



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: January 12, 2021

DATE: December 11, 2020

TO: Board of County Commissioners

FROM: Dan Cahalane, Planner, Planning and Building Division, Community Services Department, 775-328-3628, dcahalane@washoecounty.us

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

SUBJECT: Public Hearing: Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and Rilite, Inc., to clarify the accurate boundary of the Rilite Aggregate Facility and Special Use Permit SP-34-76W to include APNs 016-730-61, 016-730-62, and 016-730-06 based on considerations including, without limitation, history of use and procedural history for the pit operations, and other matters necessarily connected therewith and pertaining thereto.

The term of the agreement is the shorter of either a) the date Rilite completes the reclamation of the aggregate in accordance with the reclamation plan or b) December 31, 2050.

The project is located southeast of Western Skies Drive at 9208 Western Skies Drive in Reno, Nevada. The project encompasses a total of 3 parcels that total approximately 197.13 acres. The parcels are located within the South East Truckee Meadows Area Plan. The property is located within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries and within Washoe County Commission District No. 2.

And if supported, set the public hearing and second reading of the Ordinance for February 9, 2021 and, if adopted, further authorize the Chair to execute the final Development Agreement. (Commission District 2.)

SUMMARY

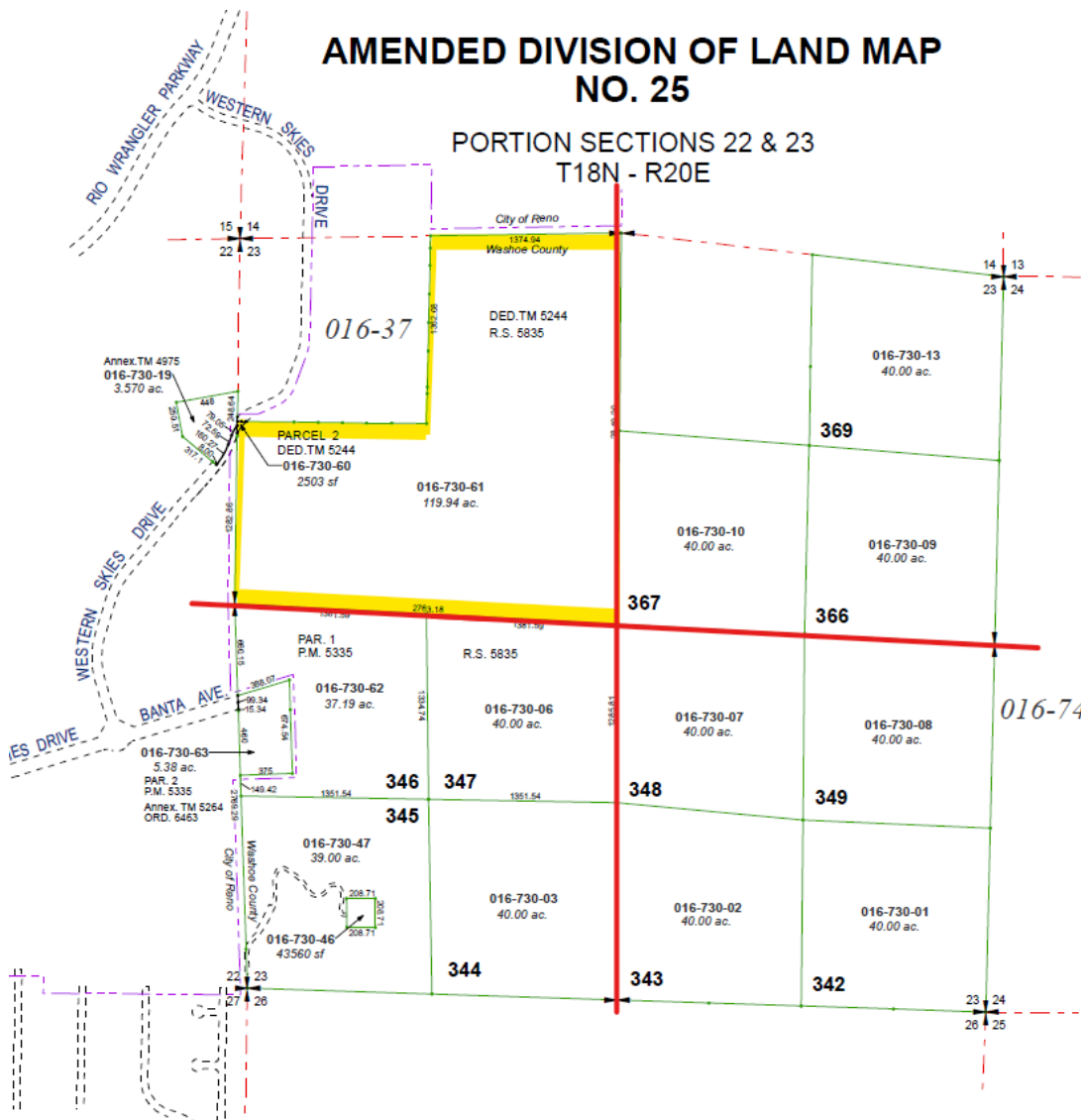
The County and Rilite, Inc., are seeking a Development Agreement to clarify the accurate boundary of Rilite Aggregated Facility and the special use permit to include APNs 016-730-06, 016-730-62 (original APN 016-730-05) based on considerations including, without limitation, history of use and procedural history for the pit operations.

AGENDA ITEM # _____

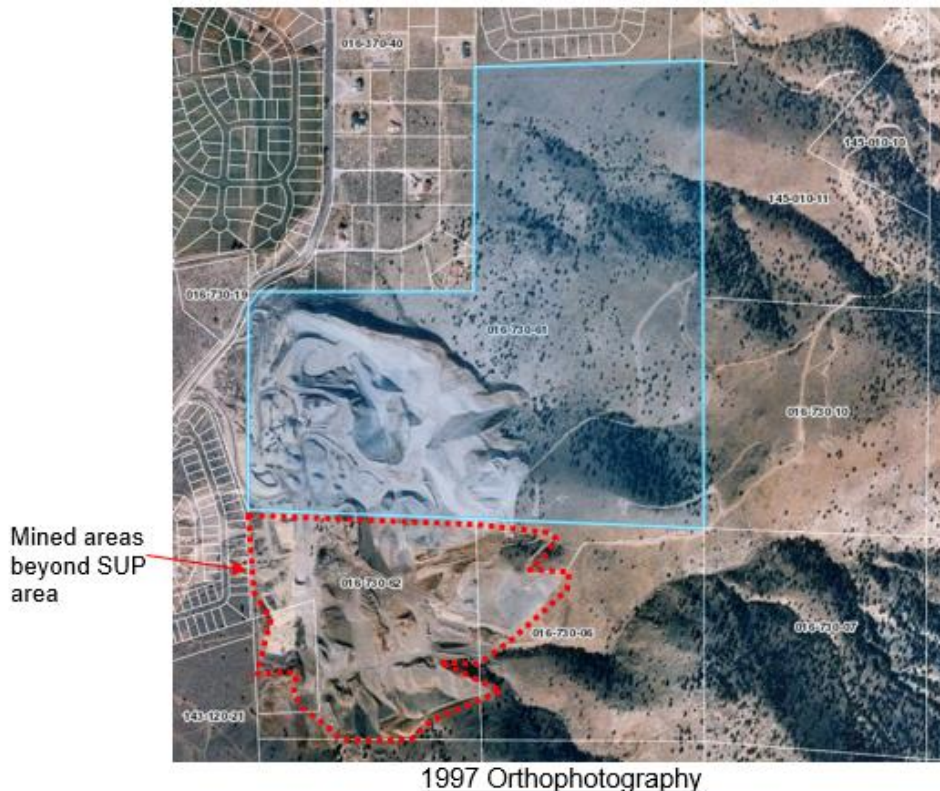
Washoe County Strategic Objective supported by this item: Responsible Growth Management.

PREVIOUS ACTION

On May 25, 1976, the Rilite, Inc.'s aggregate pit was approved via special use permit (SUP) SP-34-76W with the permit subject to termination in 20 years with annual review to determine compliance with plans and conditions. The special use permit applied to the area in the NE ¼ of the NW ¼ and S½ of the NW ¼ of Section 23, T18N, R29E, as outlined below:



This area describes the general property lines of current APN 016-730-61.



1997 Orthophotography

On Sept 4, 2001, Washoe County Planner Paul Kelly sent notice to Rilite Aggregate requiring that a new special use permit be submitted in compliance with Washoe County Code (WCC) 110.332.3. A staff report dated December 12, 2001 recommended compliance with new updated conditions. Rilite submitted a mining and reclamation Plan on April 14, 2002. A memorandum by Paul Kelly dated April 22, 2002 stated that:

“Per instruction of Maddy Shipman, Washoe County Assistant District Attorney, this memo will serve to revise the description of the Rilite Aggregate Pit, approved under SP-34-76W, to include APN 016-730-05 and APN 016-730-06, each being approximately forty (± 40) acres square in size and configuration.”

In 2006, the Planning Commission reviewed the 5-year aggregate pit compliance review as required per WCC 110.332.40. The staff report recommended approval with additional conditions and listed parcels 016-730-05 and 06 as part of the original SUP. The Planning Commission debated the approval of the compliance review and approved it by a vote of 3-2 on June 7, 2006. The meeting minutes noted that any expansion of a special use permit would have required public notice. The compliance review letter acknowledged (but did not approve) the ± 40 -acre expansion of the aggregate facility use across parcels 016-730-05 (now primarily parcel 016-730-62) and 016-730-06 totaling ± 80 -acres.

BACKGROUND

Rilite, Inc. has been operating an aggregate pit in this area since at least 1966 when Special Use Permit SP22-66W was approved. Rilite, Inc. received an extension of the aggregate facility use type in 1976 with the approval of SP-34-76W. These parcels are located in the City of Reno's Sphere of Influence (SOI), but not within its exerted SOI, which has caused some confusion over the years as to which entity had jurisdiction between 2010 and 2017.

On December 20, 2019, Washoe County staff initiated a 5-year review of the aggregate pit in compliance with WCC 110.332.40. Staff outlined the full timeline of SP-34-76W and discovered that SP-34-76W did not expressly apply to ± 40 acres of aggregate facility operations across current APNs 016-730-62 and 016-730-06 (which are a combined ± 80 -acres) as there was no public hearing specifically and expressly authorizing that change. This timeline is summarized briefly below:

- 1976 – SP-34-76W approved by the Board of Adjustment on May 11, 1976
 - Condition 10 – Special Use Permit subject to termination in 20 years with annual review to determine compliance with plans and conditions.
- 1977– Orthophotography captured in April 1977 shows expansion beyond originally permitted limits
- 1983– Rilite, Inc., purchased APNs 016-730-05 (currently 016-730-62) and 016-730-06 from Recreational Tourist Parks.
- 1996- 20 years since SUP was approved.
- 1997- Orthophotography captured in 1997 shows expansion of aggregate facility activities to include ± 40 acres on 016-730-05 (currently 016-730-62) and 016-730-06.
- 2001
 - Sept 4 - Washoe County Planner, Paul Kelly, sends Rilite Aggregate notice requiring a new special use permit in compliance with WCC 110.332.35 be submitted
 - Dec 12 – Staff report recommended compliance with new updated conditions
- 2002
 - April 14 – Rilite Aggregate submitted a mining and reclamation plan
 - April 22 – Memorandum by Planner, Paul Kelly, states that the description of SP-34-76 is revised to include APNs 016-730-05 (currently 016-730-62) and 016-730-06
- 2006 – Washoe County Planning Commission, by a vote of 3-2, approved the 5-year annual review with additional conditions on June 7, 2006, noting that any expansion of a special use permit would require public notice. The review included APNs 016-730-05 (currently 016-730-62) and 016-730-06 as part of the description.
- 2011 - Rilite, Inc. requested a 5-year compliance review on July 19, 2011.

- 2014 – Reno expands its Sphere of Influence to include APNs 016-730-11 (currently 016-730-61), 016-730-05 (currently 016-730-62), and 016-730-06.
- 2017 – Reno clarifies that its Sphere of Influence includes APNs 016-730-11 (currently 016-730-61), 016-730-05 (currently 016-730-62), and 016-730-06 but they are not within its exerted jurisdictional area in an email dated May 23, 2017 from Nathan Gilbert, Associate Planner, City of Reno.
- 2019- Rilite, Inc. submitted a letter outlining compliance with all SUP conditions on July 30, 2019.

On December 20, 2019, Washoe County staff initiated a 5-year review of the aggregate pit in compliance with WCC 110.332.40. Staff discovered that SP-34-76W did not specifically and expressly apply to ± 40 acres of aggregate facility operations across current APNs 016-730-62 and 016-730-06 (which are a combined ± 80 -acres) as there was no public hearing authorizing that change. Accordingly, this Development Agreement was drafted to remedy the above discrepancies.

FISCAL IMPACT

No fiscal impact.

POSSIBLE ACTIONS

It is recommended that the Board of County Commissioners review the record and take one of the following two actions:

1. Approve the introduction and first reading of an Ordinance to adopt a Development Agreement between Washoe County and Rilite, Inc., *et al.*, to clarify the accurate boundary of the Rilite Aggregate Facility and Special Use Permit SP-34-76W to include APNs 016-730-61, 016-730-62, and 016-730-06 based on considerations including, without limitation, history of use and procedural history for the pit operations.
2. Deny the introduction and first reading of an Ordinance to adopt a Development Agreement between Washoe County and Rilite, Inc., *et al.*, to clarify the accurate boundary of the Rilite Aggregate Facility and Special Use Permit SP-34-76W to include APNs 016-730-61, 016-730-62, and 016-730-06 based on considerations including, without limitation, history of use and procedural history for the pit operations.

POSSIBLE MOTION FOR THE FIRST READING OF THE DEVELOPMENT AGREEMENT

“Move to approve the introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between Washoe County and Rilite, Inc., to clarify the accurate boundary of the Rilite Aggregate Facility and Special Use Permit SP-34-76W to include APNs 016-730-61, 016-730-62, and 016-730-06 based on considerations including, without limitation, history of use and procedural history for the pit operations.. The approval is based on the Board’s ability to make all the findings required by WCC Section 110.814.30(d), Findings; and further move to set the public hearing and second reading for February 9, 2021.”

Attachments: A. Ordinance & A-1 Development Agreement containing:
Exhibit A (Legal Description)
Exhibit B (Special Use Permit)

cc:

Applicant: Rilite, Inc, 3025 Mill St, Reno, NV 89502.

Property Owner: Lightweight Properties, LLC, an affiliate of Rilite, Inc, 3025
Mills St. Reno NV 89502

Consultant: Alonso Law Limited, 6160 Plumas St, Suite 200, Reno, NV 89519.