Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	S	Staff Assigned Case No.:						
Project Name:								
Project Description:								
Project Address:								
Project Area (acres or square feet):								
Project Location (with point of reference to major cross streets AND area locator):								
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:					
Indicate any previous Washoe County approvals associated with this application: Case No.(s).								
Applicant Information (attach additional sheets if necessary)								
Property Owner:		Professional Consultant:						
Name:		Name:						
Address:		Address:						
	Zip:		Zip:					
Phone:	Fax:	Phone:	Fax:					
Email:		Email:						
Cell:	Other:	Cell:	Other:					
Contact Person:		Contact Person:						
Applicant/Developer:		Other Persons to be Contacted:						
Name:		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):						

womblebonddickinson.com

Garrett D. Gordon Partner Admitted in Nevada Direct Dial:

Direct Fax: E-mail:

December 8, 2025

Community Services Department Planning and Building 1001 E. Ninth St., Bldg. A Reno, NV 89512-2845



Womble Bond Dickinson (US) LLP One East Liberty Street Suite 300 Reno, NV 89501-2128

RE: BERM VARIANCE SUPPLEMENTAL INFORMATION

To Whom It May Concern:

On behalf of RED DOG TRUST, represented by trustees Curtis and Judy Coulter, the Applicants in this matter ("Applicants"), we hereby submit the enclosed application for a variance to waive the required two (2) foot setback regulations outlined in Washoe County Development Code ("WCDC") § 110.438.32, and thereby resolve the Administrative Enforcement Violation Case Number: WVIO-BUI25-0031. The variance requested here will allow for the existing berm on parcel 017-400-19 (the "Coulter Property") to satisfy WCDC requirements. The County has not indicated in **Exhibit 1**, which portion of the berm is presumed to be within two (2) feet of the property line. Even so, the Applicants request the entire berm which runs adjacent to parcel 017-400-71 (the "Grimes Property") and the Coulter Property be found to satisfy WCDC requirements.

The Applicants put forth a good faith effort to provide all materials requested in the application. In the event, the Community Services Department needs additional information, material, or documents to review the application in full, the Applicants will provide all materials to the best of their ability.

VARIANCE SUPPLEMENTAL INFORMATION

1. What provisions of the Development Code (e.g., front yard setback, height, etc.) must be waived or varied to permit your request?

<u>Response</u>: The variance will waive WCDC § 110.438.32, requiring the top of cut slopes be a minimum of two (2) feet from the property line.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

Womble Bond Dickinson (US) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebonddickinson.com/us/legal-notice for further details.

¹ Exhibit 1.



Response: Historically, the Coulter Property was uphill from the Grimes Property, and the elevation from lot 017-400-19 sloped south westerly towards lot 017-400-071. As a result of development taking place on the Grimes Property, fill dirt has been added to lot 017-400-071 allowing the building pad to be raised 1.5 feet.² This change in elevation has caused the Grimes Property to now be uphill from the Coulter Property and disrupted the natural drainage which existed between the two properties. The added berm protects the Coulter Property from the back flow of irrigation and natural surface water caused by the elevation and drainage changes.

This berm is necessary to protect the Coulter Property from future flooding. To be sure, the Coulter Property was previously flooded in a section of the property without the berm. The flooding resulted in the displacement of culverts, and relocation of approximately a foot of mud on to the southern part of the Coulter Property.³ This flooding incident resulted in nearly \$10,000.00 worth of damage to the Coulter Property.

Therefore, the berm is necessary to protect the Coulter Property from future harm that will likely result from the elevation change to the Grimes Property, as well as the continuing development efforts on the Grimes Property.

3. What steps will be taken to prevent substantial negative impacts (e.g., blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Response: The berm does not create any negative impacts to the other properties or uses in the area. The berm is located <u>entirely</u> within the Applicants' property line and contained by a fence maintained by the Applicant. The berm poses no harm or risk to neighboring properties and exists solely for the protection of the Coulter Property.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g., eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Response: The berm eliminates potential encroachments from neighboring properties, specifically the Grimes Property. The change in elevation of the Grimes Property has resulted in an increased risk of flooding to the Coulter Property. Importantly, the Coulter Property has already experienced flooding due to disruption in historical drainage patterns. This protective barrier serves as an effort by the Applicants to mitigate any future damage.

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

<u>Response:</u> The Applicants are being denied the right to use and enjoy their property, as well as the right to protect their property from invasion. The Applicants' right to use and enjoy their property

² See Exhibit 2 (grading permit for APN 017-400-071, permitting the building pad to be raised 1.5 feet).

³ See Exhibit 3 (demonstrating a section of the fence line which had not been backfilled and sustained flooding damage from the redirection of irrigation ditch water).



is a tenant of landownership recognized by the Nevada Supreme Court. *McCarran Int'l Airport v. Sisolak*, 122 Nev. 645, 658 (2006)("The term 'property' includes all rights inherent in ownership, including the right to possess, use, and enjoy the property."). Moreover, the Applicants have a fundamental right to exclude others from invading their land. *See S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 412 (2001) ("The 'right to exclude others' has been held to constitute a 'fundamental element of private property ownership." (citation omitted)). Removal of the berm will expose the Applicants to future flooding with no ability to prevent or mitigate the resulting damage. This amounts to a denial of the Applicants' right to enjoy their property freely and exclusively.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

<u>Response:</u> There are no relevant restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request.

7. How is your current water provided?

Response: Water is provided to the Property via well.

8. How is your current sewer provided?

Response: Sewer is provided to the Property via septic tank.

For the reasons stated herein, the berm meets or exceeds all variance requirements and findings under WCDC. The Applicants therefore respectfully requests that the County approve the variance and resolve Case Number: WVIO-BUI25-0031.

Please do not hesitate to contact this office at ______ if we can provide any additional information.

Sincerely,

Garrett D. Gordon

Garrett Gordon

Womble Bond Dickinson (US) LLP

Exhibit 1



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET RENO, NEVADA 89520-0027 PHONE (775) 328-6106 FAX (775) 328-6133

ADMINISTRATIVE ENFORCEMENT **WARNING**

October 28, 2025

Red Dog Trust

Please comply by November 30, 2025

Case Number: WVIO-BUI25-0031

Subject Property: 515 Rhodes Rd Washoe County, NV

Parcel Number: 017-400-19

Dear Respondent:

Based on a complaint received by this office, and a subsequent inspection of subject property, it has been determined that there is a violation of Washoe County Code on your property. This notice serves as a warning about the Code violation and seeks your voluntary action to correct, mitigate, or remedy the Code violation.

The site review shows the referenced property has a 2 ft berm within the 2ft setback of the property line. A violation of WCC Ch 110.438.32,.

The code violation found on the property and the action you must take to correct the situation is: **Section 110.438.32 Grading & Retaining Walls Within Setbacks.** Earthwork and retaining walls within building setbacks shall adhere to this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. The setback standards of this section may be reduced with the approval of a director's modification of standards by the Director of Planning and Building upon recommendation by the County Engineer.

(d) Top of Cut Slope. The top of cut slopes shall be a minimum of two (2) feet from the property line. The setback may need to be increased for any required interceptor drains (See Figure 110.438.32.1 TOCS). Figure 110.438.32.1 TOCS TOP OF CUT SLOPE (e) Toe of Fill Slope. The toe of fill slopes shall be a minimum of two (2) feet from the property line (See Figure 110.438.45.32.2 TOFS).

Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Building Official or County Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include, but are not limited to: (i) Additional setbacks. (ii) Provisions for retaining walls or interceptor drains.







Memo to: Red Dog Trust Subject: Code Violation Date: 10/28/2025

Page:

2

The actions you must take to correct this violation are: Remove the berm that is within setback and restore the area.

OR

If both parties agree to leave the area in its current condition, both parties may apply and receive a **Directors Modification per WCC CH 110.438.32 (f).** The Directors Modification shall be approved by the County Engineer. County Engineer, Dwayne Smith has visited the site and confirmed he would approve a Directors Modification if both parties agreed.

You may contact me at 775-328-3621 or Cell (775) 399-8539 to discuss the code violations on your property and actions you must take to correct the violations, or if you have any questions about this warning. I will gladly schedule an appointment to meet with you on your property.

You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at 775-328-6133, or orally at 775-328-3621. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If an extension of time is granted, we will mutually develop a plan with time frames for you to correct the violation.

An administrative penalty notice will be issued if the corrective actions are not initiated by December 1, 2025, or the work is not permitted or the work in not approved by a Directors Modification within the time frame stipulated, or by any extension of time approved by the Code Enforcement Office. The administrative penalty notice will result in an automatic penalty of \$100. Further Administrative Penalty Notices with increased penalty amounts and additional fees may be issued without further warning if the violation is not corrected. Failure to pay the penalty may cause further action by the County Collections Office, which may include an additional \$50 collection fee, potential penalties and interest, and may result in a lien on the property to recover all unpaid penalties, fees or costs.

Failure to correct the violation by the compliance date may also result in additional civil or criminal remedies after consultation with the District Attorney's office.

Kevin Costa

Code Enforcement Officer II KCosta@washoecounty.us

(775) 328-3621 Cell (775) 399-8539

Exhibit 2



WASHOE COUNTY

Department of Building & Safety

"Dedicated to Excellence in Public Service"

BUILDING PERMIT

INSPECTION LINE (775) 325-8000

www.washoecounty.gov/building

Phone 1:

Phone 2:

Email:

1001 E. Ninth Street P.O. Box 11130 Reno, NV 89520-0027

(775) 328-2020

Permit No:WBLD24-100599Permit Type:Grading PermitsApplied:02/08/2024Address:130 OX-YOKE LNType:ResidentialIssued:03/29/2024Location:Status:Issued:

Status: Issued
Expire: 9/28/2025

Zoning: Occupancy: Use Code:

Area:

Parcel No: 017-400-71

OWNER: GRIMES LIVING TRUST

CONTRACTOR: TAURUS CONSTRUCTION

10274 IRON ROCK WAY ELK GROVE, CA 95624

Phone 1: (775) 657-9697

P O BOX 2597 SPARKS, NV 89432 License: 0084821

Phone 2: Phone 3:

Email: dan@taurusnv.com

CONTACT: Dan Cain **Phone 1:** 775-771-6850

Phone 2: Phone 3:

Email: dan@taurusnv.com

Permit Description: 1436 CUBIC YARDS OF GRADING AND DRAINAGE IMPROVEMENTS ON 1 PARCEL ONLY FOR FUTURE DWELLING / DOES NOT

INCLUDE FOUNDATIONS OR SEPTIC SYSTEM FOR FUTURE DWELLING / PARCELS 017-400-70 ****5/8/24 REVISION 1 CHANGE TO

GRADING TO RAISE BUILDING PAD BY 1.5' DUE TO GROUNDWATER LEVELS FROM SEASONAL IRRIGATION WATERS****

Valuation:

Occupanc	Туре		Factor	Sq Feet	Valuation	
				Totals:		
FEES:	Building Fee:	\$231.73	Regional Road Impact Fee:	0.00	TOTAL FEES:	\$610.35
	Reinspection Fee:	\$0.00	Violation Fee:	\$0.00	PAYMENTS:	\$610.35
	Plan Check Fee:	\$359.62	Regional Tech Fee:	\$19.00		
	Park Tax:	0.00	Other Fee:	\$0.00	BALANCE DUE:	\$0.00
	Renewal Fee:	\$0.00				

Permission is hereby granted to do the work for the building described in this application, in accordance with the Rules, Regulations and Ordinances of the County of Washoe, along with the plans and specifications filed herewith.

Construction work hours will be limited to 7am to 7pm Monday to Saturday, unless a communication plan is approved by the Planning and Building Director.

Initial disclosures below or on the next page.

IMPORTANT TIME DEADLINES: ____ (initial)

I UNDERSTAND THAT FINAL INSPECTION OR RENEWAL OF THIS PERMIT MUST BE MADE PRIOR TO THE EXPIRATION DATE OR NEW PLANS MUST BE SUBMITTED AND PERMIT FEES PAID PRIOR TO FINAL INSPECTION. PERMITS EXPIRE 18 MONTHS FROM THE DATE OF ISSUE, WITH NO GRACE PERIOD. IF THE DATE OF EXPIRATION FALLS ON A WEEKEND OR HOLIDAY, THE PREMIT MUST BE RENEWED ON THE LAST BUSINESS DAY PRIOR TO THE EXPIRATION. I UNDERSTAND THIS IS THE ONLY NOTICE I WILL RECEIVE FOR RENEWAL OF THE PERMIT AND KEEPING THE PERMIT RENEWED AND IN A VALID STATUS IS MY RESPONSIBILITY.

IMPORTANT WATER RIGHTS/WILL SERVE REQUIREMENTS: _____ (initial)

I UNDERSTAND AND AGREE THAT ANY NEW OR EXPANDED EXISTING PROJECTS THAT TRIGGER THE REQUIREMENT FOR SUFFICIENT WATER RIGHTS TO BE DEDICATED OR RELINQUISHED ACCORDINGLY IN CONFORMANCE WITH WASHOE COUNTY CODE CH.110, ARTICLE 422.15, APPLICABLE LOCAL AND STATE CODES / LAWS AND THAT PROOF OF WATER RIGHTS OWNERHSHIP OR RELINQUISHMENT AND A WILL SERVE LETTER MUST BE PROVIDED TO THE WASHOE COUNTY PLANNING AND BUILDING DIVISION PRIOR TO FINAL INSPECTION, CERTIFICATE OF OCCUPANCY OR THE OCCUPANCY OF THE PREMISES APPLIED FOR HEREIN. OWNER / APPLICANT AGREE TO ALL RESPONSIBILITY AND LIABILITY RELATED TO WATER RIGHTS AND WILL SERVE LETTERS, AND RELEASE WASHOE COUNTY, ITS AGENTS AND EMPLOYEE FROM ANY LIABILITY OR CLAIMS.

DISCLAIMERS: INDEMNIFICATION: ACKNOWLEDGMENTS BY PERMITTEE: ____ (initial)

I UNDERSTAND THAT THE INSPECTIONS PROVIDED BY WASHOE COUNTY ARE VERY LIMITED AND DO NOT COVER ALL OF THE WORK PERFORMED UNDER THE AUTHORITY OF THIS PERMIT. THE INSPECTIONS ARE OCCASIONAL SPOT CHECKS, MUCH LIKE AN AUDIT; THEREFORE MANY PARTS OF THE WORK ARE NOT INSPECTED. IF MORE INSPECTION IS DESIRED, A PRIVATE INSPECTOR MUST BE HIRED BY THE PERMITTEE. NEITHER THE INSPECTIONS BY THE COUNTY NOR THE CERTIFICATE OF OCCUPANCY CONSTITUTE A REPRESENTATION BY THE COUNTY THAT THE WORK WAS INSPECTED OR THAT THE WORK COMPLIES WITH COUNTY ORDINANCES.

I HEREBY AGREE TO DEFEND AND TO SAVE, INDEMNIFY AND KEEP HARMLESS THE COUNTY OF WASHOE AND ITS OFFICERS, EMPLOYEES AND AGENTS AGAINST ALL LIABILITIES, JUDGEMENTS, COSTS AND EXPENSES WHICH MAY ACCRUE AGAINST THE COUNTY IN CONSEQUENCE OF GRANTING OF THIS PERMIT OR CERTIFICATE OF OCCUPANCY, IN CONSEQUENCE OF THE COUNTY'S OWN NEGLIGENCE OR ITS OTHERS ACTS OR OMISSIONS WITH RESPECT TO THIS PERMIT OR A CERTIFICATE OF OCCUPANCY, OR IN CONSEQUENCE OF THE USE OR OCCUPANCY OF ANY WORK, SIDEWALK, SUB-SIDEWALK OR STREET, OR OTHERWISE BY VIRTUE THEREOF, AND WILL IN ALL THINGS STRICTLY COMPLY WITH THE CONDITIONS OF THIS PERMIT AND PROVISIONS OF THE RULES, REGULATIONS AND ORDINANCE OF THE COUNTY OF WASHOE.

INITIAL_

BY INITIALIZING THIS SECTION, YOU GRANT PERMISSION OF ENTRY TO THE STRUCTURE PERMITTED BY THIS PERMIT AND AUTHORIZE WASHOE COUNTY INSPECTORS TO ACCESS THE PROPERTY AT REASONABLE TIMES PROVIDED THAT CREDENTIALS BE PRESENTED TO THE OCCUPANT AND ENTRY REQUESTED FOF THE PURPOSES OF CONDUCTING REQUIRED INSPECTIONS ASSOCIATED WITH THIS PERMIT AND ENFORCE THE PROVISIONS OF WASHOE COUNTY CODE

BUILDING INSPECTION RECORD PLEASE READ THIS CARD AND POST IN A CONSPICUOUS PLACE

BUILDING DEPT. INSPECTIONS - CALL FOR THE FOLLOWING:

- When footing forms, reinforcing steel, grounding electrode, are in place and ready to pour concrete.
- When stemwall forms and steel are in place and ready to pour concrete or block is ready to group.
- 3. When joists are installed, plumbing and mechanical roughed in prior to floor sheathing and floor installation.
- Power pole is in place, ground rod is buried and all 110v exterior outlets are wired to ground fault circuit interrupter.
- 5. All underslab plumbing is in place, ready to pour.
- 6. When ice dam is installed (if required).
- 7. Shearwalls Prior to covering with siding or wallboard.
- When plumbing is through roof, electrical boxes in and are pulled, house framed. Complete: exterior siding, heating, air conditioning, oil tank, and/or gas piping in with pressure test on line, finish roof complete.
- 9. When shower pan waterproofing is complete and on test.
- 10. When lath is complete but before any plastering is applied.
- 11. When insulation is installed.
- 12. When wallboard is installed prior to taping.
- 13. When heat is needed prior to final and installation is complete.
- When underground utilities have been placed in trench, sanded, and ready to be covered.
- 15. Permitted work complete. New occupied structures.

BUILDING DEPARTMENT

Insp. Date Soils Report Compaction Test/Certification Certificate of Elevation(FEMA) Drainage Certificate Rough Grading Finish Grade Slab on Grade Rebar Grout Shower Pan Other Miscellaneous Final Final

> Free App Download: Washoe Building Inspection App App Store (IPhone) OR Google Play (Android)

Check your permit status, history and search records at: www.OneNV.us

Building inspections must be requested one day in advance. Inspections must be turned in by 4:00 P.M. If using the building inspections app 11:00 P.M.

Building inspections must be requested one day in advance through Washoe County Building Inspections app found on Google play or Apple's app store.

All work must be ready for inspections to include testing, fees and special inspections.

Post address of job site immediately (must be visable from the street).

The approved set of building plans must be on job site at all times.

Provide temporary toilet facilities on site.

Check approved plans for notations and corrections.

Any proposed deviations from plans must be resubmitted and approved in

Inspections by VM: (775) 325-8000

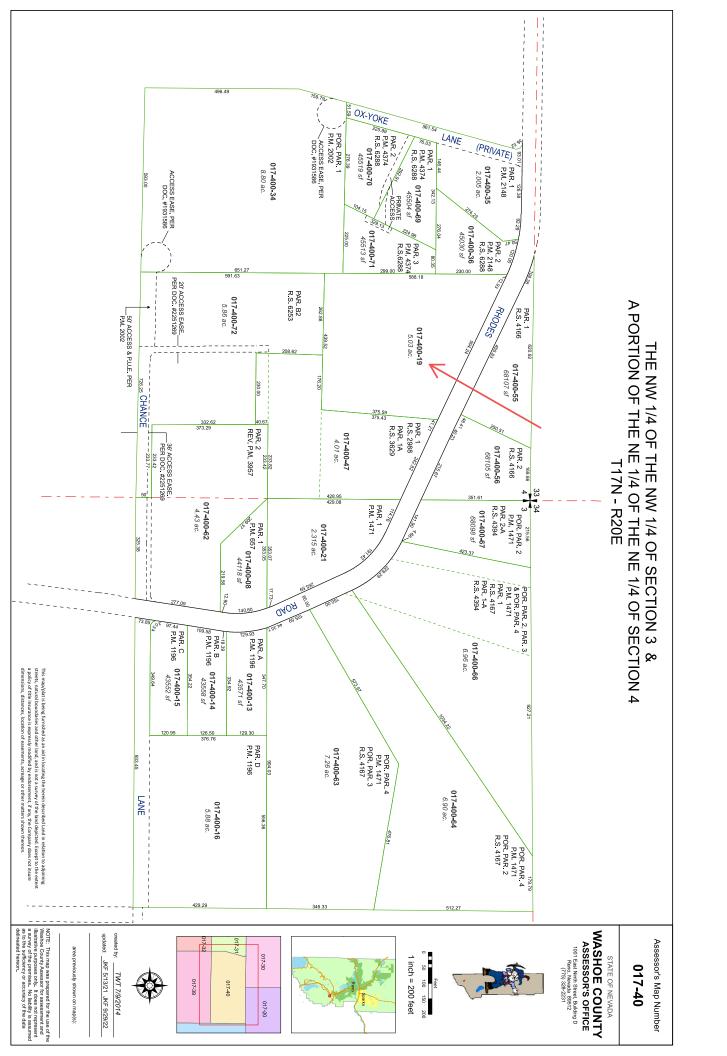
Inspections by Email: inspections@washoecounty.gov

When scheduling inspections, please leave all the following information:

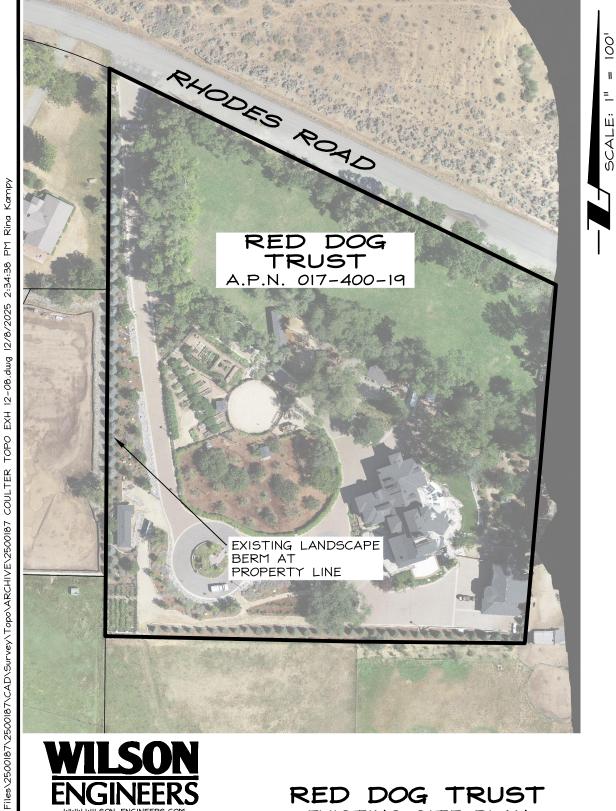
- Permit Number
- Address of Job
- Type of Inspection(s)
- Date Inspection Needed

Exhibit 3





Site Plan



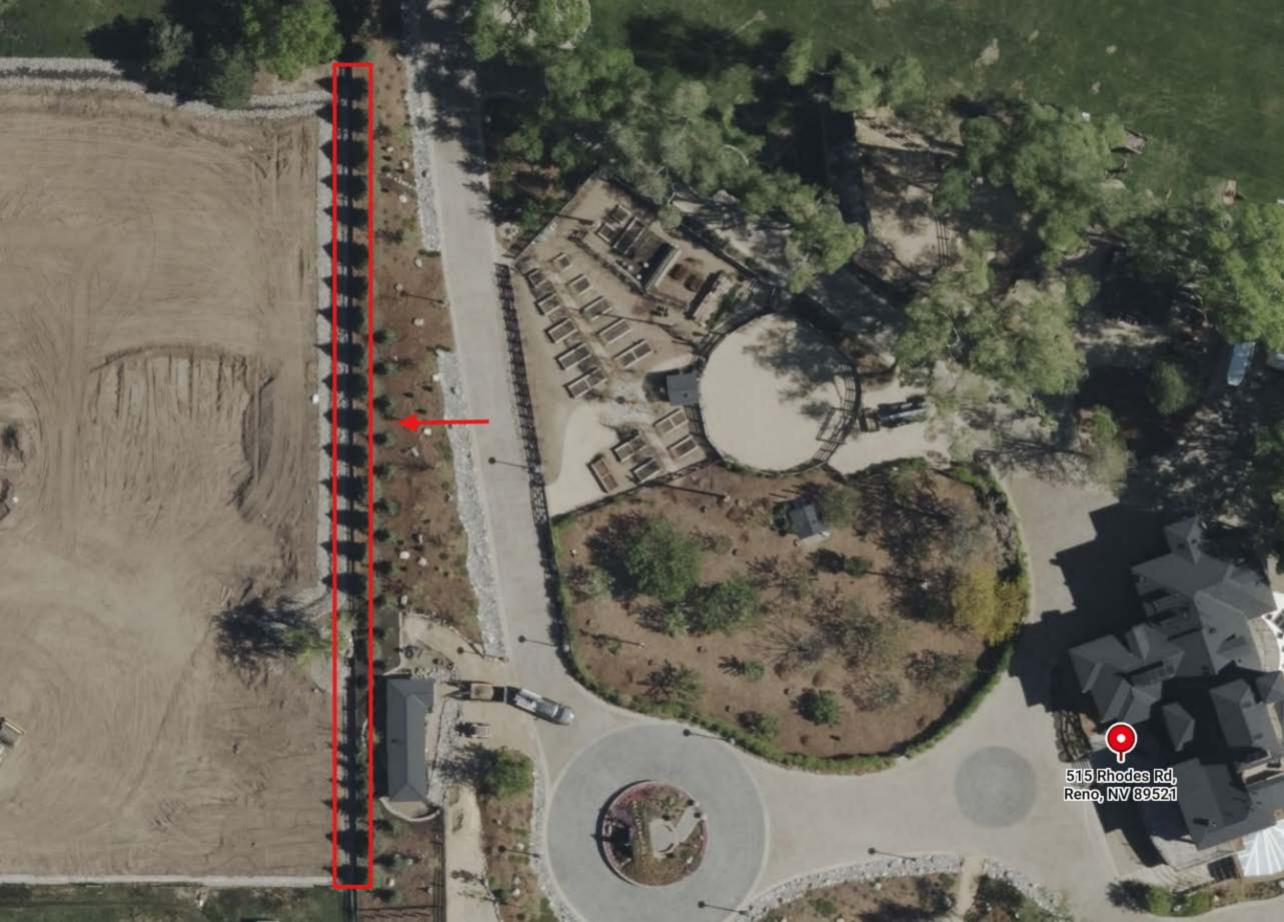
EXISTING SITE PLAN

A.P.N. 017-400-19

12/8/25

Y:\Client

NGINEERS.COM RENO 9060 Double Diamond Pkwy, Unit 1B Reno, NV 89521 p 775.782.2322 f 775.782.7084



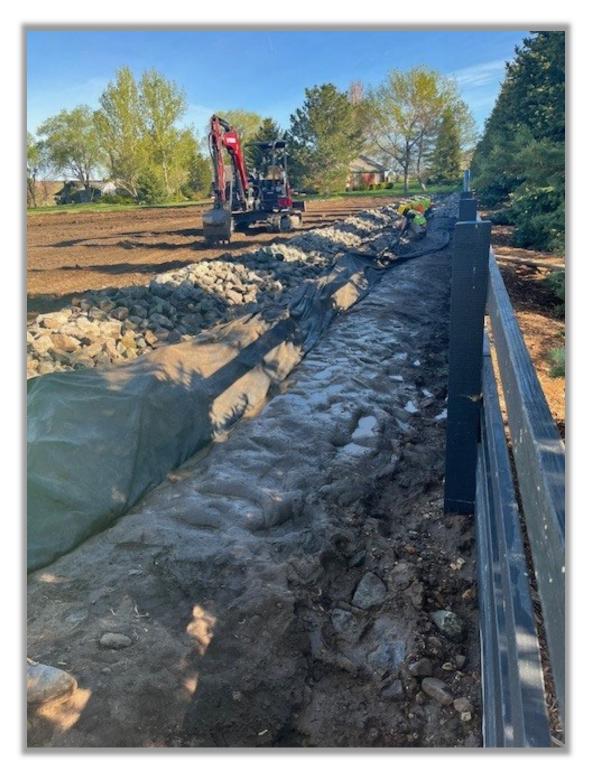


Site Photos

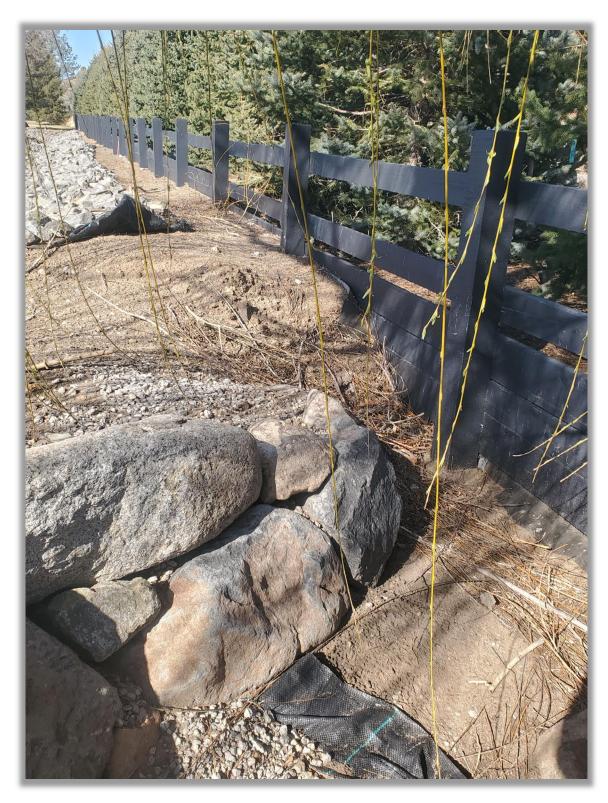




The above depicts the berm supporting the Applicants' Blue Spruce Trees as originally designed.



The above depicts the failed rip ditch installed on the Grimes Property (Applicants' property is on the right).



The above depicts the fill dirt on the Grimes Property, piled against the Applicants' fence. Applicants' property is on the right.



The above depicts the irrigation drainage ditch installed on the Grimes Property which runs directly along Applicants western fence line, as well as the steep elevation change on the Grimes Property (Applicants' property is on the left).