

Conditions of Approval for CUP21003
Conditional Use Permit

1. APPROVAL:
THE PROJECT IS APPROVED AS SUBMITTED AND CONDITIONED. ANY SUBSTANTIVE CHANGE SHALL REQUIRE REVIEW AND APPROVAL BY THE PLANNING COMMISSION AND CITY COUNCIL AS AN AMENDMENT TO THIS CONDITIONAL USE PERMIT.

2. EXPIRATION DATE:
THE CONDITIONAL USE PERMIT SHALL EXPIRE WITHIN ONE (1) YEAR OF THE DATE OF PLANNING COMMISSION APPROVAL, UNLESS THE PERMITTED USE HAS BEEN ESTABLISHED OR CONSTRUCTION TO ACCOMMODATE THAT USE HAS BEGUN AND IS BEING DILIGENTLY PURSUED. A ONE-YEAR EXTENSION MAY BE GRANTED BY THE PLANNING COMMISSION AND CITY COUNCIL IF REQUESTED PRIOR TO THE EXPIRATION DATE OF THE CONDITIONAL USE PERMIT.

3. FEDERAL, STATE, AND LOCAL AGENCIES:
THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF ANY FEDERAL, STATE, OR LOCAL AGENCY WITH JURISDICTION OVER THE PROJECT TO THE APPROVAL OF THE ADMINISTRATOR.

4. NEVADA DIVISION OF ENVIRONMENTAL PROTECTION:
THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION- BUREAU OF AIR POLLUTION CONTROL, BUREAU OF SAFE DRINKING WATER AND BUREAU OF WATER POLLUTION CONTROL FOR THE WATER AND SEWER INFRASTRUCTURE DESIGN AND CONSTRUCTION TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER AND PUBLIC WORKS DIRECTOR.

THE DEVELOPER SHALL PARTICIPATE IN ANY PROGRAMS ADMINISTERED BY AND SHALL COMPLY WITH ANY OTHER REQUIREMENTS OF THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, INCLUDING BUT NOT LIMITED TO THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) AND THE CHEMICAL ACCIDENT PREVENTION PROGRAM (CAPP)

5. WATER RIGHTS:
THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE DEDICATION OF WATER RIGHTS, INCLUDING ASSOCIATED FEES, FOR THE CONNECTION TO THE CITY'S MUNICIPAL WATER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

6. LANDSCAPING/IRRIGATION:
THE DEVELOPER SHALL SUBMIT A LANDSCAPING AND IRRIGATION PLAN FOR THE PROJECT IN CONFORMANCE WITH THE CITY OF FERNLEY DEVELOPMENT CODE §32.09.090 FOR REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT. THE LANDSCAPING AND IRRIGATION SHALL BE INSTALLED PER THE APPROVED PLANS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE BUILDING TO THE APPROVAL OF THE ADMINISTRATOR.

7. WATER AND SEWER SERVICE:
PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT, THE DEVELOPER SHALL PROVIDE THE CITY WITH A UTILITY PLAN FOR WATER AND SANITARY SEWER THAT IS IN CONFORMANCE WITH THE CITY OF FERNLEY MUNICIPAL CODE, DESIGN STANDARDS AND THE

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NEVADA ADMINISTRATIVE CODE TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR, AND ADMINISTRATOR.

8. CONSTRUCTION MAINTENANCE:

THE DEVELOPER SHALL LOCATE AND UTILIZE A SUFFICIENT NUMBER OF TRASH CONTAINERS ON-SITE TO BE UTILIZED DURING THE CONSTRUCTION OF THE PROJECT TO MAINTAIN THE PROJECT SITE IN A CLEAN AND ORDERLY STATE TO THE APPROVAL OF THE ADMINISTRATOR.

9. PROJECT CONTACT:

THE DEVELOPER SHALL DESIGNATE TO THE ADMINISTRATOR A PROJECT CONTACT PERSON RESPONSIBLE/AUTHORIZED TO CORRECT PROBLEMS REGARDING THE PROJECT ON A 24-HOUR/7-DAYS A WEEK BASIS. THE DEVELOPER SHALL DESIGNATE THE PROJECT CONTACT PERSON TO THE ADMINISTRATOR PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

10. ENGINEERING/PUBLIC WORKS:

THE DEVELOPER SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE CITY OF FERNLEY MUNICIPAL CODE AND PUBLIC WORKS DESIGN MANUAL FOR THE CONSTRUCTION OF ANY PUBLIC OR PRIVATE INFRASTRUCTURE TO THE APPROVAL OF THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.

11. DESIGN STANDARDS:

THE DEVELOPER SHALL COMPLY WITH ANY DESIGN STANDARDS AND REGULATIONS AS SET FORTH IN THE CITY OF FERNLEY DEVELOPMENT CODE UNLESS IN CONFLICT WITH THE LOCAL, STATE OR FEDERAL REGULATIONS, IN WHICH CASE THE MORE STRINGENT REGULATION WILL TAKE PRECEDENCE.

12. PARKING/LOADING

THE DEVELOPER SHALL COMPLY WITH THE PARKING AND LOADING REQUIREMENTS AS SET FORTH IN SECTION 32.09.120 OF THE FERNLEY MUNICIPAL CODE TO THE APPROVAL OF THE ADMINISTRATOR.

13. ARCHITECTURE/BUILDING ELEVATIONS:

THE DEVELOPMENT OF THE SUBJECT SITE SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE ARCHITECTURAL BUILDING ELEVATIONS SUBMITTED AS PART OF THIS APPLICATION. SUBSTANTIAL CHANGES TO THE ELEVATIONS SHALL REQUIRE REVIEW AND APPROVAL BY THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE BUILDINGS.

14. UTILITY SCREENING:

THE DEVELOPER SHALL WORK IN CONJUNCTION WITH THE UTILITY COMPANIES TO LOCATE UTILITY EQUIPMENT SUCH AS ELECTRICAL, GAS AND WATER JUNCTION BOXES, INCLUDING TRANSFORMER BOXES, VAULTS AND ELECTRICAL PANELS, IN AREAS WHERE THE EQUIPMENT IS SCREENED BY EITHER ARCHITECTURAL ELEMENTS THAT MATCH THE MAIN STRUCTURE'S COLORS AND MATERIALS OR BY ADJUSTING THE APPROVED LANDSCAPING TO COMPENSATE TO THE APPROVAL OF THE ADMINISTRATOR PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROJECT.

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15. SCREENING:

ANY MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW OF THE PARKING LOT, ADJACENT PUBLIC STREETS, AND PUBLIC AREAS BY USING AN ARCHITECTURAL ELEMENT OF THE BUILDING CONSISTING OF SAME MATERIALS AND BE DURABLE MATERIALS TO THE APPROVAL OF ADMINISTRATOR.

16. LIGHTING:

THE DEVELOPER IS REQUIRED TO COMPLY WITH THE LIGHTING STANDARDS AND REQUIREMENTS IN THE CITY OF FERNLEY DEVELOPMENT CODE. TO REDUCE THE IMPACT OF GLARE AND MINIMIZE THE EFFECT OF FIELD AND PARKING LIGHTING, LIGHTING FIXTURES WITH EXTERNAL "HOODS" AND INTERNAL GLARE REDUCTION LOUVERS SHALL BE USED.

17. NEVADA DEPARTMENT OF TRANSPORTATION:

THE DEVELOPER SHALL BE REQUIRED TO PAY A PROPORTIONAL SHARE OF POTENTIAL FUTURE IMPROVEMENTS TO THE MAIN STREET (SR-427)/PILOT/LOGAN LANE INTERSECTION TO THE APPROVAL OF THE NEVADA DEPARTMENT OF TRANSPORTATION, PUBLIC WORKS DIRECTOR, CITY ENGINEER, AND ADMINISTRATOR.

18. NORTH LYON COUNTY FIRE PROTECTION DISTRICT:

THE DEVELOPER SHALL COMPLY WITH ALL REQUIREMENTS OF THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, INCLUDING BUT NOT LIMITED TO PROVIDING ANY EQUIPMENT NECESSARY TO ADEQUATELY SERVE THE PROJECT AND PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, TO THE APPROVAL OF THE FIRE CHIEF PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

19. SECONDARY EMERGENCY ACCESS:

THE DEVELOPER SHALL BE REQUIRED TO PROVIDE A SECONDARY EMERGENCY ACCESS TO THE PROJECT SITE TO THE APPROVAL OF THE NORTH LYON COUNTY FIRE PROTECTION DISTRICT, PUBLIC WORKS DIRECTOR, CITY ENGINEER AND THE ADMINISTRATOR.

THE LOCATION OF THE ACCESS SHALL BE SECURED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT. THE DEVELOPER SHALL IMPROVE THE EMERGENCY ACCESS ROAD IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE PUBLIC WORKS DESIGN MANUAL TO THE APPROVAL OF THE FIRE CHIEF, PUBLIC WORKS DIRECTOR, CITY ENGINEER, AND ADMINISTRATOR PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PROJECT.

20. UNION PACIFIC RAILROAD:

THE DEVELOPER SHALL PROVIDE DOCUMENTATION OF CONSULTATION WITH THE UNION PACIFIC RAILROAD REGARDING POTENTIAL FUTURE SAFETY IMPROVEMENTS FOR THE LOGAN LANE RAILROAD CROSSING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

21. BUILDING DEPARTMENT:

THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE BUILDING DEPARTMENT TO THE APPROVAL OF THE BUILDING OFFICIAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

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22. GRADING PERMIT:

THE DEVELOPER SHALL SUBMIT A GRADING PLAN FOR ANY PHASE OF THE PROJECT TO THE APPROVAL OF THE CITY ENGINEER. PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE DEVELOPMENT THE DEVELOPER SHALL POST A SURETY BOND FOR REGRADING AND RECLAMATION OF THE SITE. DEVELOPER SHALL COMPLY WITH ALL GRADING REQUIREMENTS SET FORTH IN THE CITY OF FERNLEY DEVELOPMENT CODE AS WELL AS ALL STATE AND FEDERAL REGULATIONS INCLUDING, BUT NOT LIMITED TO, STORM WATER POLLUTION PREVENTION AND AIR QUALITY RELATED TO SURFACE AREA DISTURBANCE.

THE DEVELOPER SHALL PROVIDE VERIFICATION OF A STORM WATER DISCHARGE PERMIT FROM THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO THE APPROVAL OF THE CITY ENGINEER PRIOR TO ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT FOR THE DEVELOPMENT.

23. STORM DRAINAGE:

THE DEVELOPER SHALL PROVIDE A FINAL DRAINAGE REPORT FOR THE PROJECT IN CONFORMANCE WITH THE FERNLEY MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO APPROVAL OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT. EACH SUCCESSIVE PHASE OF THE PROJECT SHALL SUBMIT AN UPDATED DRAINAGE REPORT FOR REVIEW AND APPROVAL BY THE CITY ENGINEER SHOWING THE CUMULATIVE EFFECT OF THE DEVELOPED PORTION OF THE PROJECT ALONG WITH THE PROPOSED PHASE'S EFFECT ON THE TOTAL DISCHARGE INTO THE DRAINAGE SYSTEM. THE STORM WATER AND DRAINAGE PLANS FOR THE PHASES OF THE DEVELOPMENT SHALL BE REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF A GRADING PERMIT FOR THE PHASES OF THE PROJECT.

ALL INTERNAL STORM DRAIN INFRASTRUCTURE SHALL BE MAINTAINED BY THE PROPERTY OWNER.

24. GEOTECHNICAL REPORT:

THE DEVELOPER SHALL PROVIDE A GEOTECHNICAL REPORT FOR THE PROJECT IN CONFORMANCE WITH THE REQUIREMENTS OF THE DEVELOPMENT CODE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER PRIOR TO THE APPROVAL OF A GRADING PERMIT OR BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.

25. LOGAN LANE IMPROVEMENTS:

IN ACCORDANCE WITH SECTION 32.09.140 OF THE FERNLEY MUNICIPAL CODE, THE EXISTING STREET SHALL BE IMPROVED TO A FULL WIDTH PAVEMENT SECTION AND STREET LIGHTING, CURB, GUTTER, AND SIDEWALK SHALL BE CONSTRUCTED ALONG THE SIDE OF THE ROADWAY ABUTTING THE DEVELOPMENT BOUNDARY. THE NEW ROADWAY SHALL COMPLY WITH THE CITY'S 60-FOOT RIGHT OF WAY STANDARD. PER THE DEVELOPMENT CODE, THE IMPROVEMENTS ARE ONLY REQUIRED TO EXTEND ALONG THE BOUNDARY OF EACH PARCEL THAT IS BEING DEVELOPED. THE IMPROVEMENTS SHALL BE COMPLETED AND ACCEPTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING OR PHASE OF THE PROJECT.

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26. TRAFFIC ANALYSIS REPORT:

THE DEVELOPER SHALL PROVIDE A TRAFFIC ANALYSIS REPORT FOR THE PROJECT IN CONFORMANCE WITH THE CITY OF FERNLEY'S MUNICIPAL CODE AND THE PUBLIC WORKS DESIGN MANUAL FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT. EACH SUCCESSIVE PHASE OF THE PROJECT SHALL SUBMIT AN UPDATED TRAFFIC ANALYSIS REPORT FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR SHOWING THE CUMULATIVE EFFECT OF THE DEVELOPED PORTION OF THE PROJECT ALONG WITH THE PROPOSED PHASE'S EFFECT.

27. TRUCKEE CARSON IRRIGATION DISTRICT (TCID)/BUREAU OF RECLAMATION:

THE DEVELOPER SHALL PROVIDE WRITTEN DOCUMENTATION FROM THE BUREAU OF RECLAMATION AND TRUCKEE CARSON IRRIGATION DISTRICT THAT ANY PROPOSED IMPROVEMENTS AFFECTING ANY BUREAU OF RECLAMATION FACILITY HAS BEEN REVIEWED AND APPROVED BY THE BUREAU OF RECLAMATION AND/OR THE TRUCKEE CARSON IRRIGATION DISTRICT TO THE APPROVAL OF THE ADMINISTRATOR, CITY ENGINEER, AND PUBLIC WORKS DIRECTOR.

28. SOURCE WATER PROTECTION PLAN

DEVELOPER SHALL COMPLY WITH ANY REQUIREMENTS OF THE CITY OF FERNLEY'S STORM WATER PROTECTION PLAN TO THE APPROVAL OF THE CITY ENGINEER, PUBLIC WORKS DIRECTOR AND THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

29. STRUCTURAL CONTROLS:

THE DEVELOPER SHALL UTILIZE STRUCTURAL CONTROLS FOR THE TREATMENT OF STORM WATER RUNOFF IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES TO THE APPROVAL OF THE PUBLIC WORKS DIRECTOR AND CITY ENGINEER.

30. WATER RIGHTS:

THE DEVELOPER SHALL COMPLY WITH ALL CITY OF FERNLEY MUNICIPAL CODES REGARDING THE DEDICATION OF WATER RIGHTS, INCLUDING ASSOCIATED FEES, FOR THE CONNECTION TO THE CITY'S MUNICIPAL WATER SYSTEM IN THE AMOUNT THAT IS REQUIRED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR ANY PHASE OF THE PROJECT.

31. INDUSTRIAL DISCHARGE PERMIT

THE OWNER SHALL APPLY FOR AN INDUSTRIAL DISCHARGE PERMIT WITH THE CITY OF FERNLEY PUBLIC WORKS DEPARTMENT TO DETERMINE IF ONGOING MONITORING AND/OR TESTING OR FURTHER PRETREATMENT IS REQUIRED TO PROTECT THE PUBLIC SANITARY SEWER SYSTEM PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.