total	Entry	Exit	Total	Entry	Exit	Total
818 – Nursery (Wholesale)	8000 SQ FT Floor Area	156	156	312	11	8	19	18	23	41

Traffic Works, LLC
 5482 Longley Lane, Suite B, Reno, Nevada 89511
 775.322.4300
 www.Traffic-Works.com

The project is estimated to generate 19 AM peak hour trips, 41 PM peak hour trips, and 312 daily trips. These generated trips were distributed to the road network based on the location of the project in relation to major activity centers. The project proposes a single public access along South Virginia Street, as well as an emergency only vehicular access onto Andrew Lane. The following distributions were used to assign traffic onto South Virginia Street:

- 70% of generated trips to/from the Reno and Sparks areas to the north
- 30% of generated trips to/from Carson City, Gardnerville, and Minden to the south

The assigned site generated volumes are shown in **Attachment D**.

FUTURE CONDITIONS

Operations

The proposed project is estimated to generate 312 daily trips, and only 41 trips in the PM peak hour. Traffic volumes on South Virginia Street are currently far below the roadway capacity. Considering the significant remaining capacity and low number of generated trips, the project will likely have no significant impact on the surrounding road network. Estimated “plus project” traffic volumes are shown in **Attachment E**. The project traffic volumes are below the Washoe County threshold for a formal Traffic Impact Study.

Access Management

South Virginia Street at the project location is maintained and managed by the Nevada Department of Transportation (NDOT). Any proposed new access or redeveloped existing access along this roadway requires an Occupancy Permit and the access location/configuration must comply with NDOT’s permit requirements including the *Access Management System and Standards, 2017 Edition (AMSS)*.

Based on the criteria outlined in the AMSS, a left turn lane/deceleration pocket will be required on southbound Virginia Street at the project driveway. This left turn lane could be created by striping the existing median area (converting the existing double yellow lines to a turn pocket). Right turn deceleration or acceleration lanes are not required based on the low project traffic volumes and low existing volumes.

Please do not hesitate to contact us at (775) 322-4300 with any questions.

Sincerely,
TRAFFIC WORKS, LLC

Loren E. Chilson, PE
Principal



Attachment A

CONCEPTUAL SITE PLAN

4-21-17



MAIN OFFICE 755.6530733

SITE # N 017 - 638 - 01

LAND USE DESIGNATION OR

PROJECT SUMMARY

LAND AREA: 45,980 ACRES

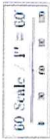
BUILDING AREA:
 GAIL WILLEY LANDSCAPING, INC. 3000SF
 COLOR ROCK 1290 SF
 MAINTENANCE 3200SF

TOTAL SF: 6000SF

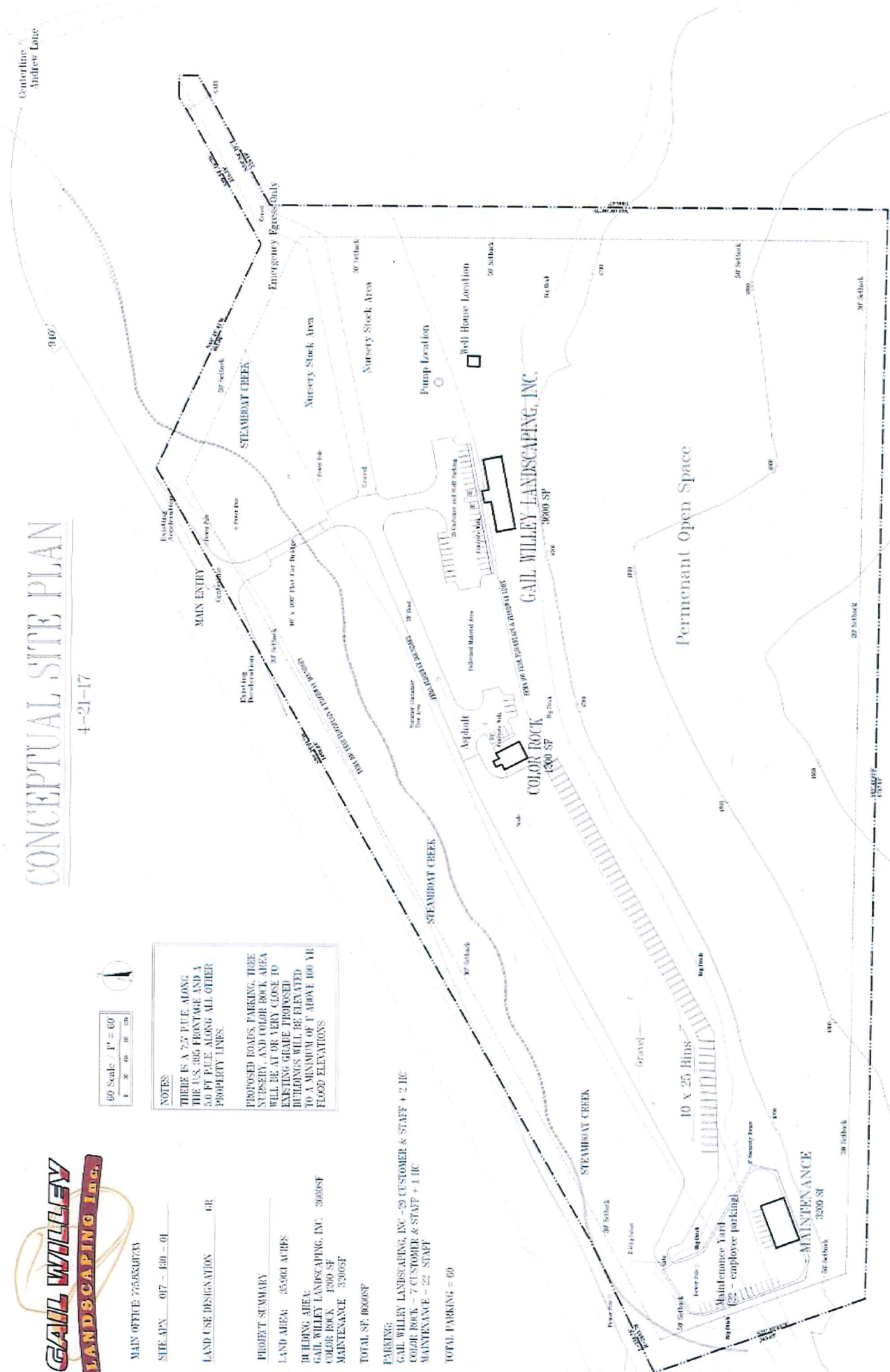
PARKING:

GAIL WILLEY LANDSCAPING, INC. - 29 CUSTOMER & STAFF + 2 IC
 COLOR ROCK - 7 CUSTOMER & STAFF + 1 IC
 MAINTENANCE - 22 STAFF

TOTAL PARKING = 60



NOTES:
 THERE IS A 7.5' PALE ALONG THE U.S. 805 FRONTAGE AND A 5.0' FT PALE ALONG ALL OTHER PROPERTY LINES.
 PROPOSED ROADS, PARKING, TREE NURSERY, AND COLOR ROCK AREA WILL BE AT OR VERY CLOSE TO EXISTING GRADE. PROPOSED BUILDINGS WILL BE ELEVATED TO A MINIMUM OF 1' ABOVE 100 YR FLOOD ELEVATIONS.

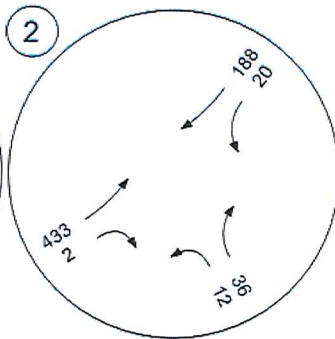
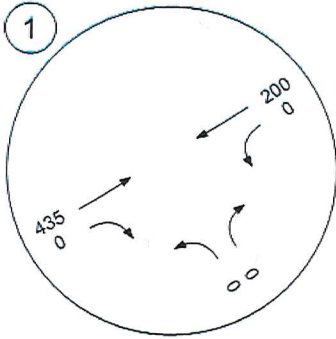


Traffic Volume - Base Volume



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.

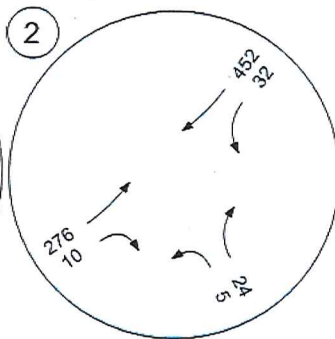
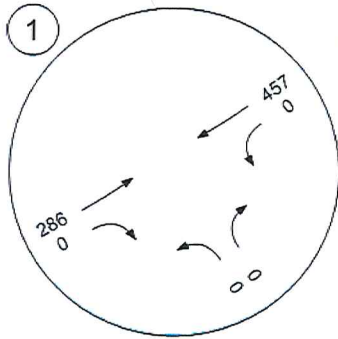


Traffic Volume - Base Volume



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.



ATTACHEMENT C
PROJECT TRIP GENERATION - Gail Willey Landscaping (Pleasant Valley)

Description (ITE Code)	Units	Quantity	ITE Vehicle Trip Generation Rates						Total Generated Trips						Total Distribution of Generated Trips					
			Weekday	7-9 AM	4-6 PM	Pass-By	AM In	AM Out	PM In	PM Out	Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By	
Proposed Project																				
818 - Nursery (Wholesale)	1000 SQ.FT	8	39.00	2.40	5.17	0%	60%	40%	45%	55%	312	19	41	11	8	0	19	23	0	
Project Total											312	19	41	11	8	0	19	23	0	

Source: TRAFFIC WORKS, 2017

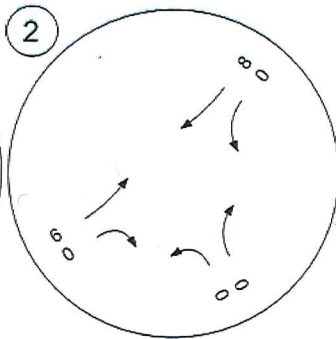
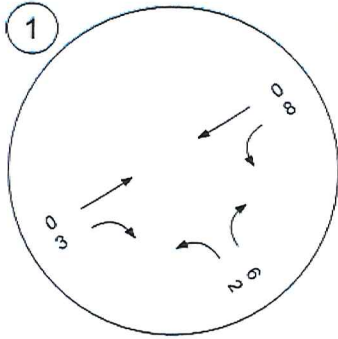


Traffic Volume - Net New Site Trips



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.

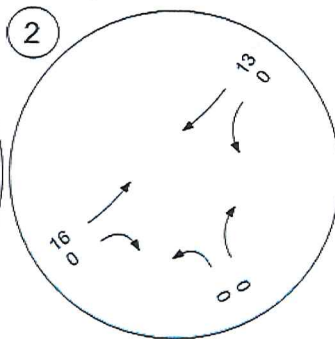
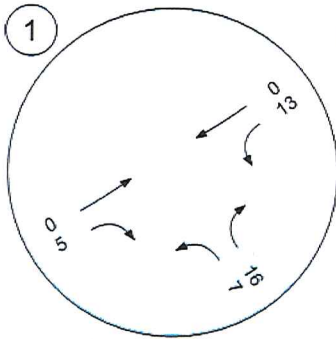


Traffic Volume - Net New Site Trips



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.

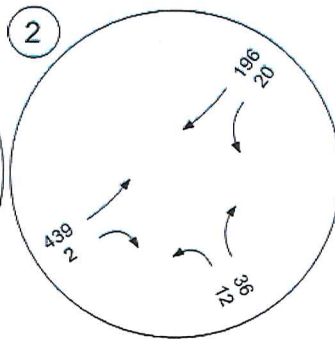
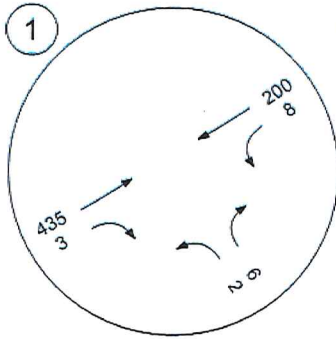


Traffic Volume - Future Total Volume



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.

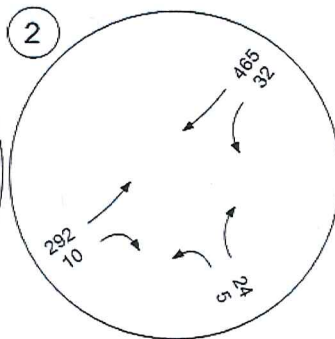
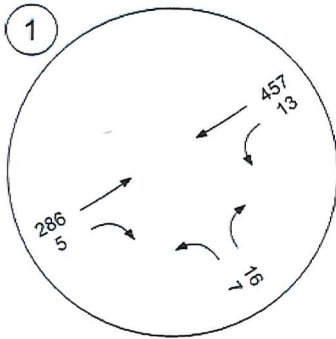


Traffic Volume - Future Total Volume



S. Virginia St. / Driveway

S. Virginia St. / Andrew Ln.





MAIN OFFICE: 766ASLR38

STR. AEN. 007 - 430 - 01

LAND USE DESIGNATION: GE

PROJECT SUMMARY:

LAND AREA: 35,000 SQ. FT.

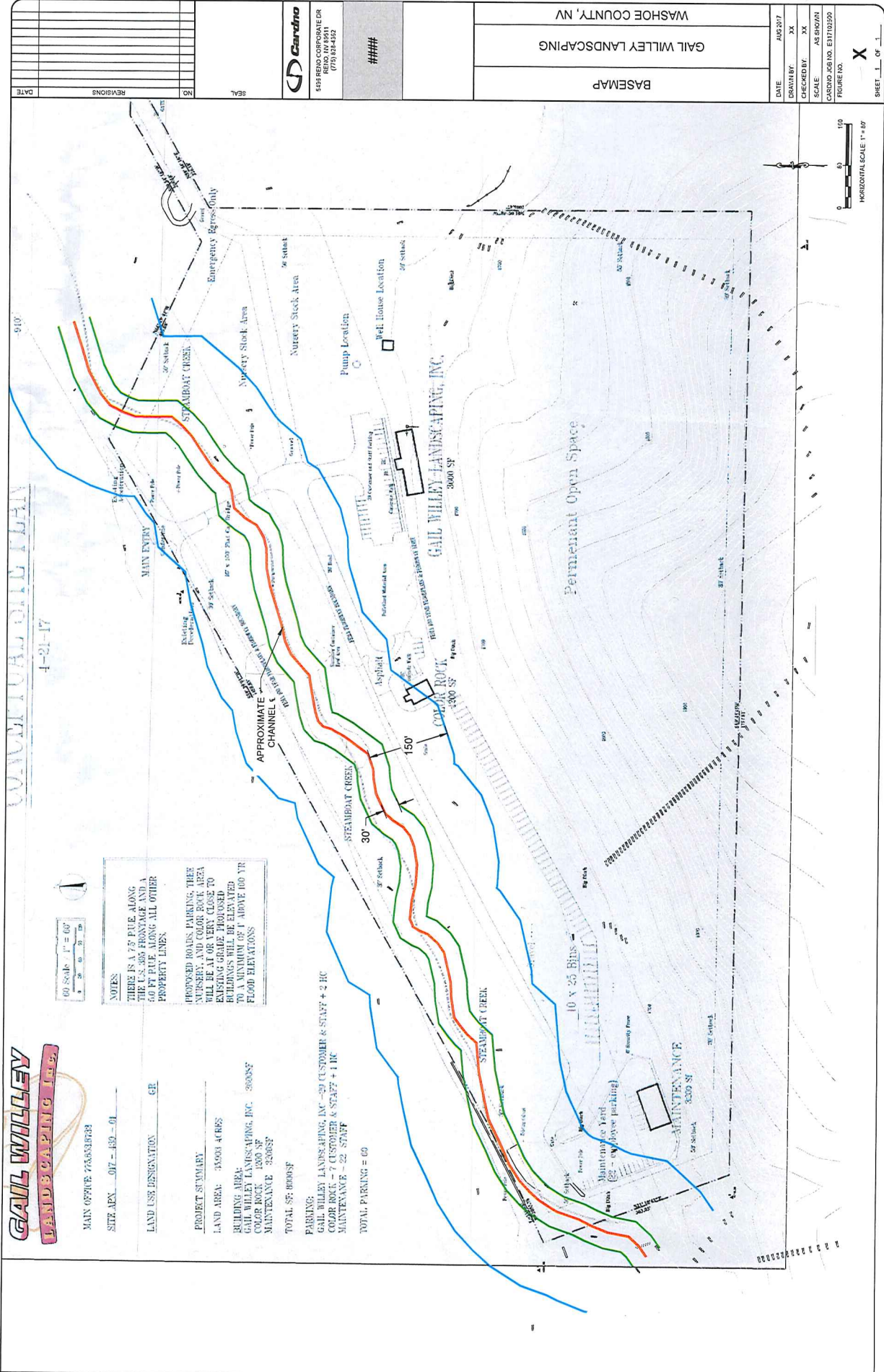
BUILDING AREA:
 GAIL WILLEY LANDSCAPING, INC. 30,000 SF
 COLOR ROCK 1,300 SF
 MAINTENANCE 3,000 SF

TOTAL SF: 34,300

PARKING:

GAIL WILLEY LANDSCAPING, INC. - 20 CUSTOMER & STAFF + 2 HC
 COLOR ROCK - 7 CUSTOMER & STAFF + 1 HC
 MAINTENANCE - 22 STAFF

TOTAL PARKING = 60



4-21-17



NOTES:
 THERE IS A 7.5' FIVE ALONG THE 50' FIVE ALONG WITH A 50' FT. PILE ALONG ALL OTHER PROPERTY LINES.
 PROPOSED ROADS, PARKING, TREE PLANTING AND OTHER AREAS WILL BE AT OR VERY CLOSE TO EXISTING GRADE THROUGHOUT. BUILDINGS WILL BE ELEVATED TO A MINIMUM OF 1' ABOVE 100 YR FLOOD ELEVATIONS.

DATE	AUG 2017
DRAWN BY	XX
CHECKED BY	XX
SCALE	AS SHOWN
CADDNO JOB NO.	E317102300
FIGURE NO.	
SHEET	1 OF 1

BASEMAP
 GAIL WILLEY LANDSCAPING
 WASHOE COUNTY, NV



####



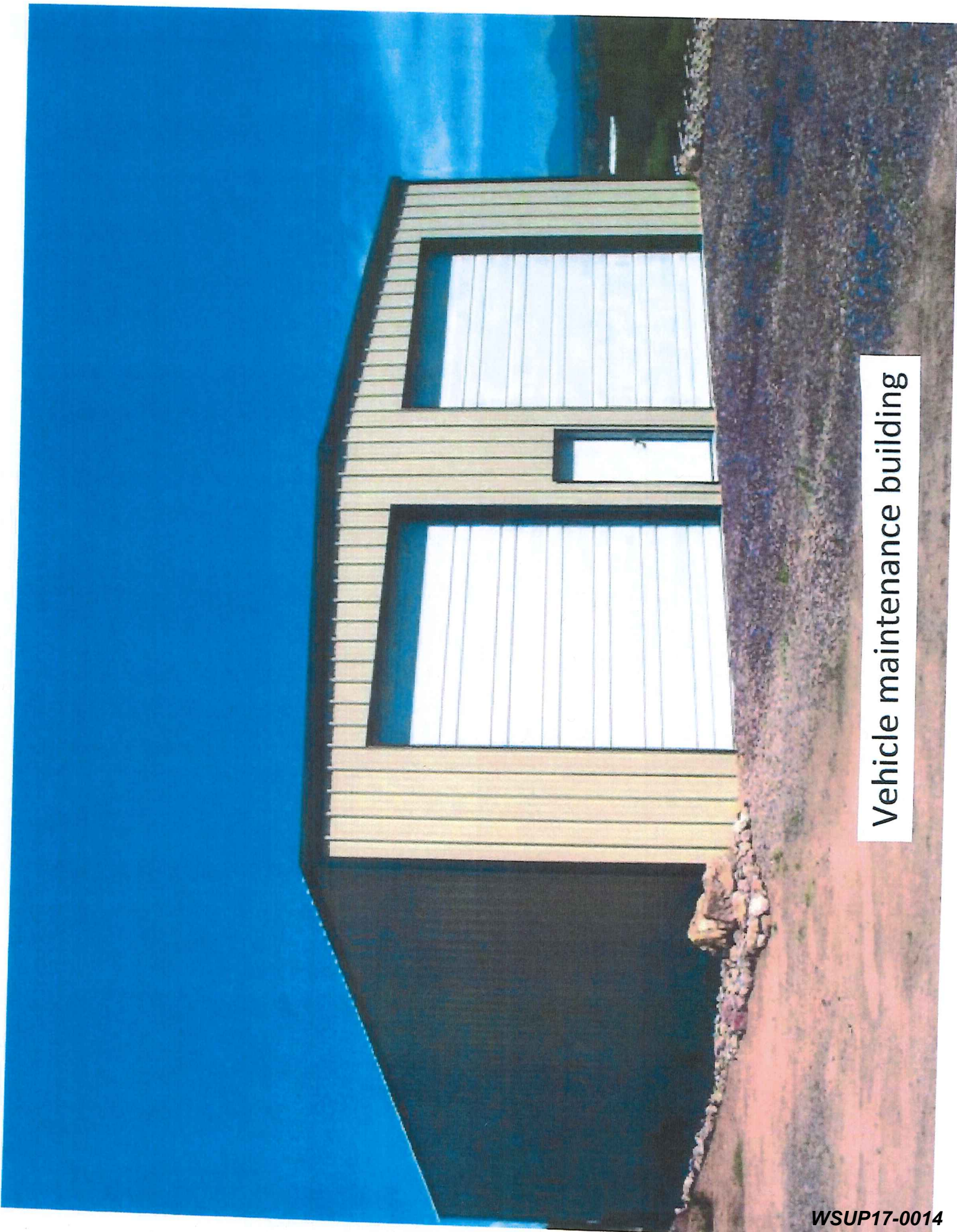
HORIZONTAL SCALE 1" = 50'



Main office – Gail Willey Landscaping Inc.



Colorock sales offices



Vehicle maintenance building



WASHOE COUNTY

Planning and Building

INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-6100
Fax: (775) 328-6133

To: Washoe County Board of Adjustment

From: Kelly Mullin, Senior Planner
Washoe County Community Services Department
Planning and Building Division
775.328.3608
kmullin@washoecounty.us

Date: Oct. 4, 2017

Subject: Addendum to original staff report for Special Use Permit Case No. WSUP17-0014 (Gail Willey)

Two new exhibits have been attached to this addendum to Special Use Permit Case No. WSUP17-0014 (Gail Willey.) The additional documentation includes:

- **Exhibit C-1:** Additional Public Comment Letters
- **Exhibit F:** Draft Minutes of South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) Meeting of Sept. 14, 2017

From: Michele Hagan
To: [Mullin, Kelly](#)
Subject: HEAVY INDUSTRIAL USE STEAMBOAT/PLEASANT VALLY AREA
Date: Friday, September 29, 2017 12:04:15 PM

Hello,

I would like to respectfully ask that you do not approve this re-zoning. Our area is just not equipped for a business such as this to co-exist within our area. It is already unsafe when you turn off of 395 to Andrew Lane. We have a number of Equestrian Centers in our valley and there are numerous trips in and out with horse trailers. While we love having them in our valley it does make it difficult at times to get down the road without having to just stop and let them get by. We have to dodge mailboxes, wild horses, dogs, etc. If you allowed this zoning that also allowed trucks hauling rock and soil I can only imagine that it would be very dangerous for all involved.

Thank you,

**Michele Hagan
19665 Paddlewheel Lane
Reno, NV 89521**

From: Beth Schuler
To: [Mullin, Kelly](#)
Subject: Gail Wiley project
Date: Wednesday, September 27, 2017 9:24:21 AM

Dear Ms. Kelly Mullin

My husband and I have lived in Steamboat valley since 2006. We have been extensively involved in the neighborhood and have chosen to live in the rural unincorporated Washoe County for a variety of reasons. It is very shocking to discover that a special use permit may be issued for heavy industrial off of old 395 and Andrew lane. I have read about this and am shocked that anyone would even think of permitting this to occur. The flooding that occurred in this area last winter from Steamboat creek is not the first time and this property is in this area. The trucks and all will be a major issue on the roads. We already have school buses and children in this area and the danger of wild horses to contend with. The increased heavy truck traffic , noise and air pollution is unacceptable with no buffers for the residents. The homes in this area have been here for a long time and I question why Mr Wiley purchased this property to carry out this endeavor knowing the residential areas all around??? Please do not permit this Heavy Industrial Use in our general rural area.

Thank you and please feel free to contact me with any questions. I am unable to attend the meeting or I would be there to speak.

Elizabeth "Beth" Schuler
Monroe-Schuler Foundation
Beth@renoseven.com
775-852-3427 home office
775-842-8656 cell

From: Lani Wilkes
To: TahoeHills@att.net; [Stanley, Brad](#); [Lawrence, Lee](#); [Thomas, Clay E](#); [Toulouse, Kim](#); [Lani Wilkes](#); [Mullin, Kelly](#)
Subject: Deny Gail Willey's Permit
Date: Sunday, October 01, 2017 9:08:27 PM

Dear Washoe County Board of Adjustments,

My name is Lani Wilkes and I own the property at 136 Andrew Lane. This is a third generation home and I am very aware of the valley, as it has been part of my life for all of my 64 years. Gail Willey's property is south of my property and we share an adjoining fence. I am disappointed that the south valley must address his personal desires once again. Mr. Willey was denied a permit 18 or so years ago. Then he repurchased the property after selling it and tried to "sneak" in a county wide zoning change which was denied and then he appealed that and now he is trying to get a special use permit. The CAB unanimously agreed that it should also be denied and now here we are again.

My biggest concern is that Mr. Willey is trying to build in a FEMA flood zone. I have personally experienced every flood that has come thru the valley in the last 60+ years. The county is also aware of the flood zone and put a "dip" in the road many years ago to help alleviate the flood waters. In the last flood this January, the flood waters went passing through my property and headed west carrying railroad ties, tree branches, dirt, and field debris. All this flooding comes from the property that GW now owns. Steamboat Creek forks off in two additional creeks that supply water for irrigation and everyone downstream. We do not need his bins and his colored rocks washing into our beautiful valley. Please do not allow him to build in this area.

Just recently, the county addressed the flooding in the north valleys and the government is trying to purchase the property so it can be left vacant. 60 Minutes even showed the flooding from Hurricane Harvey and Hurricane Maria and said we should not build in flood zones. So far, every county person does not agree with Mr. Willey's poor choice of land use and the residents of the South Valleys are very opposed to his special permit. Please, help us save the rural valley and deny Mr. Willey from bringing unwanted heavy industrial use to the General Rural Zone. One person should not be able to change the lives of many people because of personal gains, especially in a FEMA flood zone. Thank you for reading this. Lani Wilkes



Looking toward GW's property 1/17



Looking west on Andrew Lane. The white fence is parallel to the road GW was using.



South Truckee Meadows/Washoe Valley Citizens Advisory Board

MEMORANDUM

Date: October 2, 2017
To: Kelly Mullen, Washoe County Planner
Re: **Special Use Permit Case Number WSUP17-0014 (Gail Willey)**
From: Misty Moga, Recording Secretary

The following is an excerpt from the South Truckee Meadows/Washoe Valley September 14, 2017.

7. DEVELOPMENT PROJECTS – The project description is provided below with links to the application or you may visit the Planning and Development Division website and select the Application Submittals page:
www.washoecounty.us/comdev/da/da_index.htm.

7A. Special Use Permit Case Number WSUP17-0014 (Gail Willey) – Request for community feedback, discussion and possible recommendation to the Washoe County Board of Adjustment on a special use permit application to permit the business operation of Gail Willey Landscaping and Color Rock, which the applicant has described as a wholesale nursery facility. A separate special use permit (not yet submitted) would be necessary to facilitate proposed access to the operation, which would include construction of a vehicle bridge across Steamboat Creek, an identified Significant Hydrologic Resource.

Special Use Permit Case Number WSUP17-0014 (Gail Willey)

- Applicant/ Property Owner: Willey land, LLC
- Location: 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395
- Assessor’s Parcel Number: 017-430-01
- Staff: Planner Kelly Mullin, 777-328-3608, kmullin@washoecounty.us
- Reviewing Body: Tentatively scheduled for Board of Adjustment, October 5, 2017

Garret Gordon, land use attorney, representing Gail Willey, Colorock

- Existing business, landscaping, for over 20 years.
- Located in city of Reno via lease. The landlord is in attendance. They want to re-located. The current location is surrounded by businesses. There has not been a traffic accident. Residential property is along the property line. Not once has there been a complaint or citation at Mr. Willey for dust or noise. That will speak to how they will operate in new location.
- Wholesale nursery. Award winning company.
- New location has limited to space
- In the past, they were selling more sod, grass, which wasn’t drought friendly. Now, they have a variety of color rocks for water conservation. They have been able to coexist with neighbors with the water trucks to keep the dust down and compliance with Reno and County dust codes. They want to keep the color rock site, but want to expand for landscaping. They don’t conduct rock crushing at site.
- Hours of operations are: 7am-5pm weekdays; 8am-2pm Saturday, closed Sundays.
- Retail landscape companies rely on Gail Willey. Their livelihood is because of Gail Willey. Most of the traffic is these companies getting product.
- Proposed location – Andrew Lane dead-end at property. It is not the access. Easement for fire access only.
- He said the Willey’s already own the property. They want to operate and beautify. 1,400 feet from the next property. There is a hill in the way. They won’t see the bins.
- Proposed site plan: neighbors in north, open space in east, big ditch bordering the site. Erosion is taking place on property. The Willey’s are planning on cleaning it up. This location would be emergency access. All access would come off of 395; met with NDOT with traffic study. Positive conversation with NDOT regarding access point. 3,000 office building. The bins will be in south of property. Traffic on southend of property. Nursery will be trees with landscape to mitigate the impact.

- Traffic: under 80 peak trips a day; it's not required to have a study per Washoe County. How much will this project generate? He said the traffic engineer studied the current location and operations so there are real life counts and meshes with the manual. 25% truck traffics. It's a non-event.
- Safety issues: no traffic impacts; additionally, the crash history indicates not issues in the future.
- Improvements proposed: driveway design; cattle guard; deceleration lane; mitigation for mud prior to entering highway.
- 18 years ago, the Willey's proposed this, but that was before the new Carson City freeway. Current service level A; non-event with traffic trips. The current location, its 55 mph speed limit. At the proposed speed limit, it's 50 mph. They don't foresee any conflicts.
- It's important to the Willey's to move and improve this area. They have already invested money in Cardno engineering.
- Garret read a letter regarding flood water retention, stream restoration and mitigation. They will work with Army Corp engineering. They will receive a Water quality certification. Project anticipates FEMA inspection and permits secured for construction next spring. It's not included in the wetlands. Army Corp determined no wetland designation on the property. Current zoning is General Rural, special use permit is for whole sale nursery.

PUBLIC COMMENT:

Delia Greenhalgh said she lives on Andrew Lane; she said the special use permit isn't not compatible with area plan. heavy industrial use is not allowed in General Rural zone. She said she worked on the plan and it would have a negative impact on the scenic corridor. We feel this wholesale tree business for a whole sale rock business. You are bringing in heavy industrial rock.

Ginger Pierce said Pleasant Valley, Steam Boat President; she said why is there a for sale sign on property if it's not for sale. It's a flood plain. As of yesterday, it's still wetlands according to Army Corp of engineer. She said she spoke to Washoe County. She said she spoke to NDOT, and they said they are not done. Willey hasn't told them how many trucks. You don't have enough water rights. They sold some rights to Ormat. There is a brand new city by White Lake by Border Town. They want more industrial businesses out there. Why build here if you could go out there.

Merijke Bekken said she lives in Andrew Lane and has a Master in public health; worked in ground water and air resource with California. She said she is qualified to speak about this topic. She hasn't completed a report. There are issues with use of parcel for this purpose. People do not go that speed on the highway. Rural residential like this is not appropriate for this project. It belongs in industrial; Reno/Sparks vicinity area would be more appropriate.

Frank Cadjew said Gail Willey has leased his property. He said had his rent in on time. We have had a business licenses to a variety of manufactures. Gail Willey keeps his word. He will call and meet with anyone. The management team is family. They are all there to help if you have a problem. South Virginia and south meadows parkway is the current location – they haven't had an issue with traffic. They are safe. They have signs everywhere. They enforce their 5 mph. they use water to control the dust. He said their dust is on the property and are never bothered. He said they asked for a better buffer, and Gail Willey planted 6 trees to create a buffer. He said their home is near the current property. It's an efficiently ran company. They are leaving because they want to own their own property. He said Gail is an honest man. Don't begrudge his chance to move.

Julie Cadjew said she hears concerns; she said they live 200 feet from the operation. Only thing that separates the properties is an 8 foot fence and 6 trees. It's not a bustling operation. When you call Gail, it' gets handles personally and immediately. She said Colorock worked at a site with a landslide; they met with homeowners and met their concerns, and did it in a respectful and honest manner. She said we will miss them. They are good people.

Smithers Marquez said she is the Cadjews office managers. She said there are 6 tenants. All the tenants get along. She said she gets along with all the Colorock drivers. They have a various amount of fleet that are well coordinated. The mitigate the dust and noise. They are landscaping people and they have trees to create buffers. They do their due diligence. Everyone had flooding this year, Colorock supplied sand for the flooding. Gail, John, Parker is always available

to take a phone call to solve any issue. It's a pleasure to work with them. It's a family company, not an industrial company. We will miss them if they leave.

Garry Houk said Washoe Valley Alliance; when this goes to Planning Commission, he asked if this would be time certain for 6pm. He said he was the CAB chair person for 10 years and helped with the Area Plan. He said he concerned about industrial south of Rhodes Road. We are worried about the precedent this would set. There are wild horses still present in the area. That should be a condition of approval. He asked about the open space conditions – will it be protected, give to the County, we need more information on that.

Anne Pierce said she lived out there for 45 years. We are opposed to this. We do not where you formally where you came from; we are happy there are nice accolades from your neighbors, but not appropriate for our area. It would be intrusive. She said wild horses and bicyclists that are on the old 395. It was mentioned for 25% will be heavy equipment which is a lot. They stated it's a nonevent in the traffic world, but it's a big event in our world.

Marilyn Naylor said she worked on area plan, character area plan, and scenic and corridor – non-residential use, the use has to be considered for the benefit of the area and how it contributes to the scenic area plan. The Colorock website does not currently sell trees. She spoke about their fleet of trucks. She provided pictures. Are their trucks part of the traffic study. We worked hard for this, and it's not allowed as part of the area plans.

Lani Wilkes she said she is adjacent to Mr. Willey's property. This is opposition to what he wants to do to the valley. She said we met about it in 1988. She said it was denied in April. She said her biggest concern it's in a FEMA flood zone, and her property. She said the flooding is so bad at times; the County had to move Andrew Lane. She said flooding makes Andrew Lane impassable. The water carried large debris as a raging current. The bridge on Andrew Lane has had to be re-built. To have this operation at this location would be irresponsible. In the north valley, the government wants to buy flood zone areas and keep vacant, so why would we want to put it in the south valleys.

Marilyn Cebe said she lives on Andrew Lanes. She said it will set precedent on our scenic highway. It's the wrong place to have it.

Seline Sing said she understand he wants to move his business. She said she is across from the subject property. She said she is concerned about noise and truck traffic. She said one reason she bought the property is the lack of noise and traffic. The noise reverberates the noise. She said she likes where she lives and is very concerned.

Kathy Howard said she is long time resident on Andrew. To Attorney's comment, she said she is thrilled about their safety record. She said they have stop lights that help with the traffic. She said the Andrew is a 9% grade and a blind curve. She said it's a tough situation. We will have an accident. Please reconsider. Business hour of 7am start is a too early for a neighborhood.

Paul Howard said we lived there for 2, 100 year floods at the time they lived there. There were extreme channel cutting on Mr. Willey's property and did nothing. Paul said he lived that access. He said we expect more floods because we have extreme climate change happening. Paul said Mr. Willey has a business that he is in favor of; his family had the same business in California. It's a wrong location for that business. We get wind velocities coming through there that pushed a rebar construction over 90%. The hillsides constricts the wind and causes to accelerate, not decelerate. He is downwind from the material bins which will damage. He said there is lack of maintenance on the access road. He hopes Mr. Willey will find a wonderful location for his business not in that location.

Jesse French said he lives on Old Washoe Estates; he said he is a Fire Fighter for Reno. He said it hurts his heart to see this scare on that mountain. He said the special permit with marijuana plant going in out there. He said he said he doesn't want to see it. Do you want to see that. We worked hard to get out there. We use their product to build out there. Please find it in your heart not to ruin it.

Jerome Fritz said he has first hand experiences. He said they started to re-route the trucks on the 580 to 395; he said he hears the truck go by which cause his house to shake. If Colorock goes in, then it will be daily to have trucks go by. He doesn't want to deal with it.

Bill Naylor said he wants to go to findings – Master Plan, not allowed on General Rural. It's in a flood plain and has to be protected. There is no acceleration lane. What is the turn radius of the trucks. Sanitation – how do you put in a septic tank on the flood plain. He spoke about water rights registration. It's a hazardous road with a blind corner. Need a bridge; how big does it have to be for a dump truck. steamboat creek is polluted. They are trying to mitigate the mercury from the mills. Site suitability is a flood plain and historical location; there is not historical artifacts conditions. It's a safety and noise hazard.

Susan Stevens said she lives in Washoe Valley to be in the country. She said we don't choose to live in the city with pollution. We live in Pleasant Valley. This won't be pleasant with this. We got the traffic down to a manageable degree. You got a good business with a landlord that likes you, stay in the city.

Andrea Nichols said she echoes everyone's concerns. The zoning is not compatible. As a mother, the traffic between Andrew and Pleasant Valley Elementary doesn't have a traffic light. Parents have to turn south on 395, with trucks, it will make it impossible to make a left turn there.

Ginny Ramsdale included a letter for the Washoe County

A public member said he has been out there for 60 years. There have been a lot of floods. Last year's flood was nothing. Virginia lake was empty and the water had a place to go. He said in the past, the flood was worst. He said there were 6 inches of water. He said the material bins will get washed away. The floods have washed out the highway in '96. Everyone talks about how great Gail Willey is. He sold his irrigation water for construction use. He don't have dams in our reservoir; our ditches were dried by July and no one down the valley was getting water. He said he has a problem with that.

Patricia Phillips asked the Attorney the vehicle count; how many additional vehicles are expected and how many will be the trucks. Garrett said they don't expect no increase. Same amount of traffic and trucks. Same operations that are currently operated will be the same. Pat asked how much is the increase with the in addition of the rocks. Garrett said there weren't any separations; it's the same. Jim said there is a different in inventory, but same amount of operations.

A public member asked when the traffic count pictures were taken. Garrett said the count was at the current location, not at Pleasant Valley. They studied the current location to analyze what will happen at the new location. The public member said the current location has traffic lights, but not at the proposed location. Garrett said NDOT wanted to know. Garrett said it's a one day traffic count. A public member said it's not a daily average. Garrett said the Willey's are the busiest they ever been. It's their peak period with highest numbers calculated. A public member asked for a 24 hour or annual traffic count. A public member asked about the date conducted of the traffic count. Garrett said it's not required to conduct a traffic study. He said we are trying to be transparent and upfront with the information. A public member said she travels that road every day. When schools are in, the buses can't see around the corner for big trucks. It's asking for accident. Garrett said the school district will give feedback as well. A public member said the groundwater is close to the surface, the trucks will be next to the pasture, there needs to be a wall to be able to drive across the pasture. Garrett said we would have to get a grading permit and approval by county, FEMA, and NDEP. A public member asked about a traffic study about how many days 395 was closed due to flooding. Garrett said that came up in their discussion with NDOT. A public member asked about the number of fleet. Gail Willey answered 20 trucks, but not all trucks. Approximately 11 big trucks and the rest of pick up trucks. They rest on site at night. Someone asked if the 60 parking spots will be for the trucks. Garrett showed a map regarding parking and trucks. It will accommodate staff and trucks. The current location has 40 parking spots. Gail Willey said they only have enough parking for ½ workforce. The trucks are at site at night at the current site. Ginger Pierce said NDOT said Gail Willey said he refuses to report how many trucks he has. Garrett said that's not accurate. Ginger said half of the paper work is done. Garrett said that is why it's a special use permit with lots of conditions. He said they will bring more information at the upcoming meeting. A public member

asked the dump location. Garrett said on location; not food scrap dumping on site. He said he will update the site plan on the 5th. He said he will make sure to have an answer for the questions. Environmental impact studies. Garrett said not at this time, there hasn't been any studies required. He said they will have to conduct one in the future if this processes conditions. A public member asked about water trucks; where will they get the water. Garrett said we have letters state engineer and permits required and county and what would be required and will have to go through for the processes required to obtained. A public member asked about the lighting. John said we want to light for security reasons. A public member said it's dark at night and in the morning. A public member said what we say is being disregarded because you don't care. We will have to keep out to speak our concern. A public member said this area has been drying up for hundreds of years. A public member said you will put a noise buffer on Andrew Lane, what about the South Lane. Garrett said we will look into it. A public member asked about security, will this bring a new criminal element to this area. We will meet at board of adjustment on October 5th. Our request is to have a meeting in the evening to give input. A public member talked about flood plain; Garrett said it's not a wetlands designation, but it is in the flood plain. A public asked about noise mitigation. Garrett said the tree farm will buffer the noise.

Kelly Mullen said she is the planner who is reviewing this project; we welcome any and all comments. Please provide written comments and will get included in the packet to Board of Adjustment, Thursday, October 5th at the County Chambers. She said her email and contact info is on the Agenda.

MOTION: Pat Phillips said Mr. Willey's has a good reputation, but with regards to rural zoning, this is not the appropriate location to take place. Jason Katz seconded the motion to deny. Motion passed unanimously.

Board Discussion: Jim Rummings said he agreed with Patricia's motion. He said we need to pay more attention to development in rural and urban areas. From everything stated tonight, it's totally inappropriate to locate this business there. It's not anything against the business or how it's managed; they seem excellent at what they do. What they want to do to that proposed property, the land in event of floods and storms and surrounding area of residential rural, it's not appropriate.



WASHOE COUNTY

Planning and Building

INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-6100
Fax: (775) 328-6133

To: Washoe County Board of Adjustment

From: Kelly Mullin, Senior Planner
Washoe County Community Services Department
Planning and Building Division
775.328.3608
kmullin@washoecounty.us

Date: Oct. 5, 2017

Subject: Second addendum to original staff report for Special Use Permit Case No. WSUP17-0014 (Gail Willey)

Two new exhibits have been received since yesterday and are attached to this addendum to Special Use Permit Case No. WSUP17-0014 (Gail Willey.) The additional documentation includes:

- **Exhibit C-2:** Additional Public Comment Letters
- **Exhibit G:** Applicant Response to Staff Report and CAB meeting; Trade Area Analysis

Due to a request from Washoe County's water rights manager, staff also requests that the following condition of approval be added as 1(t):

- t. All water rights, including surface water rights, must have appropriate permits and approvals by the State Engineer.

From: Gary Peters
To: [Mullin, Kelly](#)
Subject: Gail Willey Permit
Date: Thursday, October 05, 2017 6:10:36 AM

Kelly Mullin,

As a resident of Pleasant Valley for many years, I'm very concerned and troubled about the possible granting of a special use permit to the Gail Willey Landscaping and rock hauling operation. The residents of this beautiful valley live here because we greatly value the peaceful rural environment. Granting a permit for a heavy industrial use operation is against everything this area is meant to be. Please forward this letter to all involved in this process and add my name to those very much against this permit. Thank you for your consideration in this matter.

Gary Peters
310 Galena Pines Rd.
Pleasant Valley
(775) 750-4993

From: zina Zinn
To: [Mullin, Kelly](#)
Subject: Pleasant Valley-Industrial Use
Date: Wednesday, October 04, 2017 9:52:41 PM

Attention: Kelly Mullin

A resident of Pleasant Valley, I adamantly oppose "heavy industrial use" in this, our residential neighborhood. The increase in traffic, specifically heavy truck traffic and the noise that accompanies such traffic, is unacceptable in this residential area. Please give consideration to those of us already living here and help ensure our continued safety and quality of life.

Zina M. Zinn
(775) 741-7118

Sent from my iPhone

From: gail binschus
To: [Mullin, Kelly](#)
Subject: Re: Gail Willey special use permit
Date: Thursday, October 05, 2017 2:13:06 PM

Dear Ms. Mullin,

I will not be attending the meeting today. I would like to voice an opinion about the project.

There are several small businesses that front 395 in the Pleasant Valley and Steamboat areas. They include storage units and trailer sales. They do not impact traffic on 395.

In the early 2000's, Hwy 395 was a very dangerous stretch of highway. Multiple accidents and fatalities occurred on the highway between Mt. Rose Hwy and Washoe Valley. With the building of the new highway, Pleasant Valley became a much safer stretch of road.

My concerns with the change of zoning are as follows:

- 1) East Lake Blvd is already inundated with commercial trucks and vehicles. It is posted as a .. Not Through Road ... but that is ignored by commercial trucks and is not enforced by either the Highway Patrol or Washoe County Sheriffs Dept.
- 2) I presume that Gail Willey rock hauling vehicles and landscape vehicles would also disregard the postings and use Eastlake Blvd as their nearest Southbound roadway.
- 3) During the Little Valley fire, a year ago, all commercial vehicles were routed through Washoe Valley on Eastlake Blvd. by Highway Patrol we were told. This left the residents in a very precarious situation. We only have one roadway to exit the valley, North or South. We had buckets full of large embers all over our acre after the fact. Any one of them could have caused a fire that would have trapped people on the East side of the valley.

At 3a.m we received a call to prepare to evacuate and that there was a fire in Washoe Valley. It did not say where the fire was. The air was so thick with smoke that no one knew which direction to drive. There was a steady stream of cars, trucks and horse trailers going in both directions, North and South.

We obviously do not get advance warning of fires in our area. One jack- knifed or over-turned commercial vehicle could mean the difference of being able to leave the valley during emergencies.

- 4) No, we would not welcome heavy landscape hauling vehicles on this already over used road.
- 5) Dark sky has been a policy in these rural areas for a good long time. We like seeing stars at night...Imagine That ! Each commercial venture that comes into rural space brings utility lights.
- 6) I can't imagine Pleasant Valley residents being too happy with large construction vehicles in their neighborhood.

Albeit, a nursery does not seem to be out of place in a rural setting. I just hope that if it is approved; it does not make our highway a dangerous stretch of road again. I hope that large double and triple gravel haulers don't become a larger impact on ..No Through Traffic...Eastlake Blvd. I hope that residents of Pleasant Valley do not have their rural lifestyle negatively impacted. I hope that Dark Sky is not negatively impacted.

Mostly, I hope that rural stays rural...that county stays county...and that zoning changes don't become the norm. I don't believe that people have objections to "like for like" If zoning is for one acre parcels, or five acre parcels or ten acre parcels; people don't object to homes being built or businesses.

It is when planning commissions try to subvert established rural areas, that problems arise. No one in rural areas want to be annexed into the City of Reno or Sparks. No one wants zoning changes that squeeze hundreds of tract homes, on small city sized lots, into rural areas.

Reno is trying its' best to expand in every direction it can. They just don't seem to realize that "The Best" is rural. The beauty of the South Valleys has been staunchly defended by generations of residents and nature enthusiasts. Once it is rezoned and taken over by a city like Reno; It is gone forever...never to be replaced.. The South Valleys are just too beautiful to be covered over by mass development.

Thank you,
Gail Binschus
Resident, Washoe Valley

Lewis Roca
ROTHGERBER CHRISTIE

Lewis Roca Rothgerber Christie LLP
50 West Liberty Street
Suite 410
Reno, NV 89501

775.823.2900 main
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Garrett D. Gordon
Admitted in Nevada
775.321.3420 direct
775.321.5569 fax
ggordon@lrrc.com

Our File Number: 302638-00001

October 4, 2017
VIA E-MAIL: KMULLIN@WASHOECOUNTY.US

Kelly Mullin
Planner
Washoe County Community Services Department
Planning and Development Division
1001 E. 9th Street
Reno, Nevada
89512

RE: Responses to CAB/NAB Comments and Anticipated Trade Area Analysis

To Whom it May Concern:

This firm represents Gail Willey Landscaping and Colorock ("GWL") who is seeking a special use permit to move an existing wholesale nursery from Reno to a new location in Pleasant Valley located at 134 Andrew Lane, APN: 017-430-01 (the "Subject Property"). The Subject Property is located in the South Valleys Area Plan and has a regulatory zone of General Rural ("GR").

By way of background, GWL initially began operating as a wholesale nursery which provided plant materials and landscaping materials—including rocks, stone, and boulders—to smaller landscaping companies and individuals. Since that time, the demand for water-efficient landscaping materials has increased drastically due to severe drought in the southwestern United States. Similarly, many cities and counties have adopted policies and development code language that promote the practice of xeriscaping and rockscaping, both of which emphasize the use of rocks, stone, and other drought-resistant materials. The Washoe County Development Code ("WCDC") includes water conservation and landscaping provisions. See Article 412 ("LANDSCAPING"); see also § 110.412.20 (Water Conservation). Further, the Washoe County Code encourages "the use of climatic adaptive planting material" (§ 110.412.60(a)) and promotes "resource-efficient landscaping for the conservation of water and other natural resources" (§110.412.20). Moreover, the Washoe County Code includes "decorative rock or other appropriate inert materials" in its definition of "Ground Cover." § 110.412.60(j)(2)(emphasis added).

Fulfilling local and state water and landscaping policies now requires landscaping and architectural design that emphasize the use of climate-appropriate plants and decorative rock in lieu of less efficient plants, turf and water features. These policies have drastically increased the demand for decorative rock and other ground cover in both residential and commercial landscaping. For example, Clark County has removed or replaced nearly 4,000 acres of

traditional lawn space since 1999 in an effort to increase water efficiency.¹ In response to these market forces, businesses like GWL now offer more landscaping material than ever before.

I. Staff Report Findings and Responses

The Staff Report recommended partial approval of the special use permit with conditions based on an analysis that requires fragmenting GWL's services and products into three different use categories: (1) Nursery Sales — Wholesale; (2) Wholesaling, Storage and Distribution — Heavy; and (3) Construction Sales and Services. Accordingly, the Staff Report concluded that five of seven required findings favor approving the special use permit for GWL's wholesale nursery activities.² Staff Report at 26-27. Specifically, a wholesale nursery: (1) is consistent with the Master Plan and South Valleys Area Plan; (2) is suitable for the proposed site; (3) is not detrimental to public health, safety and welfare or the character of the surrounding area; (4) has no effect on a military installation; and (5) is consistent with the South Valleys Area Plan Character statement. Staff Report at 26-27. However, the Staff Report found that GWL's Colorock activities failed to satisfy any of those same findings. Accordingly, the Staff Report recommended approval of the wholesale nursery activities and denial of the Colorock activities.

A. Use Designation

Absent the Staff Report's unnecessary deconstruction of GWL's services, the Staff Report's conclusion would have been to the effect that five of seven required findings favor approving the special use permit while only two were conditioned on approval from other agencies. Staff Report at 26-28. Indeed, this is the proper conclusion because all of GWL's uses, including Colorock's activities, fall squarely within the "Nursery Sales — Wholesale" use designation.

1. GWL's use is not construction sales and services

The Staff Report relies on GWL's website—not its actual services—to conclude that its use qualifies as "Construction Sales and Services." GWL's website describes the business as a "design/build construction firm" and "landscaping company" that designs and builds "all types of landscapes and hardscapes" which include the design and installation of landscaping features such as "pavers; patios; trees; shade structures; retaining walls; rock beds; gardens; rock gardens; rock walls; and water features." Staff Report at 14.

The Washoe County Code defines "Construction Sales and Services" as:

¹ See John M. Glionna, *Amid drought, the West is no place for a lawn, as Nevada has learned*, LOS ANGELES TIMES (May 1, 2015), <http://www.latimes.com/nation/>.

² The only findings that did not favor a special use permit for a wholesale nursery were contingent on further approvals. Adequate "Improvements" is conditioned on approval from reviewing agencies and "Air Quality" is conditioned on approval from the Washoe County Health District's Air Quality Management Division. Staff Report at 26-27.

establishments or places of business **primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures.** This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. **Typical uses include tool and equipment rental, or sales and building material stores.**

WCDC § 110.304.25(j) (emphases added).

Although the term "construction" is used throughout the WCDC, it is not specifically defined. However, the term is often used in reference to residential and commercial construction projects.³ Despite the description used on GWL's website, the company is not **"primarily engaged in construction activities and incidental storage . . . of materials used in the construction of buildings or other structures"** rather, GWL provides landscaping services which include the limited construction of landscape-related features (*i.e.* rock walls, rock beds, rock gardens, patios, trees, pavers, shade structures, and water features) and incidental to that service is the storage of *landscaping materials* (*i.e.* ground cover). These are the very same landscaping services offered by other landscaping companies that describe them in the same manner.⁴ The description of the services offered does not change the fact that GWL does not engage in tool and equipment rental, or sales and building material stores. Indeed, GWL does not offer equipment rental, does not sell or rent construction equipment, and does not store construction materials—GWL's services are limited to *landscaping* materials. Accordingly, GWL's use cannot reasonably be categorized as "Construction Sales and Services."

2. **GWL's use is not wholesaling, storage and distribution**

The Staff Report concludes that GWL's activity is considered "Wholesaling, Storage, and Distribution — Heavy" based on activities that are merely incidental to the sale of landscaping and nursery items. The Staff Report notes that Colorock sells rock, gravel, sand, base and mulch and stores those items in open-storage bins. Staff Report at 14. Additionally, because Colorock uses large trucks for its landscaping services, it also offers "boulder pickup; snow removal with loaders and skid-steers; transporting of equipment up to 45,000 pounds; using a grapple truck to place boulders; and trucking services to deliver . . . boulders and construction

³ For example, a "Construction Yard" includes temporary buildings, structures and storage areas "supporting **residential development** and major construction." WCDC § 110.310.15(e) (emphasis added). Similarly, the WCDC describes "**House Construction Factories.**" *Id.* at § 110.310.30 (emphasis added).

⁴ See *e.g.* Signature Landscapes, <http://www.signaturelandscapes.net/grow/landscape-design-construction/> (offering "Landscape Design & Construction"); Reno Green Landscaping, <http://renogreen.com/services/commercial-services/design-and-installation/> (offering "New Construction and Installation").

materials." Staff Report at 14-15. Finally, "Colorock also allows for dumping of landscape and construction debris at their business location." Staff Report at 15.

The WDCD defines "Wholesaling, Storage and Distribution — Heavy" as:

establishments or places of business **primarily engaged in wholesaling, storage and bulk sale distribution including, but not limited to, openair handling of material and equipment other than live animals and plants.** The following are wholesaling, storage and distribution use types:

...

(2) Heavy. **Heavy refers to distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.**

110.304.30(l)(2)(Emphases added).

GWL is not engaged in the "Wholesaling, Distribution, and Storage." As an initial matter, the sale of plants, flowers and related nursery items requires trucks and trailers of varying sizes and outdoor open-storage bins due to the large variety of landscaping materials. Generally, the only difference between retail and wholesale is whether the nursery items are purchased by a homeowner or a third-party—not necessarily the size of the materials or the method of storage or delivery. The sale and delivery of boulders, rock, gravel, sand, base, and mulch is merely the sale of "**decorative rock or other appropriate inert materials**" or "Ground Cover" and "**other related nursery items**" as defined by the WDCD. §§ 110.412.60(j)(2); 110.304.25(x) (emphasis added). The only commercially sensible way to store such materials is in open-storage bins. Further, because the winter is the slow-season for the sale of nursery and landscaping materials, Colorock provides a landscaping service through snow removal. This activity takes place away from the Subject Property and has no impact on the neighboring parcels. Similarly, transporting equipment is incidental to GWL's primary business and takes place away from the Subject Property. Third, allowing dumping of landscaping and landscape construction materials on site is merely incidental to the sale of *new* nursery items and landscaping materials. Moreover, by offering this service Colorock reduces the number of trips that local landscaping providers must make to conduct their business, thereby reducing the number of trips to and from landscaping sites throughout northern Nevada. Consequently, GWL's use cannot reasonably be defined as "Wholesaling, Distribution, and Storage."

3. GWL's use is nursery sales

As described above, GWL is a nursery and landscaping business that, in response to market forces and state and local policies encouraging the use of climate-appropriate landscaping materials, provides "**decorative rock or other appropriate inert materials**" as "Ground Cover" as defined by WDCD. § 110.412.60(j)(2) (emphasis added). Indeed, the GWL's

services fulfill Washoe County's desired goal of encouraging climate-appropriate landscaping in the form of xeriscaping and rockscaping.

The WCDC defines "Nursery Sales" as:

the sales of plants, flowers **and related nursery items**. The following are nursery sales use types:

...

- (2) Wholesale. Wholesale refers to **wholesaling** of plants and flowers, with incidental retail sales.

Typical uses include wholesale nurseries.

WCDC § 110.304.25(x) (emphasis added).

Although the WCDC does not define "related nursery items," its policies and priorities contemplate and promote the use of rocks, gravel, boulders, and other inert materials in landscaping. Many other southwestern governments have adopted similar policies in response to prolonged draught. For example, the Gilbert, Arizona Unified Land Development Code (the "Gilbert Code") defines "Plant Nursery, Retail Sales" as "sales of plant materials, **landscape materials**, and fertilizer." Gilbert Code Glossary (emphasis added). Additionally, the Gilbert Code encourages "Desert landscaping," which it defines as "the installation of 'lush' desert landscaping through the use of low water-consumptive plants indigenous to this region." *Id.* at Article 11.1(E). The Gilbert Code further dictates that "[i]norganic ground cover, consisting of **decomposed granite, crushed rock, gravel, river rock and/or boulders**, shall be of sufficient variety in terms of color, texture, and materials to provide a pleasant and diverse appearance." *Id.* (Emphasis Added). Similarly, the Clark County Unified Development Plan ("CCUDP") defines "Plant Nursery" as "an establishment for the growth, display, and/or sale of plants, shrubs, or trees which may also include the accessory sale of materials and tools **such as decorative rock**." CCUDP Title 30.08-65 (emphasis added). Notably, the CCUDP includes landscape design objectives which emphasize "water conserving design." *Id.* at 30.64.030. Under the same chapter, under a section titled "Ground Cover" the Clark County Plan dictates that "[a]ny portion of a landscape area not planted **shall** be covered with **decorative rock, bark, mulch or other material suitable for reducing dust and evaporation**." *Id.* at 30.64-7 (emphasis added).

Similarly, the WCDC includes water conservation and landscaping provisions. See Article 412 ("LANDSCAPING"); see also § 110.412.20 (Water Conservation). Further, the WCDC encourages "the use of climatic adaptive planting material" (§ 110.412.60(a)) and promotes "resource-efficient landscaping for the conservation of water and other natural resources" (§ 110.412.20). Moreover, the Washoe County Code includes "**decorative rock** or other appropriate inert materials" in its definition of "Ground Cover." §110.412.60(j)(2)

(emphasis added). Thus, the WCDC contemplates and encourages the use of rock, stone and other inert materials in residential and commercial landscaping.

To be sure, GWL's sale of plants and flowers is explicitly included in the definition of "Nursery Sales." Additionally, the WCDC clearly contemplates the use of decorative rock, gravel, stone, boulders, and other "inert materials" in landscaping activities. Therefore, GWL's sale of such "inert materials" is clearly compatible with the current definition of "Nursery Sales."

4. **Regardless of use category, GWL's use is consistent with the South Valleys Area Plan**

Many of the Staff Report's conclusions are dependent on categorizing GWL's use as either "Wholesaling, Storage and Distribution" or "Construction Sales and Services" neither of which is permitted in the GR zone. See WCDC Table 110.302.05.3. Indeed, the Staff Report concludes that those uses "are not allowed within the General Rural regulatory zone and do not meet several of the policies within the [South Valleys] Area Plan, especially with regards to the Character Statement." Staff Report at 26.

GWL's commercial use is consistent with other uses permitted in the GR zone with a special use permits and is significantly less intrusive than industrial uses permitted in the GR zone. For example, industrial uses permitted in the GR zone with special use permits include:

Aggregate Facilities. Aggregate facilities use type refers to the **extraction and processing of sand, gravel and rock from the ground.** Typical uses include **sand and gravel pit and ancillary uses such as concrete and asphalt batch plants**

Mining Operations. Mining operations use type refers to the **extraction and processing of rocks and minerals from the ground,** but excludes uses classified under the petroleum gas extraction use type. **Typical uses include the mining of precious metals and industrial minerals.**

Petroleum Gas Extraction. Petroleum gas extraction use type refers to **the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site.** Typical uses include **oil and gas wells.**

Table 110.302.05.4; 110.304.30(a), (i), (j) (emphases added).

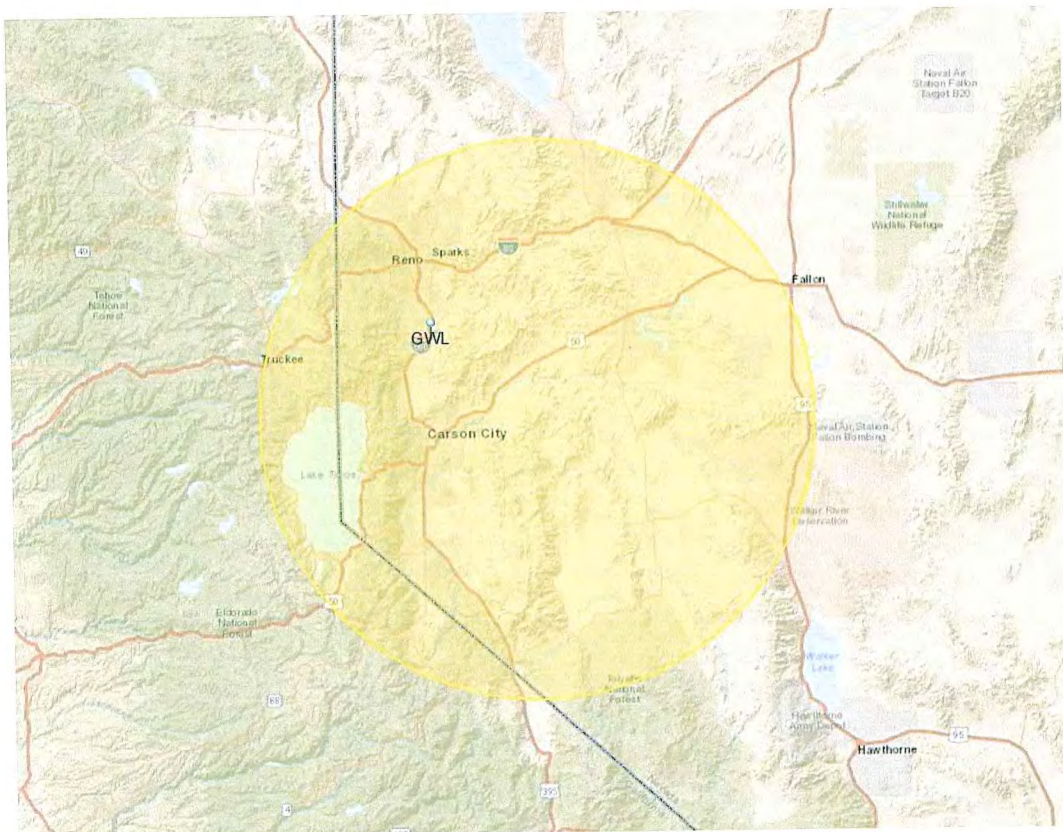
Thus, GWL's services are significantly less intrusive and noxious than industrial uses that are permissible in the GR zone. Moreover, as with any of these more intrusive uses, the Subject Property will be subject to rigorous conditions of approval by various state and local agencies. See Staff Report Exhibit A "Conditions of Approval".

Additionally, the Subject Property is located near other commercial uses. Approximately one mile away is a TrailersPlus dealership that sells cargo, utility, equipment, and ATV trailers of varying sizes⁵ and an Anchor Storage facility.⁶

II. SV.29.4 Anticipated Trade Area and Community Service Analysis

Pursuant to SV29.4 an applicant for a commercial use must "demonstrate that an analysis has been conducted that defines the anticipated trade area and demonstrates that the intended use is community serving." GWL's services are an integral part of the landscaping market in northern Nevada and the Subject Property will serve as a more centrally located and more easily accessible location for GWL's customers and community members.

GWL has a large and diverse customer base spread throughout the Reno-Tahoe area and much of northern Nevada. GWL serves hundreds of individual clients every year which includes private homeowners (Exhibit A; A-1) landscaping professionals, contractors, other commercial customers, and vendors (Exhibit B; B-1). As depicted in the trade map below, GWL's diverse customer base extends from the North Valleys south to Douglas County, west to Truckee, California, and as far east as Yerington and Fallon.



Approximate Trade Area in Relation to Subject Property

⁵ <https://www.trailersplus.com/nevada/reno/>.

⁶ <http://www.anchorstorage.net/>.

Despite the fact that GWL's customer base extends over a broad geographic area, the vast majority of GWL's customers are local. Accordingly, GWL's services have become a critical component of the Reno-Sparks landscaping community. Exhibit C. GWL's services are crucial to many small businesses based throughout Washoe County and specifically those located in and around the Reno-Sparks area.

The Subject Property will improve GWL's ability to serve the northern Nevada community in many ways. First, the subject property provides an opportunity for GWL offer additional plant-based nursery items. Second, the Subject Property is more centrally located in GWL's trade area. And third, the Subject Property is in a significantly less trafficked area than GWL's current location—which is just yards away from a busy intersection—making ingress and egress safer and more efficient. GWL's continued and improved service to the northern Nevada community is beneficial and community serving.

III. Considerations for CAB/NAB Comments

Pursuant to South Valleys Area Plan SV.2.4 the following responses address how the final proposal responds to community input received from the Citizen Advisory Board. The responses are in no particular order and related concerns and comments have been summarized to avoid redundancy.

1. The Subject Property is being "flipped" or quickly sold to another developer.

The "for sale" sign on the Subject Property has not been removed yet. However, the Subject Property is not for sale. GWL has no intention of selling the Subject Property.

2. An Industrial Use is inappropriate in the South Valleys and is not Permitted in a "General Rural" zone.

GWL maintains that it is not an industrial use such as "Wholesaling, Storage, and Distribution" and is not similar in any way to the industrial uses allowed in a "General Rural" or "GR" zone. For example, the following uses are permitted in a "GR" zone with a special use permit:

Aggregate Facilities. Aggregate facilities use type refers to the **extraction and processing of sand, gravel and rock from the ground.** Typical uses include **sand and gravel pit and ancillary uses such as concrete and asphalt batch plants**

Mining Operations. Mining operations use type refers to the **extraction and processing of rocks and minerals from the ground,** but excludes uses classified under the petroleum gas extraction use type. **Typical uses include the mining of precious metals and industrial minerals.**

Petroleum Gas Extraction. Petroleum gas extraction use type refers to **the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.**

Table 110.302.05.4; 110.304.30(a), (i), (j) (emphases added).

Nonetheless, GWL recognizes the concern that a wholesale nursery may negatively impact the rural and scenic nature of the South Valleys and specifically the Pleasant Valley area. Accordingly, every effort will be made to mitigate the already limited noise, light, and dust pollution associated with GWL's use. As demonstrated by the fact that GWL has never been cited by the City of Reno for a noise, light, or dust related violation, GWL is confident that it will continue to adequately mitigate impacts associated with its use.

3. There are insufficient water rights for the proposed uses.

The water rights associated with the Subject Property and their use for GWL's proposed activities are the subject of conditional approval by the Nevada Division of Water Resources and will require GWL to work with the State Water Engineer and Washoe County to determine the projected groundwater demand. The groundwater and surface water rights held by GWL will be sufficient for all proposed uses subject to the conditions listed in the Staff Report. Staff Report at 17; Staff Report Exhibit A at 4-5 (water rights conditions).

4. The proposed uses are inappropriate in a floodplain.

GWL is aware that the Subject Property is in a floodplain and has engaged an engineering firm to address this issue. GWL has engaged Cardno Engineering to re-design Steamboat Creek to allow for better floodwater retention and management through the Subject Property and to prevent downstream flood issues. The design will incorporate requirements from the Army Corps of Engineers to enhance riparian and stream habitat and to minimize impacts to the waterway during construction. The project will also receive a Water Quality Certification permit from the Nevada Division of Environmental Protection. Exhibit D.

GWL anticipates County and FEMA review of the project proposal by December of 2017 with a construction date in the spring of 2018.

5. The proposed uses will pollute existing irrigation networks.

GWL is currently working with the Big Ditch Company, the non-profit corporation that manages the irrigation channel crossing the subject property, to ensure that GWL's activities improve the irrigation channel running through the property.

6. The proposed uses will create significant dust and air pollution.

As pictured below, GWL currently uses watering trucks and clearly posted speed limit signs to keep the property free from dust and debris. At its current location, GWL has never

been cited for dust or debris by the City of Reno and will continue to maintain its strict "no dust" policy.



Clearly posted speed limit and "NO DUST" sign and damp soil at GWL's current location.



Storage bins surrounded by damp soil at GWL's current location.

7. The Subject Property is too close to residences.

GWL is sensitive to concerns regarding its proximity to residences because it has been operating in close proximity to residences at its current location. One reason for GWL's move to the Subject Property is to avoid being in close proximity to residences. Accordingly, as depicted below, GWL's Colorock activities will take place approximately 1,400 feet away from the nearest residence and will be separated by a significant hillside.



Colorock activities will be 1,400 feet from the Greenhalgh Family Trust residence.

8. The proposed uses will create significant noise pollution due to truck traffic and "beeping" when trucks back up.

GWL understands the concerns regarding truck noise and has worked diligently to mitigate its effects at its current location. Some noise is unavoidable as Occupational Safety and Health Administration ("OSHA") regulations require certain trucks to "beep" as they are backing up for safety purposes. Even so GWL has never received a noise complaint despite operating in close proximity to neighboring businesses and residences at its current location. Notably, Reno Municipal Code and Washoe County Development Code both require that sound levels shall not exceed 65 decibels during daytime hours for property adjacent to residential areas. Reno City Municipal Code § 18.12.304(g); WDC § 110.414.05(b). In fact, GWL is currently closer to neighboring residential and commercial property than it will be at the Subject Property and therefore anticipates that any truck noise can be successfully mitigated.

9. The proposed uses will create light pollution.

GWL has currently proposed having security lighting for each of the three proposed structures at the Subject Property. As stated by the Staff Report, any lighting will meet the standards of Article 414, *Noise and Light Standards* in addition to SV.2.7 to comply with "dark-sky" standards and SV.2.8 solar requirement. Accordingly, the measures will effectively mitigate any potential light pollution from the security lights.

10. The proposed uses will create a significant traffic hazards and will damage Andrew Lane.

GWL's application for a special use permit has been provided to the Nevada Department of Transportation ("NDOT"), the Regional Transportation Commission and Washoe County's traffic engineer for review. NDOT will require an additional traffic study in order to determine any necessary improvements to Highway 395. Specifically, the application is subject to an additional traffic study to quantify the number of trucks (triple, double, etc.) to determine a suitable driveway configuration and the need for deceleration and acceleration lanes, if applicable. Staff Report Exhibit A at 8.

Further, GWL's current location on South Virginia Street near South Meadows Parkway currently has approximately 23,000 Average Daily Trips while Highway 395 has been reduced to approximately 6,500 following the extension of I-580 to Carson City. GWL's employees and customers have safely navigated a much more heavily trafficked area at its current location. The reduced traffic levels in Pleasant Valley will make ingress and egress from the Subject Property a safe and efficient process.

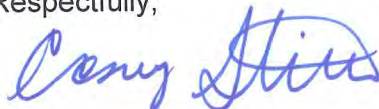
Additionally, GWL's activities are seasonal. The majority of GWL's business is conducted from April to November each year. In the off-season months, GWL operates with a skeleton crew. Traffic to and from the Subject Property will be significantly reduced for approximately 4-5 months each year.

11. The proposed uses require too many parking spaces.

GWL's current proposed parking plan requiring 60 spaces is based on the number of vehicles required to operate and GWL's projected number of customers during peak operating. During its busy season GWL currently operates with approximately 45 vehicles. This includes roughly 24 pickups, six Class B vehicles, and 14 Class A vehicles. Roughly half of the pickups are company vehicles that are driven home by GWL employees and stored off-site. Similarly, many of the larger vehicles are at off-site locations throughout the day. Thus, the 60 spaces are only necessary to address a few peak period throughout the year.

GWL's activities are seasonal. Parking at the Subject Property will be significantly reduced for approximately 4-5 months each year.

Respectfully,



Garrett D. Gordon
Casey J. Stiteler
Lewis Roca Rothgerber Christie LLP

EXHIBIT LIST		
Exhibit	Description	Pages
A	Gail Willey Landscaping Customer Contact List	22
A-1	High sierra trees & Landscape/Colorock Customer Contact List	72
B	Gail Willey Landscaping Vendor Contact List	15
B-1	High Sierra Trees & Landscape/Colorock Vendor Contact List	8
C	Letters Regarding GWL's Community Impact	4
D	Cardno Engineering Project Status Memorandum	1

WASHOE COUNTY STAFF NOTE:
Exhibits A, A-1, B, and B-1 (customer and vendor contact lists - 117 pages) are available online at <http://bit.ly/2zVMuDY>

You may request a printed copy of these exhibits by emailing kmullin@washoecounty.us or calling 775.328.3608.

EXHIBIT C



October 3, 2017

To whom it may concern,

Gail Willey Landscaping has been doing business with Western Nevada Supply Company for almost 20 years. In that time, they have grown into one of our largest and most consistent customers, and have become an invaluable part of our culture and community. In speaking with a number of people Gail Willey has done work for in the past, they have nothing but good things to say about their employees and the quality of work they do.

We value Gail Willey Landscaping dearly as a customer, and their positive impact on the community and our company would be greatly missed should they be unable to continue doing the excellent work they have been doing for so many years.

If you have any questions, or need clarification on any of the points I have made, feel free to call me. Thank you for your time,

A handwritten signature in black ink, appearing to read 'Joe Gilbert', is written over a horizontal line.

Joe Gilbert
Irrigation Manager
Western Nevada Supply Company
(775)353-0295

Corporate Headquarters
950 S. Rock Blvd - Sparks, NV 89431
tel 775.359.5800 • 800.648.1230 • fax 775.359.4649

www.wns1.com

WSUP17-0014
STAFF REPORT ADDENDUM 2

KOMATSU EQUIPMENT

To Whom It May Concern,

We have been doing business with Gail Willey Landscaping since 2013. I believe Gail Willey Landscaping has provided the community with amazing customer service. They are all very polite and hardworking. They have an attention to detail. They have the creativity and understanding to make things beautiful. They are punctual and are a responsible Company.

They have been a pleasure to work with as Customers of ours and we have never had any issues. If you have any questions, please don't hesitate to ask.



Darby K. Allen
Service Coordinator
Komatsu Equipment Company
775-353-8717 - direct
775-356-1334 - main
775-356-2117 – fax
darbya@komatsueq.com

Komatsu Equipment Company 900 Marietta Way Sparks NV 89431
Tel: 775-356-1334 Fax: 775-356-2117 Web: www.komatsueq.com

WSUP17-0014
STAFF REPORT ADDENDUM 2



To whom it may concern,

Through the past 33 years that I have been in business, we have done business with Gail Willey Landscaping and High Sierra Trees. They have not only purchased several trucks from my Kenworth Dealership (providing local employment), they have generated a lot of service work for the dealership (also providing local employment).

They have created the State of Nevada and Washoe County thousands of dollars in sales tax revenue from their purchases. They have also provided me with quality landscaping for my business and for my home.

Look around. This is one of the top-quality businesses in our community. Their work is everywhere. If they are no longer able to provide their services it would have a definite impact on the community. Not just on the revenue they generate, the employment they create but aesthetically also.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Worthen", written over a horizontal line.

Rick Worthen

Owner

Western Nevada Kenworth, LLC

And

Worthen Equipment, Inc.

From: Jim Crouse [mailto:jim.crouse_shaferequipmentco@yahoo.com]
Sent: Tuesday, October 03, 2017 11:43 AM
To: Gail Willey <gail@gailwilley.com>
Subject: Special use permit

October 3, 2017

To whom it may concern,

Shafer Equipment Company, Inc. Has been a partner in business with Gail Willey Landscaping, Inc. since May of 2016.

Gail Willey Landscaping has enjoyed a high level of success in our community for many years. Their contributions to Shafer Equipment and to our community has proven to be invaluable. These contributions have made our company strong and successful. We look forward to continuing out relationships with Gail's team.

I have known Gail for many years and found him to be a wonderful steward of the land, not to mention his personal contributions to our community and church.

I feel it would be a terrible injustice if Gail Willey were not able to continue as valued partner in our community and business.

Please grant Gail Willey a special use permit to relocate his business to Pleasant Valley.

Respectfully,

Jim Crouse
Territory Manager
Shafer Equipment Company, Inc.

EXHIBIT D

August 2017

Gail Willey Landscaping

Date: August 30, 2017
To: John Willey, GM, Gail Willey Landscaping
john@gailwilley.com
From: Mark Gookin, P.E.; Sarah Brown, Environmental Scientist
RE: **Gail Willey Landscaping Project Status Memorandum**

The following items have been completed or are in progress for the Gail Willey Landscaping Project.

To date, the following has been completed:

- 1) Cardno has met with the Army Corps to discuss permitting of channel design. A Letter of Permission application was requested. Channel will incorporate appropriate mitigation for impact to channel, as required by the permit.
- 2) Cardno has begun the channel design to accommodate floodplain constraints associated with the channel and property. Cardno is in progress of channel re-design of Steamboat Creek to allow for better floodwater retention and management through the property, and protect downstream waters from flood issues as well.
- 3) Design incorporates requirements from Army Corps to enhance riparian and stream habitat of Steamboat Creek, and will employ Best Management Practices during construction to minimize temporary impacts to the waterway during construction. Project will also receive a Water Quality Certification permit from Nevada Division of Environmental Protection.
- 4) Design will go through County, then review to ensure safety and all flood concerns/requirements are addressed with new design before permits can be issued.
- 5) Project anticipates County and FEMA review to be complete by December 2017, and all other permits secured soon thereafter, for a construction start date of spring 2018 (dependent on water levels and runoff).

If you need additional information or have questions regarding the project, please don't hesitate to contact Sarah Brown at Cardno, Inc., 775.335.0079.

Email: sarah.brown@cardno.com



Sarah Brown, Environmental Scientist

Phone 775.335.0079

C-2

August 30, 2017

Gail Willey Landscaping Project Status Memorandum



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Thursday, October 5, 2017
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The following is an excerpt of the draft meeting minutes for agenda item 9.F.

- F. [Special Use Permit Case Number WSUP17-0014 \(Gail Willey\)](#) – For possible action, hearing and discussion to approve, partially approve or deny a special use permit for the business operation of Gail Willey Landscaping and Colorock, which the applicant has described as a wholesale nursery facility with incidental retail sales. Staff has classified the proposed operation under the following uses: Wholesaling, Storage and Distribution – Heavy; Construction Sales and Services; and Wholesale Nursery. If approved as submitted by the applicant, the permit would generally include (1) the sale, storage, and disposal of trees, flowers, plants, and associated landscaping materials, (2) the sale, storage, and disposal of various types of rock, (3) the use of a variety of storage and office facilities on site, (4) parking for customers and employees, and (5) the use of a variety of trucks and other vehicles, machinery, and equipment associated with the operation. A separate special use permit (not yet submitted) would be necessary to facilitate proposed access to the operation, which would include construction of a vehicle bridge across Steamboat Creek, a Significant Hydrologic Resource.

- Applicant/Property Owner: Willey Land, LLC, Attn: Gail Willey
- Location: 134 Andrew Lane, approximately 500 feet south of its intersection with Highway 395
- Assessor's Parcel Number: 017-430-01
- Parcel Size: ±35.9-acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, *Special Use Permits*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 5, T17N, R20E, MDM, Washoe County, NV
- Staff: Kelly Mullin, AICP, Senior Planner
- Phone: 775.328.3608
- Email: kmullin@washoecounty.us

Chair Toulouse opened the public hearing and called for any disclosures from the Board. Chair Toulouse disclosed that he did a site visit yesterday. Member Thomas said he also did a site visit. Kelly Mullin, Senior Planner, presented the Staff Report.

Chair Toulouse opened up questions from the Board. Member Hill (*inaudible*) asked if the Applicant was amenable to these conditions and limitations of approval. Ms. Mullin stated she would let the Applicant's representative speak to that, but her understanding was no.

Member Stanley said Ms. Mullin mentioned some Special Use Permits that were associated with this, but then were changed because of the sizing down of the application. He also questioned a possible SUP by the Corps of Engineers for a bridge. Ms. Mullin stated the Washoe County Code required, through Article 438, that crossing any significant hydrologic resource (Steamboat Creek) would require a SUP. If the Applicant requested to cross the Creek it would be provided to the Army Corps of Engineers along with a variety of other reviewing agencies. Member Stanley asked if the change in the business type would affect the SUP process or would that be necessary in any case. Ms. Mullin stated it would be necessary in any case.

Chair Toulouse called the Applicant forward. Garrett Gordon, Attorney, stated he was representing the Applicant. He presented their PowerPoint presentation to the Board. Chair Toulouse opened questions from the Board.

Member Thomas said in 1998 the Applicant went before the Board of County Commissioners (BCC) and the nursery was approved and the Colorock was not. Then in April, 2017 they went before the Planning Commission to get the Development Code amended to allow for industrial use and that was denied also. He wondered what had changed from those two items that had been denied by two different Boards.

Mr. Gordon stated rocks were not allowed and the denial in 1998 was based on the number of trucks and the size of the trucks given how much traffic would be on US Highway 395. The change was the new freeway to Carson City and the trips were now around 6,500 instead of 42,000. He said when the Applicant approached him, he held a staff meeting and looked up the definition of nursery sales and he agreed it should be a nursery; however, he thought they should move forward with the wholesale distribution application because there was aggregate mining, mining exploration, batch plants and wholesale distribution businesses and this could be approved. He stated they moved to the Planning Commission and they did not have a problem with adding that as a use. The issue was there was a 40-acre limitation on the size of the parcel that could operate that use. He said there was a lot of discussion between staff and the Planning Commission regarding why would they pigeon it to 40 acres when the acreage was 38. It was denied, but he said he wanted to take it up on appeal based on the Commissioners stating it wasn't that big of a deal. He said they were not talking about the property, it was a text amendment adding this to General Rural with a Special Use Permit. He said they believed the application before this Board was the appropriate one.

Chair Toulouse said they had the opportunity to review the denial from 1998 and called Trevor Lloyd, Planning Manager, forward. Mr. Lloyd stated he was the planner who reviewed the request in 1998, and the Applicant was correct in stating there was a good deal of discussion about traffic and at the time there was significantly more traffic on US Highway 395 than there was now. He stated traffic was not the only concern, there was a lot of discussion about the definition of a nursery. He said there was also a lot of discussion about what was wholesale and what was heavy wholesale storage and distribution, versus wholesale nursery. It was a general concern that what the Applicant was doing represented heavy wholesale storage and distribution, which was an industrial use type.

Member Stanley asked if federal land was adjacent to the property. Mr. Gordon stated one of the neighbors was federal land to the south. Member Stanley asked if they had been in touch with the BLM regarding their concerns with this project. Mr. Gordon stated he had not, but they had been noticed for this hearing and had not commented. Member Stanley asked if he and the Applicant appeared before the CAB meeting and Mr. Gordon stated they did and it was very hostile. Member Stanley asked if they addressed any of that hostility in the way they were approaching the project. Mr. Gordon stated they did and he sat down with the Willeys and went through his eight pages of notes and sent a follow-up letter to staff pursuant to the South Valleys Area Plan. He said if this was looked at objectively, they met all the criteria. He gave the neighbors a lot of credit; it was a very smart, cohesive, educated, neighborhood and a lot of their questions were not related to today's hearing, but dealt with their grading permit, their permit to go over Steamboat bridge, how their properties would be impacted and the Army Corps of Engineers approval for the wetlands delineation. He said they were required to go to the State Engineer's Office and get a permit

and a lot of the water questions would be dealt with at that time. He believed while their questions were relevant to the entire project, some of those things would be dealt with at a later time with other agencies.

Member Stanley asked if the Applicant was in agreement with this particular application. Mr. Gordon said Gail Willey Landscaping and Colorock were in agreement with being able to operate on this property and with all the conditions of approval. He said they understood that if they did not meet all the conditions of approval timely and completely, they would lose their Special Use Permit.

Member Thomas asked if this property had ever been used for the nursery. Mr. Gordon stated it had not; it was owned by the Willeys in 1998 and they requested a Use Permit, but it was denied to allow for Colorock. It was flawed for them to proceed because they did not want to be doing business in two different locations, so they sold the property. Over the last 18 years they had been looking for other property and when this property came back on the market, they felt like with the changed circumstances with US Highway 395 and the traffic, and the ability to mitigate with the nursery stock, etc., this would be suited for this location. They purchased the property and filed the application. Member Thomas asked if this was an “all-or-nothing” request including Colorock. Mr. Gordon stated that was correct.

Chair Toulouse opened public comment. Kathy Peltier, 21025 Ames, stated she was asked to speak on behalf of Lonnie Wilks, who could not attend. She said Ms. Wilks owned the property at 136 Andrew Lane, which adjoined the Willey’s property. Ms. Wilks and the Willeys shared a fence on the northside of the property. Ms. Wilks lived in the Valley for 60 years and she had witnessed every major flood that had occurred. Ms. Wilk’s biggest concern was that Mr. Willey would be allowed to build in the FEMA flood zone. Ms. Peltier stated the County was aware of the flooding as they put a dip in Andrew Lane many years ago and have also had to replace the bridge, not only on Andrew Lane but on Rhodes Road. She noted there had been times when the residents had to park on Old Highway 395 in order to get in and out of their yards. When flooding occurred in the Valley, trees, branches, field debris, railroad ties and fence posts were carried into the Valley from the flood waters. Mr. Willey wants to put the buildings, bins, colored rocks, piles and trucks in this flood zone, which could wash downstream. She said Mr. Willey attempted to get a Use Permit in many different ways and had been denied more than once. She asked the Board to deny the Applicant from bringing his heavy industrial use to the General Rural zone and destroy the elements that made the Valley rural. She noted the County just recently addressed flooding in the North Valleys and the government wanted to buy up land in flood zones so they would remain vacant.

Delia Greenhalgh, 140 Andrew Lane, stated she served on the Pleasant Steamboat Valley Landowners Board for 20 plus years. She said she worked many hours with residents in the County on their Master Plan and this heavy industrial rock business was not compatible with the South Valley Area Master Plan and surrounding land use in a General Rural zone. Heavy Industrial Use had been limited to the Industrial Regulatory zone and never allowed in a General Rural zone, even with a Special Use Permit. She stated Mr. Willey’s Colorock business was denied by the BCC in 1998, due to it being inconsistent with other use types allowed in a General Rural zone. The Planning Commission denied his application to allow wholesale storage and distribution in April, 2017, classified as Heavy Industrial Use in the General Rural Regulatory zone with a Board of Adjustment Special Use Permit. Also, all four findings of fact that the Planning Commission addressed were found not to support this proposed Development Code amendment. At the South Valley CAB meeting on September 14, 2017 it was denied by all members indicating that this type of land use was inappropriate for the location. Mr. Willey owned 35 acres and only seven acres of that parcel were suitable for the proposed use. It was un-useable because both Steamboat Creek and the Big Ditch traversed the lot and it had a steep hillside slope along the entire southeast boundary. She said they were estimating 312 trips per day and the noise and air pollution, dust, diesel fumes, soil erosion and heavy equipment use would be unavoidable. Pleasant Valley was the link between the Mt. Rose Highway and the Washoe Scenic Corridor. She said the Board supported their rural way of life in the past, and she asked them to not disregard years of sound and established precedent to make a change for one individual.

Barbara Twitchell, 184 Concho Drive, stated this was about people who had invested their lives and money into their homes; people who selected and chose to live in an area that had a certain ambience and

country lifestyle. She said it was not possible for them to pick up their house and move somewhere else, they had to fight to protect the lifestyle they created. She said they realized there had to be commercial development, unfortunately, this particular commercial development did not fit in with the area. She asked the Board to visualize the noise, the dust and everything that would come from that type of use and stated she felt this would fit better in another area. She said the rocks would not just sit there, they had to be brought in and taken out and that would create noise. They talked about other businesses, but those were located to the north of this neighborhood and there were no adjacent homes to them. This would negatively impact the quality of their lives, their home values, public safety and it would change everything in the area. She asked for denial of the request.

Linda Harrison, 395 US Highway 395, stated this would not just affect the people in Pleasant Valley. She felt there was still a lot of traffic in the area and school buses that route every day. The trailer business and the storage business were there, but they did not make 100 trips a day. The two-mile stretch before and after the curve at Andrew Lane was the most dangerous area of the road between Mt. Rose Highway and the Bower's turnoff. She said she had called four times since I-580 opened about horses on the road. She said a few years back she attended tons of meetings at every single level for the Master Plan and the Area Plan and they did everything possible at those meetings to avoid this. She said she tried to review the staff report, but it was 129 pages long. Hours of research and hours of opinion and they came to the exact same decision that was made in 1998, which showed that no Special Use Permit should be allowed to change the Master Plan. She felt this would set a precedent and then there would be more and more exceptions. She discussed the marijuana super store that was going in and said she was glad some of the board members drove out and looked at the site.

Paul Howard, 145 Andrew Lane, stated he wanted to address the existence of the wind corridor, specifically the impact on the property the Applicant was proposing to occupy. He said he supported the Applicant's business model, because his own family enjoyed that kind of business for three generations. He felt it was just not right for this property site. The wind corridor was similar to the wind corridor in Washoe Valley; it caused trucks to be blown over regularly. The wind corridor started in the gap between Slide Mountain and Mt. Rose Peak and came down the valley system into Pleasant Valley. He cited when one of the main support rebar structures for the arch bridge was blown over by a wind that no one knew could happen. The people who lived there knew about the catastrophic winds, but no one in the County or the State told the contractor about how bad the winds could be. It blew over a seriously strong rebar support column and cost the taxpayers millions of dollars. The winds could cause the material yard to be blown downwind. The heavy rock would not blow around, but all the gravel and sand would end up in his yard. He requested the Board acknowledge the existence of the proven wind corridor and reject the Permit.

Sharol Erickson, 2100 Rhodes Road, stated she opposed the project. She said this had been opposed several times already and not much had changed. There were still traffic issues regarding the school buses, no stop lights and the blind curve. She said the traffic decreased a little bit when I-580 was constructed; however, with the proposed development Washoe County was doing the traffic had already begun to increase.

Dale J. Eastep, 201 Sauer Lane, stated he lived in Pleasant Valley for 25 years. They had an excellent elementary school, a beautiful residential area where kids could still play in the streets and ride their bikes, and across the street from his home the children had built a fort. He said this addition would not benefit any of them. The number of people who would be introduced to an area that was now a little bit out of the way, would want to move there and the current residents did not want that.

Marcy Jordan, 605 Chance Lane, stated Mr. Gordon did a good job of representing his client. He would like the Board to be objective about this project and talk about definitions. He noted staff did an in-depth report for the Board and they came to the same conclusion that the Board had always come to. He stated this was absolutely an inappropriate place to have a heavy industrial project. The Applicant's property ran along the whole corridor of South Virginia and I-580. He wondered if the Board thought this property would be restored and there would not be erosion and everything would be beautiful. He believed if John Rose

was present, he would tell the Board Mr. Willey was really not that good of a neighbor because he did not follow through on his promises. He asked the Board to deny this.

Jim Noriega, 135 Cottontail Lane, stated he would like to thank Planner Mullin for the great analysis. He said no doubt the Board heard neighbors in neighborhoods who were concerned about a higher density, industrial commercial use getting a foothold and setting a precedent to let something else come in. He stated the Applicant confirmed that by stating there was this business down the street and that business down the street and "we" should be there too. The Applicant recognized this was an incompatible use, because they were offering to buffer with trees and other things. If the County Plan required that the use enhance properties of the area, then it should not need buffering, mitigating, camouflaging, fixing, etc.

Ginger Pierce, 20885 Eaton Road, stated she was the President of the Pleasant Valley and Steamboat Landowners Association. She worked with the State Water Engineer, NDOT, Army Corps of Engineers and many others. She showed pictures that were presented to the Army Corps of Engineers. The first one showed the steep hill that was shown as open space on the map and it had a trail along an old ditch that turned into a road and there was nothing that could be done with it. The second picture was of the Big Ditch and it ran from the Creek over to the first picture and along the edge all the way along the property. She said the third picture showed the area that was wetlands. All of those plants were willows and there was nothing that could be done with it, although the Applicant planned to put a big building there and rocks. The fourth picture looked down on to the Big Ditch that ran along the edge of the hill and it had been there forever and nothing could be done with it. She noted the Applicant had no water rights. The last picture showed where the Applicant wanted to put a bridge across the Creek, which was denied before. She said she did not understand why anyone would want to build offices and warehouses and park their large expensive trucks in a flood plain.

Kathy Howard, 145 Andrew Lane, stated the current location was on a straight piece of US Highway 395 and to move down to their neighborhood it would have a very bad turn. At the Applicant's current location, the speed limit was 35 mph and this would be in a 50 mph zone. There were no lights in any direction for many miles, except three miles away at the Mt. Rose intersection. At the Applicant's current location, they had two stop lights, one going north and one going south, hence they had no accidents there. She encouraged the Board to deny the Permit because she did not think this would make their community safe, secure and healthy.

Bodie Monroe, 230 Rhodes Road, stated he had the privilege of growing up in the Valley, still lived there and his kids went to school there. He said the reality of comparing the trailer dealership and the Anchor Storage to this project was like comparing apples with oranges. The noise generated from those businesses failed in comparison to a landscaping yard. He used to run a landscaping business and had done business with Gail Willey on Old Virginia Road. He said he knew landscaping and it was not quiet and it was not clean and when those flood waters rose all of that debris would head straight for his house no matter what work the Applicant would do. He said flood waters were already prone to being kind of nasty, but what else would come down with the water from a landscaping yard, he was not sure. He asked the Board to think about this and deny the request.

Kim Wallin, 135 Cottontail, stated she was asking the Board to deny the Special Use Permit because it did not have the proper zoning and if the primary purpose was to have a wholesale nursery then the percentage of space to be used for the rock part of the business should be limited. The property was also in a regulatory floodway, according to FEMA. If a property was in a regulatory floodway that meant that communities must regulate development to make sure there was not an increase in flooding upstream or downstream. She stated she was concerned with adding the buildings, the 50 rock bins and the parking lots that could create additional flooding issues. As a former member of the State Transportation Board, she was somewhat familiar with NDOT's priorities on various roads. Now that I-580 was open, US Highway 395 was no longer a top priority. With the additional traffic and heavy trucks on the road it would require more maintenance and she did not think NDOT had the resources to maintain it. She said with the big trucks and additional traffic, there would be the need for acceleration and deceleration lanes. She wondered who would

pay for those and she was not sure there was even space for them. Another concern of hers was possible mercury in the area. She wondered if there would be testing before they started digging things up and it started flowing downhill. She said if the Board began making exceptions, Pleasant Valley would soon be nothing more than an industrial area. She saw it happen in Las Vegas where they had some areas that were zoned for rural and they started allowing for some exceptions and pretty soon people could not have their horses and chickens. She did not want Pleasant Valley to turn into Las Vegas.

Celine Cinq, 17995 S Virginia Street, stated she lived across the street from where this business was being proposed. She said concerns regarding water were mentioned earlier for the 2 Cent Cattle Company and she wondered about the need to water this property regularly to keep dust down. She stated Mr. Willey's business at their current location was surrounded by other traffic, which kept the noise drowned, which made it hard to sense how much noise Mr. Willey's business would generate in this area. She believed being surround by hills would not muffle the sound, but rather amplify it. She said she could hear cars pass by, planes overhead, avalanche control on the Mt. Rose Highway, cyclists talking as they rode by, and that was while she was in her home. Outside she could hear the rustling of the wind and the leaves in the trees and water in the Creek; in other words it was an environment that did not have constant noise, which made it that much easier to hear anything and everything. She requested the Permit be denied.

Jerome Fritz, 17995 S Virginia Street, stated the other morning he came out of his house and smelled diesel fumes in the air so he walked over and saw that it was coming from a truck parked where the proposed driveway was going in. In the morning diesel fumes did not rise up they sunk down and he was thinking that if the business had a bunch of trucks warming up in the morning, all those fumes would be blocked in by the hills and funneled down. He said in the morning it was still or slightly windy and he felt those fumes would blow toward his property, Andrew Lane and Rhodes Road. He did not think that would be good for their health. He totally opposed this and hoped the Board would deny it.

Anne Peirce, 20490 Temelec Way, stated she lived in the area over 45 years and much of what was heard today had also been expressed at the CAB meeting. She said they were very much opposed to the project, because it was simply not appropriate for the area and went against the South Valleys Area Master Plan. She said it was undeniable there would be an increase in noise, dust, fumes, traffic hazards and it did not even meet the minimum size of 40 acres. She said silica had not been mentioned, but she considered it among the highest of health importance. She said silica, often referred to as quartz, was a very common mineral found on construction sites and in soil, sand, concrete, masonry, rock, granite and landscaping materials. Those dust particles were very small, but it only took a small amount of air borne silica dust to create a health hazard. She said this was so serious that OSHA began enforcement of the new silica standards in construction and in March 2016, OSHA gave their final ruling to protect workers from exposure to crystalline silica. She reported she got her information from the Center for Construction Research and Training. She requested the Board stop the project.

Marilyn Cobe stated she had numerous signatures on a petition against this and 380 signatures on their website Change.org and she wanted them put it on public record. She also had some letters from people who were not able to attend. She agreed with what everyone else had said. She commented to Mr. Willey that it was a beautiful piece of property and she urged him to build his home there and move there to enjoy the area with the rest of them.

Frank Cadjew, 9825 S Virginia Street, stated he owned the property where Mr. Willey's company was currently located. Mr. Willey had been with him for almost six years. It started with a three-year lease with a three-year option. He said they were located across the street from a Wendy's, IHOP, WinCo and to the south was the South Ridge Plaza. To his knowledge they had zero complaints about noise, dust or trucks. He said they did not work at night and his home and office were on the property and they had never been bothered by the noise. He said the trucks went in and out on South Virginia on a daily basis and they never received a traffic ticket, which he felt that was an amazing record. He noted they washed all their trucks on a weekly basis to keep them neat and clean. They had two water trucks that ran all day, they watered the roads going in and out, they watered the rock bins and they enforced a 5 mph speed limit to their best of

their ability. He noted that Mr. Willey just purchased a tree planning company and had equipment that could handle a 20 to 30-foot tree. They were a great barrier for noise, dust and unsightliness. The entire management team for Gail Willey was family. He said he was speaking highly of this company because he had discovered in the last six years that they had integrity, had always been honest with him and were professionals. He said they were leaving their current location only because they wanted to own their own property. In six years they had a zero footprint, which was hard for everyone to understand. He said if they wanted to talk to Gail Willey, he would talk to anyone and if someone had a problem, Mr. Willey would handle it. He said the Applicants were good people.

Smithers Marquez, 9825 S Virginia Street, stated she was the Office Manager for Frank Cadjew. She noted the Cadjew's had many rental properties from commercial to residential and she handled all of them. Part of her job was to deal with tenants, leases and service. Gail Willey Landscaping and Colorock had been their tenant for six years and they ran their business efficiently and properly. If there was ever an issue, Gail, John, Parker and Suzanne would be there to handle the situation. She said they placed all of their concrete bins and roads with the intention to make traffic flow easily and minimize dust and noise. She said they had dump trucks, triples, doubles, loaders, trailers and they were all very well coordinated. She believed traffic was not an issue. They had water trucks to eliminate and avoid dust problems. She said the property had many trees, which made great buffers. They made sure their trucks and equipment started and stopped during normal business hours. In the last meeting people voiced their concerns and they did not go un-noticed. Gail Willey was the type of neighbor who listened, took in the concerns and resolved the issues. She said Mr. Willey cared about the community and the community cared about doing business with him. Even some of the neighbors who spoke at the last meeting had used Gail Willey's services. She said the community was growing and growing in all different directions, whether they liked it or not.

Richard Mahoney, 625 Rhodes Road, stated from Old US Highway 395 to Mt. Rose Highway to Carson City, you had a real sense of a transition neighborhood; a place where people connected with nature. There were various retail establishments, but most of them were more agriculturally oriented and understated. He thought what they were all talking about was a major change from that type of an environmental ambience. His other concern was they would have water trucks to keep down the dust and that water had to go somewhere. He thought it would go into Steamboat Creek and that Creek fed the Big Ditch, stock water and irrigation water. He said there were questions that there may or may not be toxins in that water flow. He would like the Board to consider that in their deliberations.

Brigitta Rosenbaum, 132 Andrew Lane, read a letter from Aaron Rosenbaum who could not attend. His concerns were that a Special Use Permit was predicated on a number of conditions of approval and the Applicant had to fulfill those conditions. When Mr. Willey previously owned this property, he accessed it through his driveway. He noted they seriously rutted the graveled driveway making his ingress and egress difficult. Mr. Willey promised to relevel and re-rock the driveway, but he did not. In the late 1990s when Mr. Willey owned the subject property, his trucks took out his mailbox twice. Mr. Willey promised to repair or replace the mailbox; however, he did not. When the January floods hit his driveway, Mr. Willey promised to smooth the driveway so that he could get in; however, that did not happen. When Mr. Willey needed more clearance for the taller trucks, he asked Mr. Rosenbaum to significantly prune his trees. Mr. Willey said he would haul away all the pruned branches; however, he did not. Mr. Rosenbaum felt Mr. Willey did not have a history of following through on his promises; how then could the community expect him to conform to the conditions that might be set for his industrial use of a rural property.

Marijke Bekken, 132 Andrew Lane, said she was an environmental scientist and she had significant reservations about the proposed use of this parcel and the impacts she would address should not be considered exhaustive, because many important environmental issues may not have been addressed. She provided each of the Board members with a copy of a draft Environmental Assessment that she conducted. She went through a PowerPoint presentation, which contained the Assessment.

Jacob Rosenbaum, 132 Andrew Lane, continued the Environmental Assessment presentation given by Ms. Bekken.

Charles Rosenbaum, 155 E 6th Street, finished the Environmental Assessment presentation started by Ms. Bekken. He also read from a letter that was written by Herschel Rosenbaum citing his concerns. Mr. Rosenbaum stated he ran a vacuum repair business from his home. He was not allowed to have more than about three customers per day. Mr. Willey would like to put in sixty parking spaces and while some of those spaces would be for his trucks and employees, many would appear to be for customers. He said that was not equitable to the requirements for his business. Mr. Willey was also proposing to put in a bridge from the US Highway 395 to his property. He said that may not be allowed due to the proximity to Andrew Lane and the flood plain. Until the bridge was built, Mr. Willey must access his property through Mr. Rosenbaum's driveway. Although the driveway was a separate parcel from his residence, the driveway was used by the children in the neighborhood as a playground. He was also concerned for the children's safety when the trucks would be using that access in the early morning and evening hours when it was dark.

Jim Phelan, Paddlewheel Lane, stated the area where the project was to be was in a very narrow spot between the hills and when the wind blew it would act as a funnel. He thought that would greatly increase the dust. He stated he was concerned about pollutants getting in the Creek and how that would be mitigated. He said when he moved to the area, he did not envision a landscaping business being allowed. He thought the Pleasant Valley complex was sacrosanct as a rural area and he hoped the Board would deny the request.

Douglas R Studwell, Jr., 315 Sanctuary Way, stated he lived about two and a half miles to the south of the project. He drove through Pleasant Valley all the time and a lot of traffic came from Old Washoe City and the New Washoe City, to and from Reno. He said there was higher speed traffic, no stop lights and with slow heavy trucks attempting to enter into and out of the property, would possibly cause some accidents. He noted the Applicant's present location had three lanes with a center turn lane and the speed limit there was 35 mph with controlled ingress and egress. He said he visited the site because he procured material from them and he agreed that was an industrial area. He said the subject was in a flood plain and one half to two-thirds of the property was hillside and a prime location for open quarrying of dirt, gravel and rock. He said the type of business adjacent to the subject was allowed for a rural residential area. He spoke about his concerns regarding dust, winds, fumes, flooding, and traffic. He noted the number of people in the audience who were opposed to the project and he requested the Board deny the project.

Marilyn Naylor, 1005 Dunbar Drive, stated she would like to thank Planner Mullin for her presentation, including the text from the South Valleys Area Plan. She said in 2005 the County invited the residents from the South Valleys to come together. She noted they had been to endless meetings, endless communications, and Planners guided them through the process. They completed the South Valleys Area Plan and the Washoe County Parks and Recreation also completed the adjacent scenic byway designations and corridor management plans. She said US Highway 395 went through three valleys, was a scenic corridor offering peaceful, bucolic scenery, pastoral respite and magnificent mountain views. Maintaining the scenic, agricultural and rural characters of the valleys would provide an important break between the more urban and suburban landscapes of Reno and Carson City. Washoe County Planning brought the community together and made the decisions of what was best for their entire community.

William Naylor, 1005 Dunbar Drive, stated the Applicant made mention of a bunch of businesses that were in the area where he proposed to move his. He said those businesses were appropriate for commercial zoning. He said Industrial Use was not allowed anywhere in the South Valleys. He read part of an email from a citizen who said he knew the neighborhood in Sierra Manor and all the residents got together and signed a petition, which was presented to the property owner leasing to Colorock on South Virginia. The owner told the property owners that they would not renew Colorock's lease and the residents had been waiting for them to move. The sound of the beeps, loading rocks into trucks and consistent vibration of large trucks had destroyed the peace of their homes. He said the noise woke them every morning.

Cliff Low, Washoe Valley, stated he did not live in Pleasant Valley, but lived in Washoe Valley. He thought he heard a question as to whether the rock business had to go with the nursery business and the

answer was yes. That would mean to approve this application, the Board would have to go beyond staff's recommendations, which was the nursery might work, but not the rock business. He said the Applicant was in the landscaping business and they offered to buffer with trees, but he wondered how they would do that. He asked if they would do that at the beginning and put in mature trees big enough to provide a buffer, or would they delay their operation for years while they waited for the trees to mature. He said there was a concept in law regarding the right to use your property, but common law also talked about the fact that you could not deprive others of the right to enjoy the use of their property. He thought this project would deprive the neighbors of their right of a rural residential area. He said General Rural was the classification for the Spanish Springs Valley ranches and he could not see this type of business going there or in a place like Mogul. He said to grant this application would be a terrible precedent.

Suzanna Stephens 245 McClellan Drive, stated her concerns revolved around threatening the rural character of their communities and possible contamination to the water. She was also concerned about public health risks related to silica, diesel and pollution, which affected the elderly and children with asthma. She said there were industrial zones to keep that type of stuff away from the general population. She stated there were a lot of cyclists going up and down the road to the schools. She said Andrew Lane had a blind curve and they had to be very careful. She wondered what the children on bicycles would do when they were faced with a three-trailer long truck coming at them. What about the cyclists that go down to Washoe Valley and Davis Creek Park and Bower's Mansion, what would they do. There was a bicycle path being planned near Washoe Lake Park and what impact would these heavy vehicles have on the cyclists. She said the wild horses had a hard-enough time and if there were monster trucks added into the equation, it would be much harder for them. She thought the Applicant's business was a necessary business, just not in this location. She requested the Board deny the project.

Jason Aceres, 265 Theobald Lane, stated he only lived in the area a few months and he had no facts, nothing against the Applicant and did not know what was good or bad. He stated after listening to everyone speak he had formed an opinion. He said he was counting on the Board to listen to the facts and make a good decision. He told the Board he moved from Sparks to this area to get away from everything. He felt if something was moving in and he did not step up and say something, then he was at fault for allowing things to happen that he did not want to happen and complain about it later.

Jack Greenhalgh, 140 Andrew Lane, stated 18 years ago Mr. Willey took agricultural water off his property in trucks and sold it for industrial use, which he thought was illegal and he also took dirt from the hillside without a permit. He was concerned who would police this if he did it again. He said the plot plan did not show the equipment he had on South Virginia. He noted Mr. Willey had piles of dirt, classifiers and front-end loaders. He lived through quite a few floods in the area and one time he walked up to the head of the ditch and there was six inches of water from the hillside all the way to US Highway 395. He stated he had a flood study from 1861 to 1976 and it talked about the different floods and it said the old Ferreira ranch was damaged more in those floods than any other place and it took them about two years to regrade it. He noted every time a flood happened through his property, he had to re-level his field.

Cindy Short, Pleasant Valley, was not present.

Cathy Brandhorst spoke on items of concern to herself.

Kelly Dean, 225 Steamboat Court, stated he lived very close to the project. He said what had changed from the time the Applicant started this process and now was nothing. He said the Applicant used a backdoor way to change the regulations for the entire County and when that did not work they decided to go through the application process. He said the Willey's had a small dump transfer station, which was a concern. He was sure the Applicant would testify they used the transfer stations for branches, but he had seen it and it had been used for construction refuse. He urged the Board to remember how many times the highway had been closed due to high winds. He felt this was inappropriate, especially when they talked about taking some of that hillside away and using separators to separate small rocks from large rocks, which caused a lot of dust. He asked the Board to deny the project. Chair Toulouse disclosed he was

friends with Mr. Dean and they had done volunteer work at the agency where he was formerly employed, but he had not discussed any of this project with him and they had no pecuniary interest. Member Thomas said he also knew Mr. Dean and spent about 10 years with the same agency.

Darci Fletcher, 835 Brenda Way, stated there was 35 acres currently for sale right next to the subject and she wondered if there were future plans for that piece of property from the Applicant. She said she opposed this project.

Chair Toulouse closed public comment and brought discussion back to the Board. Member Stanley said he understood the Board could entertain staff's recommendations, rule against the project, or the Board could accept all of it including the two industrial components. DDA Edwards stated the Board could deny in total, could grant in part and deny in part, or grant in total. He said there was a lot of evidence presented and the Board needed to consider it all, but there were two questions that needed to be decided. One was what was the correct classification of the use that was proposed; there were differing positions on that between staff, the Applicant and commenters. If the Board found this was a use that was allowed in this area, then the next step was the Board had to analyze the findings for the Special Use Permit, which included consistency with the Master Plan and the Area Plan. If the Board's answer to either one of those was no, then the Board could not grant the Permit, or at least portions of the Permit the Board did not believe fit under the umbrella. If the answer was yes to both of those, then the Board could grant the Permit. The evidence had to be substantial, which was defined as what a reasonable mind would tend to accept as adequate.

Member Lawrence said he did not have concerns with the traffic, because that area had always been pretty busy. He said there were Area Plans put together by the public, the communities and agencies to do the will of the people, the homeowners and the public for the benefit of those communities and those who lived in them. He did not think this project in whole fit that. He had no problem with a nursery, trees, fountains, a little bit of water, and plants, but when it came to equipment operations, moving rocks, 50 bins, building bridges and making improvements necessary to support and construct this operation, he thought that went beyond the intent of the South Valleys Area Plan. He had no problem supporting staff's determination with the revision in the application as far as the wholesale nursery, but not an operation with trucks, rocks and movement of those types of materials.

Member Hill said she concurred and she could support staff's motion, but not the rest of the uses that were inconsistent with the South Valleys Area Plan.

Member Thomas said he understood the business model; it made sense with a nursery and ground cover. However, he did not think this was the appropriate place for a rock operation. He concurred with the issues regarding the flood plain, the noise and safety for the children. He also had a concern regarding approving all or nothing; there needed to be some give and take.

Member Stanley stated it sounded like the Board was in concurrence that two of the proposed uses by definition of the Plans did not fit and did not meet the requirements. He said the only one that did was the nursery operation. He said he was also well aware of the horses being on the road, the dangers of the blind curves, lack of traffic signals and the trucks that were too large to get stopped in time. He said the safety issues were sound and all the environmental issues were other reasons to support the idea that only one of the three business types fit into the Area Plan.

Chair Toulouse stated he had some written remarks from Jim Phalen and a petition that was submitted to the Board with 57 signatures in opposition to this Special Use Permit. He reminded the Board they were to decide on the wholesale nursery and not look at the other parts of this. He understood that the Applicant's representative said all or nothing, but this was what was before the Board for decision at this time.

DDA Edwards said the Applicant's position was that all of the proposed activities fit under that definition; therefore, they were seeking approval of the entire proposed project. He noted that if the Board

found that it fit underneath that umbrella and the findings for the Special Use Permit were met, the Board would be empowered to approve the Special Use Permit.

Chair Toulouse stated that since this was an all or nothing proposal, with all of the information they received today and all the information that was presented by staff, he would have to deny the entire project.

Member Stanley asked if the Board could address staff's proposal, suggestions and conditions. DDA Edwards stated the Board could.

Chair Toulouse called for a motion.

Member Stanley moved 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 partially approve, with the conditions of approval included as Exhibit A with the additional condition 1T regarding water rights to this matter, Special Use Permit Case Number WSUP17-0014 for Gail Willey. This includes allowing for the wholesale nursery portion of the request, but NOT allowing the Construction Sales and Services use type, nor the Colorock operations (Wholesaling, Storage and Distribution – Heavy use type). With this modification to the application and partial approval, he could make all five findings in accordance with Washoe County Code Section 110.810.30 and the two required findings from the South Valleys Area Plan.

Chair Toulouse stated if the Board approved the project with this motion, the Applicant's interpretation was that it would include all of their operations. DDA Edwards stated the Applicant's interpretation of the applicable Code provisions was that it would include all of the facets of the proposed operation. He said what he heard from the motion maker was that his intent was to make a motion consistent with staff's position, which was all of the proposed activities did not fit underneath the applicable Code provisions, except for the nursery component.

On call for a second, Member Hill seconded the motion, which carried 4-1 with Chair Toulouse voting no.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
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 Nursery Sales - Wholesale, 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.
6. Character Statement. The community character as described in the South Valleys Area Plan Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
7. Air Quality. No significant degradation of air quality will occur as a result of the permit.



Conditions of Approval

Special Use Permit Case Number WSUP17-0014

The project approved under Special Use Permit Case Number WSUP17-004 shall be carried out in accordance with the Conditions of Approval granted by the Washoe County Board of Adjustment on October 5, 2017, and as amended by the Washoe County Board of Commissioners on November 28, 2017. 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.

Operational Conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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 Board of Commissioners 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.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**
- **The NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) is directed and governed by its own board. Therefore, any conditions set by the Nevada Department of Transportation must be appealed to that Board.**

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 the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

- a. This special use permit is not valid unless and until the applicant successfully applies for and obtains a separate special use permit for constructing a bridge across Steamboat Creek to provide primary access to the site.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- c. The applicant shall submit complete construction plans and 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.
- d. 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.

- e. Prior to the issuance of any grading permit, building permit or business license, the applicant shall provide evidence that all construction, grading and business activity occurring within or potentially affecting the critical or sensitive stream zone buffer areas of Steamboat Creek comply with the requirements of Washoe County Code Chapter 110, Article 418, *Significant Hydrologic Resources*.

Conditions 1(f) through 1(p) were added by the Washoe County Board of Commissioners on November 28, 2017.

- f. The applicant and owner/operator of the site shall ensure that material from the open storage bins shall not negatively impact Steamboat Creek and its associated Critical and Sensitive Stream Zone Buffer areas during any storm or flood event. Prior to issuance of a grading/building permit, the applicant shall demonstrate how material will be contained within the bin area during any storm or flood event. This may be achieved either through passive design (ex. elevating the bins prior to construction) or an active mechanism (ex. bin doors, etc.), and shall be to the satisfaction of the Planning & Building Division and the County Engineer. If this is achieved through an active mechanism, the owner/operator may be required to demonstrate the mechanism's continued operability prior to renewal of a business license each year, per the discretion of the Planning & Building Division.
- g. Prior to the issuance of a business license, the applicant shall submit a plan acceptable to the Planning & Building Division and County Engineer identifying the methods and best management practices (BMPs) that will be used to ensure fuel, oils and other potentially hazardous materials from equipment on site will be contained in order to not negatively impact Steamboat Creek and its associated Critical and Sensitive Stream Zone Buffer areas. These BMPs shall be to the satisfaction of the Planning & Building Division and the County Engineer.
- h. No open storage bins shall be located within the 100-year flood zone, nor within the Critical and Sensitive Stream Zone Buffer areas of Steamboat Creek.
- i. No equipment or material storage is permitted within the Critical and Sensitive Stream Zone Buffer areas of Steamboat Creek. The exception is that the growing and storage of trees, plants and flowers are permitted within the Sensitive Stream Zone Buffer area, but not within the Critical Stream Zone Buffer area.
- j. As shown on the submitted application, no more than 57 open storage bins are permitted on the property.
- k. Any cargo containers used to support the operation shall meet the provisions of Washoe County Code Section 110.306.10(g) as well as be: in good condition and painted a neutral color; contain no advertising; be placed to the rear of a principal structure; not impact required parking; meet the setbacks for a main structure; and be screened from view by a solid, decorative fence or solid vegetation having a minimum height of 8-feet.
- l. This permit authorizes the interim storage of landscape and construction debris deposited by customers on-site for a fee. No other type of on-site customer refuse disposal is permitted. All waste must be removed from the site in accordance with Washoe County Health District standards. Debris shall be stored behind a 6-7' high solid, decorative wall or fence and shall not be stacked higher than the height of the wall/fence.
- m. To reduce the visual and sound impacts of the proposed uses, the applicant shall install a landscaped buffer north of the Critical Stream Zone Buffer area and across the entire length of the property line abutting Highway 395. In areas where there is not sufficient room to install this landscape buffer north of Steamboat Creek, it shall

be installed south of the Critical Stream Zone Buffer area in order maximize screening of the proposed business operations. The landscape buffer shall meet the standards of Washoe County Code Section 110.412.40(c)(1) and (2).

- n. To reduce the visual and sound impacts of the proposed uses, the applicant shall install a permanent landscaped buffer along the eastern property lines north of the Big Ditch irrigation canal and outside of the Critical Stream Zone Buffer area. The landscape buffer shall meet the standards of Washoe County Code Section 110.412.40(c)(1) and (2).
- o. The proposed business operations shall be subject to the commercial standards of Washoe County Code Chapter 110, Article 412, *Landscaping*, with the exception that the operations are not exempt from these landscaping requirements. No Director's Modification of Standards shall be issued to waive or reduce these standards.
- p. Prior to the issuance of a building permit or grading permit, the applicant shall identify means of restricting unnecessary vehicular access to the Critical and Sensitive Stream Zone Buffer areas. This may be accomplished by fencing, boulders, bollards, landscaped berms or other means mutually acceptable to the applicant and the Planning and Building Division.

Bold text within condition 1(q) was modified by the Washoe County Board of Commissioners on November 28, 2017.

- q. All driveways, parking spaces and maneuvering areas (including surfacing material) shall comply with the requirements of Washoe County Code Chapter 110, Article 410, *Parking and Loading* **and Article 412, *Landscaping***.
- r. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Planning and Building Division for review and approval. 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.
- s. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to NRS 623A shall be submitted the Planning and Building Division for review and approval. 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 the Planning and Building Division has waived, if applicable.
- t. All landscaping shall be maintained in accordance with the provisions found in Washoe County Code 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 Planning and Building, prior to any Certificate of Occupancy or issuance of any business license. The plan shall be wet-stamped.

- u. Prior to the issuance of any building permit, grading permit or business license, the applicant shall provide evidence that a valid permit has been issued for the operation of a commercial on-site sewage disposal system.
- v. Prior to the issuance of any building permit, grading permit or business license, the applicant shall provide evidence that the necessary State and Federal permits have been obtained for any construction or improvements proposed within or near Steamboat Creek. This may include, but is not limited to: a Construction Stormwater permit; Nevada Division of Environmental Protection Temporary Working in Waterways permit; US Army Corps of Engineers permits.
- w. Prior to the issuance of any building or grading permit, the applicant shall conduct a wetlands delineation study and obtain Army Corps of Engineers certification of the potential wetlands. If wetlands are found to be present on the subject site, the applicant shall provide evidence of how any on-site development in these areas is consistent with Goal 27 of the South Valleys Area Plan.
- x. The applicant has indicated that the proposed improvements will not exceed the major grading thresholds that require a special use permit. If the final construction drawings include grading that exceeds the Major Grading Permit Thresholds listed in Washoe County Code Chapter 110, Article 438, *Grading Standards*, the applicant shall apply for a special use permit for grading; and if approved, may be delayed up to three months processing time. In addition, all related standards within the Washoe County Development Code shall be met on the construction drawings.
- y. The following **Operational Conditions** shall be required for the life of the business:

Condition 1(y)(i) was removed by the Washoe County Board of Commissioners on November 28, 2017.

- ~~i. This special use permit authorizes the growing and wholesaling of trees, plants and flowers only as a Wholesale Nursery Use Type as defined in Washoe County Code Chapter 110, Article 304, *Use Classification System*. Any other use, including wholesaling, storage and/or distribution of rock, boulders, gravel, base, sand, block, brick or other hardscape material is strictly prohibited. Operations falling under the Construction Sales and Services commercial use type and the Wholesale, Storage and Distribution industrial use type are also strictly prohibited.~~
- ii. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.
- iii. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
- iv. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Building Division.
- v. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Building Division to review conditions of approval prior to the

final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Bold text within condition 1(y)(vi) was added by the Washoe County Board of Commissioners on November 28, 2017.

- vi. Hours of operation are limited to: 7 a.m. to 5 p.m., Monday through Friday; 8 a.m. to 2 p.m. Saturday; and closed Sunday. **Trucks and other equipment shall not be started on-site, arrive on-site, nor operate on-site outside of these business hours.**

Condition 1(y)(vii) was added by the Washoe County Board of Commissioners on November 28, 2017.

- vii. In order to reduce noise impacts to the surrounding neighborhood, trucks and other equipment shall not idle for more than 10 minutes at a time.
- viii. Vehicular access shall be from a dedicated bridge access to Highway 395 only. Andrew Lane shall be used for gated, emergency access only.
- z. Prior to the issuance of a building permit, the applicant shall provide a plan for the control of noxious weeds on the property. The plan should be developed through consultation with the Washoe County District Health Department, the University of Nevada Cooperative Extension, and/or the Washoe-Storey Conservation District.

Water Rights Conditions

Contact: Vahid Behmaram, 775.954.4647, vbehmaram@washoecounty.us

- aa. This project will require stand-alone (non-supplemental) ground water rights in support of the commercial activities proposed. The applicant and County personnel shall estimate the projected ground water demand for the commercial activities to the satisfaction of Washoe County.
- bb. Adequate ground water rights per the estimate in Condition 1(aa) shall be transferred to an appropriate ground water well on the parcel associated with this application. Transfer of these water rights requires filing of applications with the Nevada State Engineer.
- cc. The application indicates possible appurtenant surface water rights from Steamboat Creek associated with this parcel of land. These surface water rights may be utilized in conjunction with the ground water rights in Condition 1(aa) above, when available and for appropriate non-potable uses such as dust control, and watering of nursery stock.
- dd. The water rights shall be in conformance with Article 422 of the Washoe County Development Code and subject to dedication requirement as described under said Code, and in conformance with the South Valleys Area Plan.
- ee. All water rights, including surface water rights, must have appropriate permits and approvals by the State Engineer.

Nevada Division of Water Resources

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

Contact: Steve Shell, 775.684.2836, sshell@water.nv.gov

- a. Any water used on the described lands for commercial purposes shall be provided by an established utility or under permit issued by the State Engineer's Office.
- b. All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise.
- c. Any water or monitor wells, or boreholes that may be located on either acquired or transferred lands are the ultimate responsibility of the owner of the property at the time of the transfer and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).
- d. Municipal water service is subject to Truckee Meadows Water Authority rules and regulations and approval by the Office of the State Engineer regarding water quantity and availability.

Washoe County Engineering and Capital Projects Division

3. The following conditions are requirements of the Washoe County Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

General Engineering Conditions

Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us

- 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 owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and Inspection Fee prior to obtaining a grading/building permit.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.

- e. If the import or export of materials is required, the applicant shall indicate on the plans where the exported material will be taken or where the imported material will be coming from, and a grading permit shall be obtained for the import/export site.
- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- g. Driveway locations shall conform to NDOT requirements and Washoe County Code Article 436 for commercial driveways.
- h. 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.
- i. A 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.
- j. Any increase in storm water runoff resulting from the development of the site shall be detained on site to the satisfaction of the County Engineer.
- k. A hydraulic analysis of the proposed main entry crossing of Steamboat Creek shall be prepared by a registered engineer shall be submitted to FEMA for review and approval. The report shall demonstrate that there will be no adverse effects to upstream and downstream properties after construction of the crossing of Steamboat Creek.
- l. The FEMA 100-year floodplain and floodway shall appear on the site and/or grading plan to the satisfaction of the County Engineer. Building permits for structures and any grading in these areas shall be in conformance with the Washoe County Development Code Article 416.
- m. Prior to the issuance of a grading or site permit the owner shall obtain a permit from the Army Corps of Engineers (COE) for any work within the wetlands/waters of the U.S., or a letter from the COE indicating that a permit is not required. If the COE requires the preparation of wetlands delineation map a copy shall be provided to the County Engineer. A copy of the permit or permit not required letter shall be submitted to the County Engineer.
- n. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices.
- o. Prior to issuance of a grading permit or site permit, an approval letter from the Big Ditch shall be submitted to the County Engineer.

Traffic Conditions**Contact: Clara Lawson, 775.328.3603, clawson@washoecounty.us**

- p. Provide truck turning radius for on-site vehicle turn-around.
- q. Provide left-turn pocket according to Traffic Works report and NDOT approval.
- r. Provide right-turn access according to NDOT approval.
- s. Prevent wild horse access along Highway 395 and property frontage. An acceptable example would be fencing along Highway 395 and a cattle guard on the private driveway.

Utilities Condition**Contact: Tim Simpson, 775.954.4648, tsimpson@washoecounty.us**

- t. The owner shall not erect or construct, nor permit to be erected or constructed any buildings, fences or structures, nor permit any activity which in the reasonable judgement of the County is inconsistent with the easements filed as documents 3575049 & 3575050 for the purpose of the future Pleasant Valley Sewer Interceptor.

Nevada Department of Transportation (NDOT)

- 4. The following conditions are requirements of the Nevada Department of Transportation, which shall be responsible for determining compliance with these conditions.

Contact: Jae Pullen, 775.834.8300, jpullen@dot.state.nv.us

- a. Existing occupancy permits are personal; however, the upkeep and repair responsibilities shall transfer to the property owner's successor. Actual work being performed in the NDOT Right-of-Way is cannot be transferred without prior written approval from NDOT. If the property changes use, the new property owner will need to apply for a new occupancy permit for access to the state highway.
- b. For any non-permanent activities or temporary traffic control such as placement of cones, static signs, and portable electronic signs within NDOT Right-of-Way will require a temporary permit. Please submit temporary permit applications at least 4 weeks prior to the scheduled activity or work. Contact the Permit Office for more information.
- c. Prior to any grading adjacent to NDOT Right-of-Way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. Please contact the Permit Office at (775) 834-8330 for more information.
 - i. A Drainage Report shall be submitted for any development or construction that impacts flow to or within NDOT Right-of-Way.
 - ii. Please contact the Permit Office to coordinate with NDOT's Hydraulic Design Division. It is beneficial to the developer to work with the Hydraulic Design Division early in the design process to answer questions and give guidance.

- iii. The Drainage Information Form shall be stamped by a professional engineer, unless waived at the discretion of the District Engineer. To request for a waiver, please submit the following:
 - Submit a signed letter addressed to the District Engineer on official letterhead describing the development or construction activities and provide supporting reasons to approve the waiver.
 - Include FEMA flood maps pertaining to the proposed project location.
 - Include construction plans or any other supporting documentation.
- d. Applicant is responsible for mitigating any project site drainage within the property. Drainage facilities within NDOT Right-of-Way is not recommended. Any proposal with facilities within the NDOT Right-of-Way will require a license or lease.
- e. The Nevada Revised Statutes (NRS) prohibits advertising within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near a highway or on bridge.
- f. Signs for advertising will not be allowed within NDOT Right-of-Way. Please refer to NRS 405.110 Unlawful advertising on or near highway or on bridge. Please ensure sign base, post and sign edge is outside of NDOT Right-of-Way.
- g. The property owner must provide adequate parking on the property or in the vicinity. NDOT does not issue permits for long term parking for business use. If needed, NDOT will post NO PARKING signs to mitigate any parking concerns. NDOT recommends not depending on State Right-of-Way to accommodate parking.
- h. NDOT will require a traffic study for this project. The traffic study shall quantify the number of trucks (triple, doubles, etc.) to determine a suitable driveway configuration and the need for deceleration and acceleration lanes, if applicable.
- i. The applicant shall need to coordinate with the Army Corps of Engineers and/or Coast Guard regarding any permits associated with the bridge over Steamboat Creek. Based on the proposed public use of the bridge for a commercial business, the bridge will be governed by NRS 403 – County Roads, Highways and Bridges.
- j. For public safety, direct access onto US 395A shall include a cattle guard that meets NDOT Standards. Any further emergency access shall be gated. Fencing along roadway frontage and property shall be maintained.

Regional Transportation Commission (RTC)

5. The following conditions are requirements of the Regional Transportation Commission, which shall be responsible for determining compliance with these conditions.

Contact: Rebecca Kapuler, 775.332.0174, rkapuler@rtcwashoe.com

- a. The Regional Transportation Plan (RTP) identifies South Virginia Street as an arterial with high-access control. To maintain arterial capacity, the following RTP access control management standards shall be maintained:

Access Management Standards-Arterials ¹ and Collectors							
Access Management Class	Posted Speeds	Signals Per Mile and Spacing ²	Median Type	Left From Major Street? (Spacing from signal)	Left From Minor Street or Driveway?	Right Decel Lanes at Driveways?	Driveway Spacing ³
High Access Control	45-55 mph	2 or less Minimum spacing 2350 feet	Raised w/channelized turn pockets	Yes 750 ft. minimum	Only at signalized locations	Yes ⁴	250 ft./500 ft.

¹ On-street parking shall not be allowed on any new arterials. Elimination of existing on-street parking shall be considered a priority for major and minor arterials operating at or below the policy level of service.
² Minimum signal spacing is for planning purposes only; additional analysis must be made of proposed new signals in the context of planned signalized intersections, and other relevant factors impacting corridor level of service.
³ Minimum spacing from signalized intersections/specing other driveways.
⁴ If there are more than 30 inbound, right-turn movements during the peak-hour.

- b. The Traffic Report submitted with the application identifies access to the site off South Virginia Street approximately 800 feet south of Andrew Lane. The study identifies a left-turn lane/deceleration pocket will be required for southbound Virginia Street at the project driveway per NDOT Access Management System and Standards.

Washoe County Health District (WCHD)

- 6. The following conditions are requirements of the Washoe County 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.

Environmental Health Services Division Conditions

Contact: Wes Rubio, 775.328.2635, wrubio@washoecounty.us

- a. The proposed use will require approval for Commercial Onsite Sewage Disposal Systems through the State of Nevada NDEP. The approved plans must be submitted with all proposed building plans to ensure all site plans match for the approved primary septic area and the approved repair area.
- b. The development of this parcel with the proposed number of parking places, buildings, offices, and operations will likely require that this parcel become a permitted public water system.
 - i. Based on the number of daily trips this would be classified as a transient public water system.
 - ii. The applicant is required to submit a Water Project directly to WCHD for review and approval. All proposed infrastructure must be included and identified on the civil sets in order to obtain approval from WCHD.
- c. All storage of materials must be in compliance with the WCHD Regulations Governing Solid Waste Management.

Air Quality Management Division (AQMD) Condition

Contact: Mike Wolf, 775.784.7206, mwolf@washoecounty.us

- d. A dust control permit and stationary source permit from AQMD is required prior to the issuance of building permits, grading permits and any business license.

Condition 7 was added by the Washoe County Board of Commissioners on November 28, 2017.

Truckee Meadows Fire Protection District (TMFPD)

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

Contact: Denise Reynolds, 775.326.6079, dreynolds@tmfpd.us

- a. The applicant shall comply with all applicable standards of the 2012 ICC International Fire Code, including for water and access.

**** END OF CONDITIONS ****

DRAFT