



# Board of Adjustment Staff Report

Meeting Date: February 4, 2021

Agenda Item: 8C

SPECIAL USE PERMIT CASE NUMBER: WSUP20-0023 (Burns Family Grading)

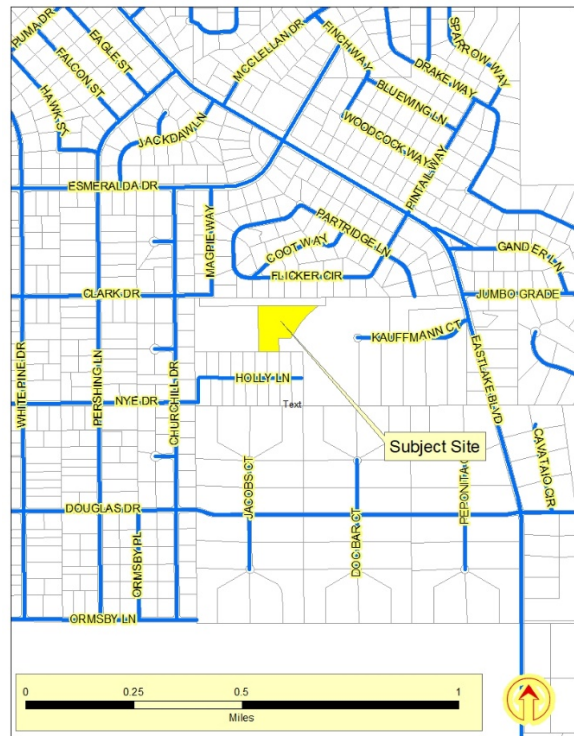
BRIEF SUMMARY OF REQUEST: Approval of after-the-fact, unpermitted, major grading including approximately 4.3 acres of surface area disturbance.

STAFF PLANNER: Roger Pelham, Senior Planner  
775.328.3622  
rpelham@washoecounty.us

### CASE DESCRIPTION

Special Use Permit Case Number WSUP20-0023 (Burns Family Grading) – For possible action, hearing, and discussion to approve a special use permit to allow major grading, including previous unpermitted grading and earthwork totaling approximately 1,500 cubic yards of excavation, and disturbance of a total area of approximately 187,308 square feet (approximately 4.3 acres). Grading of more than one acre on a parcel that is less than six acres in size is Major Grading in accordance with the Washoe County Development Code at 110.438.35(a)(1)(i)(A).

Applicant/Property Owner:	Burns Living Trust
Location:	3160 Clark Drive, approximately 750 feet southeast of its intersection with Magpie Way, in Washoe Valley
APN:	050-550-10
Parcel Size:	± 5.90 Acres
Master Plan:	Suburban Residential (SR)
Regulatory Zone:	Low Density Suburban (LDS)
Area Plan:	South Valleys
Citizen Advisory Board:	South Truckee Meadows/Washoe Valley
Development Code:	Authorized in Article 438, Grading
Commission District:	2 – Commissioner Lucey



### STAFF RECOMMENDATION

APPROVE

**APPROVE WITH CONDITIONS**

DENY

### POSSIBLE 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 approve with conditions Special Use Permit Case Number WSUP20-0023 for Burns Family Trust, having made all five findings in accordance with Washoe County Code Section 110.810.30 and one finding in accordance with the South Valleys Area Plan.

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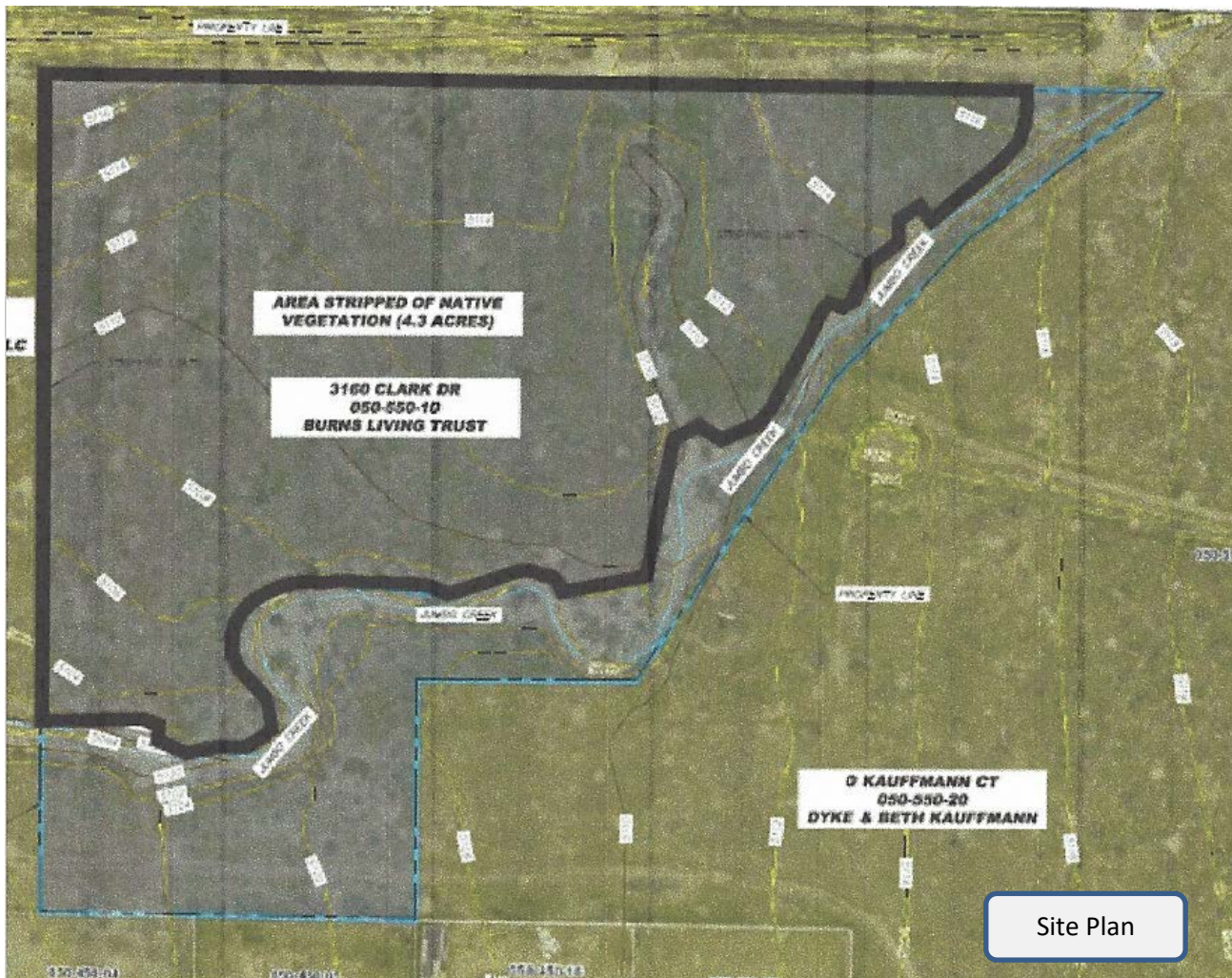
**Special Use Permit**

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 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 WSUP20-0023 are attached to this staff report and will be included with the action order.

The subject property is within the Low Density Suburban (LDS) regulatory zone. The proposed major grading is permissible with a special use permit per WCC 110.438.35. Therefore, the applicant is seeking approval of this SUP from the Board of Adjustment.



## **Project Evaluation**

The applicant cleared most of the subject site of existing native vegetation. The applicant's representative has informed staff that the grading was done at the advice of a realtor who said that it would be easier to sell the land if the native vegetation was removed. Most of that vegetation along with substantial amounts of topsoil have been left in a large pile near the northern property line. There is a natural drainage way on the subject site. The applicant graded near, but not within the drainageway. The applicant did not obtain the required grading permit for the work that was done. The following photo shows most of the graded area on the subject site.

The topography of the site is proposed to be returned to as close as possible to a pre-disturbance condition after the permitted grading and restoration is completed.



Because the unpermitted grading did not substantially change the contour of the land, there is little in the way of analysis required. For all practical intent, the purpose of this special use permit is to provide conditions of approval for mitigation of the impacts created by the unpermitted grading. Those impacts include things such as increased dust, increased sediment run-off into the drainage way and visual blight. These impacts can be mitigated by returning the subject site to as close to a pre-disturbance condition as possible. The conditions of approval, as recommended by staff, seek to do just that.

Conditions include measures such as:

- Providing complete grading plans in accordance with the requirements of Article 438.
- Allowing a maximum slope of 4 horizontal to 1 vertical (4:1), within 50 feet of the perimeter of the site, as well as adjacent to the drainage way.
- Relocating all piled soil and plant material back across the graded area.

- Providing revegetation efforts and temporary irrigation to ensure that the disturbed area is stabilized.
- Providing financial assurances to ensure that revegetation grows and thrives.
- Control of noxious weeds.

### **South Valleys Area Plan Policies**

The following policies from the South Valleys Area Plan are relevant to the proposed special use permit:

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.

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. (The applicant's response is included at Exhibit E to this report.)

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.



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

The proposed project was presented by the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on January 7, 2021. The attached CAB voted to recommend approval of the permit. One member of the CAB noted specifically that he hopes that the BOA will take into consideration that the SUP process is the means by which restoration and compliance take place. Minutes of that meeting were not available at the time of the writing of this report. Minutes will be provided at the public hearing, if they are available.

### **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
- Washoe County Health District
  - Air Quality Management Division
  - Environmental Health Services Division
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe-Storey Conservation District
- Nevada Department of Environmental Protection
- US Army Corps of Engineers

Two of the above listed agencies/departments provided substantive 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

- Washoe County Engineering addressed basic requirements for a grading plan and revegetation plan.  
**Contact: Leo Vesely, P.E. (775) 328-2041, lvesely@washoecounty.us**
- Washoe County Planning and Building Division addressed maximum slopes near the property lines and drainage way and the requirements for revegetation and temporary irrigation.  
**Contact: Roger Pelham, MPA, Senior Planner, 775.328.3622, rpelham@washoecounty.us**

### **Staff Comment 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 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: *The South Valleys Area Plan includes the following policy: SV.2.2 Whenever possible, grading for residential purposes after the date of final adoption of this plan will:*

- a. *Minimize disruption to natural topography.*
- b. *Utilize natural contours and slopes.*
- c. *Complement the natural characteristics of the landscape.*
- d. *Preserve existing vegetation and ground coverage to minimize erosion.*
- e. *Minimize cuts and fills*

*Approval of this special use permit will return the disturbed area to a more natural condition and will restore the natural characteristics of the landscape and reestablish ground cover to*

*minimize additional erosion. The proposed special use permit is consistent with the Master Plan and 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.

*Staff Comment: This permit does not seek to allow development, but rather to return a disturbed area to a more natural condition.*

3. Site Suitability. That the site is physically suitable for previously unpermitted Major Grading, and for the intensity of such a development.

*Staff Comment: The purpose of the requested special use permit is to mitigate the effects of the unpermitted grading. Therefore, efforts to achieve that goal are suitable on the subject site.*

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: Issuance of the permit is intended to mitigate the existing detrimental impacts that have already been created by the unpermitted grading.*

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 within the area that is required to be provided with public notice. Therefore, there can be no detrimental effect.*

6. SV2.16. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

*Staff Comment: The purpose of the special use permit is to restore the disturbed area which will conserve and restore the character of the area.*

### **Recommendation**

After a thorough analysis and review, Special Use Permit Case Number WSUP20-0023 is being recommended for approval with conditions. 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 approve with conditions Special Use Permit Case Number WSUP20-0023 for Burns Family Trust, having made all five findings in accordance with Washoe County Code Section 110.810.30 30 and one finding in accordance with 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 previously unpermitted Major Grading, 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. SV2.16. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

**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 County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Burns Living Trust  
Attn: Mary Burns  
3900 Ormsby Place  
Washoe Valley, NV 89704

Representatives: Rubicon Design Group  
Attn: Derek Wilson  
1985 Chimney Rock Trail  
Reno, NV 89523



# Conditions of Approval

Special Use Permit Case Number WSUP20-0023

The project approved under Special Use Permit Case Number WSUP20-0023 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on February 4, 2021. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

**Unless otherwise specified**, all conditions related to the approval of this special use permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

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

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

**Contact Name – Roger Pelham (775) 328-3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)**

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and in accordance will all applicable requirements of Article 438 of the Washoe County Development Code, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- d. The plans submitted shall show all slopes within 50 feet of any property line and within 50 feet of any natural drainageway to have slopes of 4 horizontal to 1 vertical (4:1) or shallower.
- e. All soil and vegetative materials stockpiled on the subject site shall be redistributed evenly over the entire disturbed area.
- f. The applicant shall provide a plan for aggressive revegetation of all disturbed areas. The plan shall include the provision of temporary irrigation for a period of not less than three years, and for as much longer as necessary until the amount of vegetation on the subject site is equal to 70% of the vegetation on the adjacent undisturbed area.
- g. Prior to approval of any building or grading permit on the subject site, the applicant shall provide financial assurances, in a form acceptable to the Director of Planning and Building in the amount of 100% of an estimate from a contractor, licensed in the State of Nevada for completion of the plans submitted, and all revegetation efforts. Financial assurances shall be returned to the applicant when amount of vegetation on the subject site is equal to 70% of the vegetation on the adjacent undisturbed area.
- h. The applicant shall supply documentation from the US Army Corps of Engineers (ACOE) that either: 1) no ACOE permitting is required or 2) ACOE permits have been approved, prior to the approval of any grading permit.
- i. The applicant shall supply documentation from the Washoe-Storey Conservation District that the District has been consulted in regards to the revegetation plan.
- j. The applicant shall 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.

- k. The following **Operational Conditions** shall be required for the life of the business:
  - i. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
  - ii. Failure to comply with any of the conditions of approval shall render this approval out of conformance and subject to revocation.
  - iii. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with Planning and Building to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify Planning and Building of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

### **Washoe County Engineering and Capital Projects**

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

**Contact Name – Leo Vesely, P.E., (775) 328-2041 lvesely@washoecounty.us**

- a. A complete set of construction improvement drawings, including an on-site grading plan/slope stabilization plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading or building permit.
- c. The applicant shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading revegetation bond shall be provided to the Engineering Division prior to approval of the grading or building permit.
- e. All grading shall be in accordance with Washoe County Code Article 438 Grading Standards.
- f. All disturbed areas shall be revegetated. Seed mix shall be designed by a licensed landscape architect.

\*\*\* End of Conditions \*\*\*



**WASHOE COUNTY**  
COMMUNITY SERVICES DEPARTMENT  
Engineering and Capital Projects

1001 EAST 9<sup>TH</sup> STREET  
RENO, NEVADA 89512  
PHONE (775) 328-3600  
FAX (775) 328.3699

Date: December 29, 2020

To: Roger Pelham, Senior Planner

From: Leo Vesely, P.E., Licensed Engineer

Re: Special Use Permit Case **WSUP20-0023 – Burns Family Grading**  
APN 050-550-10

**GENERAL PROJECT DISCUSSION**

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is to allow for Major Grading, including previous unpermitted grading and earthwork totaling approximately 1,500 cubic yards of excavation, and disturbance of a total area of approximately 187,308 square feet (approximately 4.3 acres). The Engineering Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by the Rubicon Design Group and Odyssey Engineering. The County Engineer shall determine compliance with the following conditions of approval.

For questions related to sections below, please see the contact name provided.

**GENERAL CONDITIONS**

Contact Information: Leo Vesely, P.E. (775) 328-2041

1. A complete set of construction improvement drawings, including an on-site grading plan/slope stabilization plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) 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 applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit and submit a copy to the Engineering Division prior to issuance of a grading or building permit.
3. The applicant shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit.
4. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading revegetation bond shall be provided to the Engineering Division prior to approval of the grading or building permit.
5. All grading shall be in accordance with Washoe County Code Article 438 Grading Standards.
6. All disturbed areas shall be revegetated. Seed mix shall be designed by a licensed landscape architect.



INTEGRITY



EFFECTIVE  
COMMUNICATION



QUALITY  
PUBLIC SERVICE

Subject: **WSUP20-0023 – Burns Family Grading**  
Date: December 29, 2020  
Page: 2

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)  
Contact Information: Leo Vesely, P.E. (775) 328-2041

1. No comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)  
Contact Information: Leo Vesely, P.E. (775) 328-2313

1. No comments.

**From:** [Way, Dale](#)  
**To:** [Pelham, Roger](#)  
**Cc:** [Lee, Brett](#); [Lemon, Brittany](#)  
**Subject:** WSUP20-0023 (Burns Family Grading) - Conditions of Approval  
**Date:** Monday, December 21, 2020 12:12:12 PM

Roger,

We have no specific comments on this request beyond adopted codes and amendments.

Thank you.

**Dale Way**

**Deputy Fire Chief – Fire Prevention | Truckee Meadows Fire & Rescue**

[dway@tmfpd.us](mailto:dway@tmfpd.us) | Office: 775.326.6000

3663 Barron Wy, Reno, NV 89511



*"Committed to excellence, service, and the protection of life and property in our community"*

**From:** [Thomason, Jennifer C CIV USARMY CESPK \(USA\)](#)  
**To:** [Pelham, Roger](#)  
**Subject:** Special Use Permit Case Number WSUP20-0023 (Burns Family Grading)  
**Date:** Wednesday, December 16, 2020 7:05:29 AM

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**[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Good morning Roger,

From the materials provided in the subject review, it appears Jumbo Creek and any adjacent wetlands would be waters of the U.S. The discharge of any fill material (to include piping/culverts) in these resources would be regulated under Section 404 of the Clean Water Act, and thus may require authorization from our office. The applicant and/or their agent are welcomed to contact me for additional information about our regulatory process and the permitting needs from our office.

Thank you,

Jennifer C. Thomason  
Senior Project Manager  
Nevada-Utah Regulatory Section  
300 Booth Street, Room 3050  
Reno, Nevada 89509

Ph: 775-784-5304

Cell: 775-525-0384- Primary number during COVID-19 Response

\*\*\*In response to COVID-19, Regulatory Division staff are teleworking from home or other approved location. We will do our best to administer the Regulatory Program in an effective and efficient manner. Priority will be given to health and safety activities and essential infrastructure. Action on your permit application or other request may be delayed during this emergency. We appreciate your patience over the next several weeks.\*\*\*

Let us know how we're doing. Please complete the survey at:

[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)



**WASHOE COUNTY**  
**COMMUNITY SERVICES**  
**INTEGRITY COMMUNICATION SERVICE**

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

December 18, 2020

**TO:** Roger Pelham, MPA, Senior Planner, CSD, Planning & Development Division  
**FROM:** Vahid Behmaram, Water Rights & Water Resources Consultant, CSD  
**SUBJECT:** Special Use Permit Case Number WSUP20-0023 (Burns Family Grading)

**Project description:**

The applicant requesting to approve a special use permit to allow Major Grading, including previous unpermitted grading and earthwork totaling approximately 1,500 cubic yards of excavation, and disturbance of a total area of approximately 187,308 square feet (approximately 4.3 acres). Grading of more than one acre on a parcel that is less than six acres in size is Major Grading in accordance with the Washoe County Development Code at 110.438.35(a)(1)(i)(A).

Project is located at 3160 Clark Drive, approximately 750 feet southeast of its intersection with Magpie Way, in Washoe Valley, Assessor's Parcel Number: 050-550-10.

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

There are no conditions of approval.





Washoe-Storey Conservation District

Bret Tyler Chairmen  
Jim Shaffer Treasurer  
Cathy Canfield Storey app  
Jean Herman Washoe app

1365 Corporate Blvd.  
Reno NV 89502  
775 857-8500 ext. 131  
nevadaconservation.com

December 21, 2020

Washoe County Community Services Department

C/O Roger Pelham, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WSUP20-0023 Burns Family Grading

Dear Roger,

In reviewing the special use permit for major grading, the Conservation District has the following comments.

The applicant submits to the District for approval a revegetation plan prepared by a qualified professional that includes a seed mix based on soil type, a contingency water plan, fertilizer plan, erosion control structures and a monitoring plan with updates provided to the Conservation District after the completion of the growing season (October 31) every year for a three-year period. The revegetation must have an irrigation plan for our approval.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Tyler-Shaffer



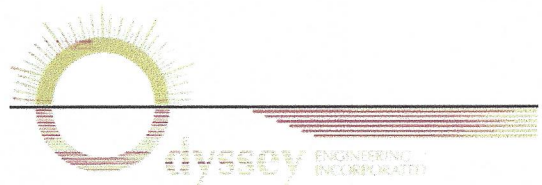
Project: Special Use Permit Case Number WSUP20-0023 (Burns Family Grading)

36 Parcel Selected at 500 Feet

# BURNS FAMILY GRADING RESTORATION SPECIAL USE PERMIT



Prepared by:



**December 8, 2020**

**BURNS FAMILY**  
**GRADING RESTORATION**  
**SPECIAL USE PERMIT**

**Prepared for:**

Burns Living Trust  
3900 Ormsby Place  
Washoe Valley, NV 89704

**Prepared by:**

Rubicon Design Group, LLC  
1985 Chimney Rock Trail  
Reno, Nevada 89523  
(775) 527-6710

**December 8, 2020**

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### Appendix

Washoe County Development Application  
SUP Application, Grading  
Owner Affidavit  
Proof of Property Tax Payment  
8.5x11 Grading Restoration Plan  
8.5x11 Erosion Control Plan  
24x36 Grading Restoration Plan  
24x36 Erosion Control Plan

# Burns Family Grading Restoration - Special Use Permit

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## Introduction

This application includes the following requests:

- A **Special Use Permit** to allow for grading and restoration of a vacant residential parcel in the Low Density Suburban (LDS) zone.

## Project Location

The project site (APN 050-550-10) consists of 5.90 acres located west of Kauffmann Court in Washoe Valley. Primary site access is via Clark Drive to the northwest of the site, and an access easement across the intervening parcel. Additional access is provided by an equestrian easement from Kauffmann Court. Figure 1 (below) provides the project location.

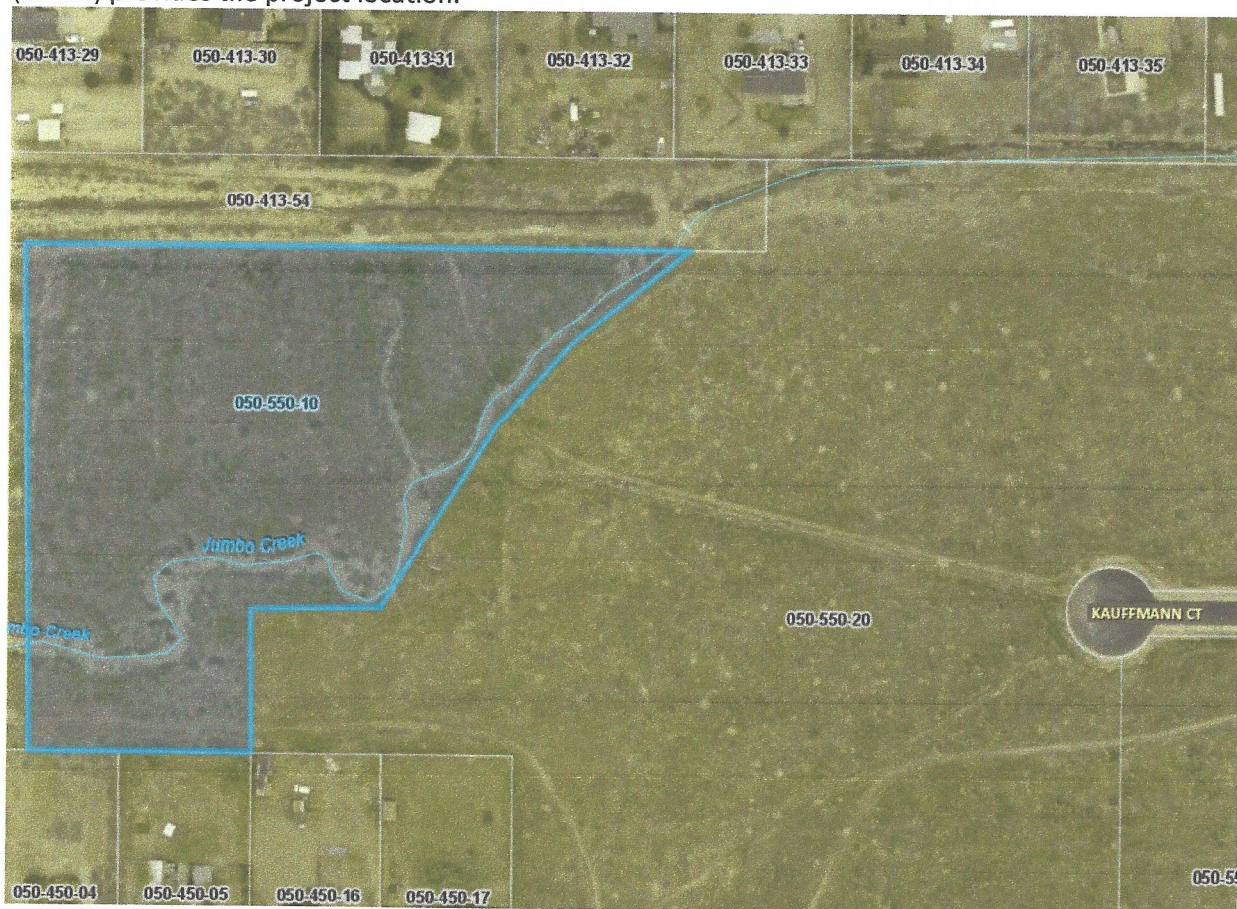


Figure 1 – Vicinity Map

# Burns Family Grading Restoration - Special Use Permit

## Access

The project site is served by two easements as shown in Figure 2 below. Primary access is via Clark Drive, to the northwest of the site. On the east of the site is an equestrian easement from Kauffmann Court.

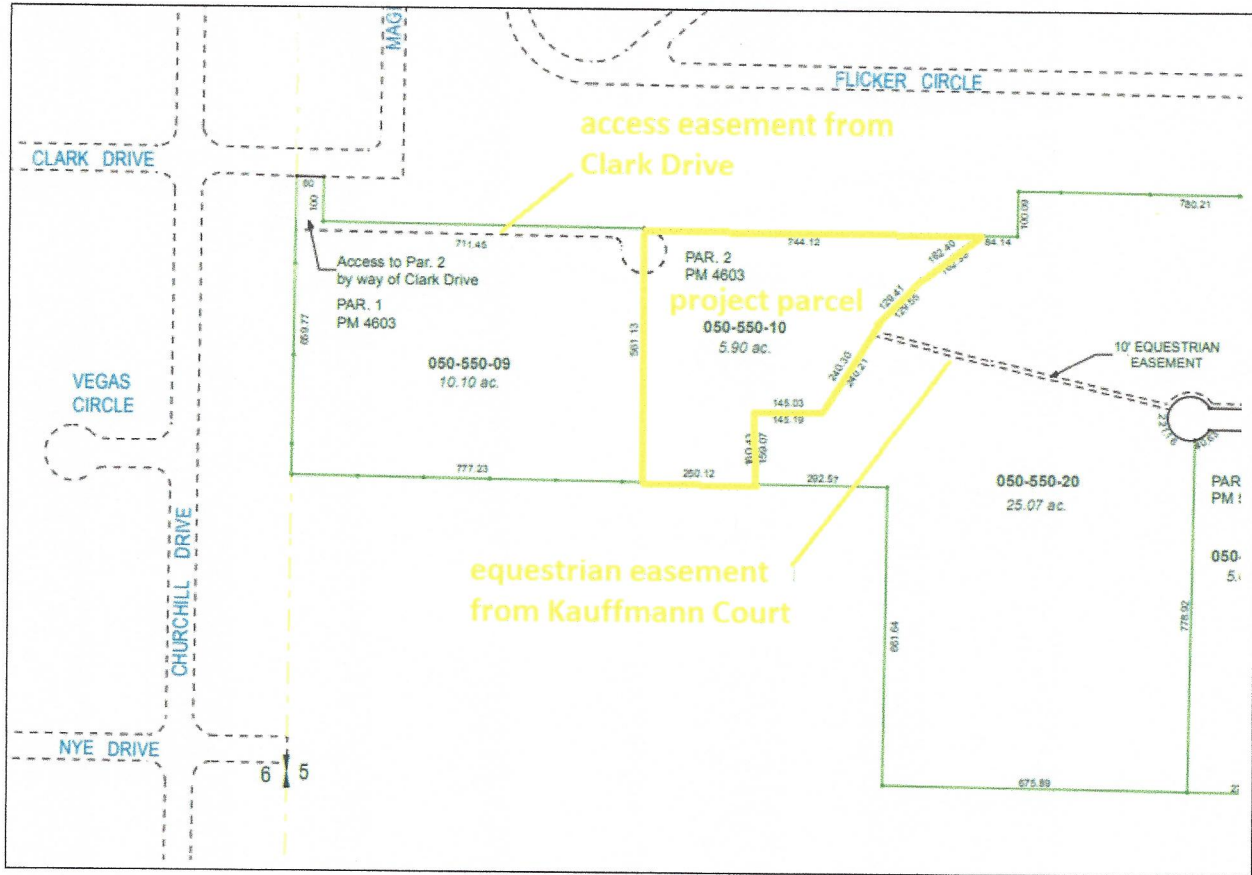


Figure 2 – Access

## Burns Family Grading Restoration - Special Use Permit

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### Existing Conditions

The subject property is zoned Low Density Suburban (LDS). The project site is entirely vacant and appears to never have contained any development. The site is accessed by an unpaved driveway extended from Clark Drive and by an unpaved path from Kauffmann Court. The site is designated *Zone X, minimal flood hazard* By FEMA.

The site is surrounded by LDS zoning on all sides. The parcel to the east is vacant but the site is adjacent to suburban development on the south side. On the north, the site is separated from houses by a narrow water channel and on the west is a horse stable/ranch property.

The site is crossed by the intermittent water course designated as Jumbo Creek. An examination of Jumbo Creek indicates that it was converted to an engineered system with the construction of the surrounding suburban development. The creek enters a manmade channel just prior to entering the subject property. It then flows in this manmade channel past the property and along Clark Drive, heading west toward Washoe Lake. The portion crossing the project site is therefore an inactive remnant.

In wet years, Jumbo Creek sends spring runoff into the valley. At present (November 2020), the creek is dry. Jumbo Creek is not mentioned in the South Valleys Area Plan or in Article 210 South Valleys Area. These facts indicate it is not a defining geographical feature of the area.

Figure 3 shows the existing onsite conditions.



## Burns Family Grading Restoration - Special Use Permit

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View across property, looking east

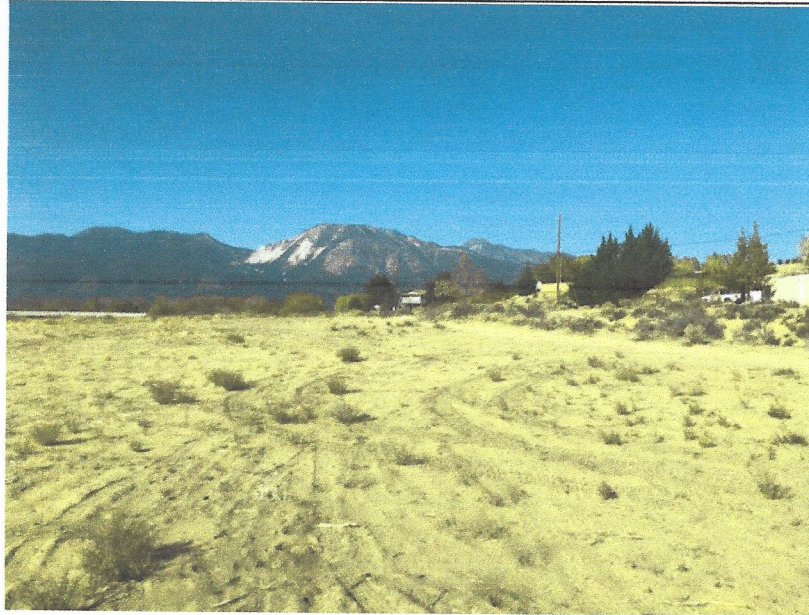


View across property, looking south

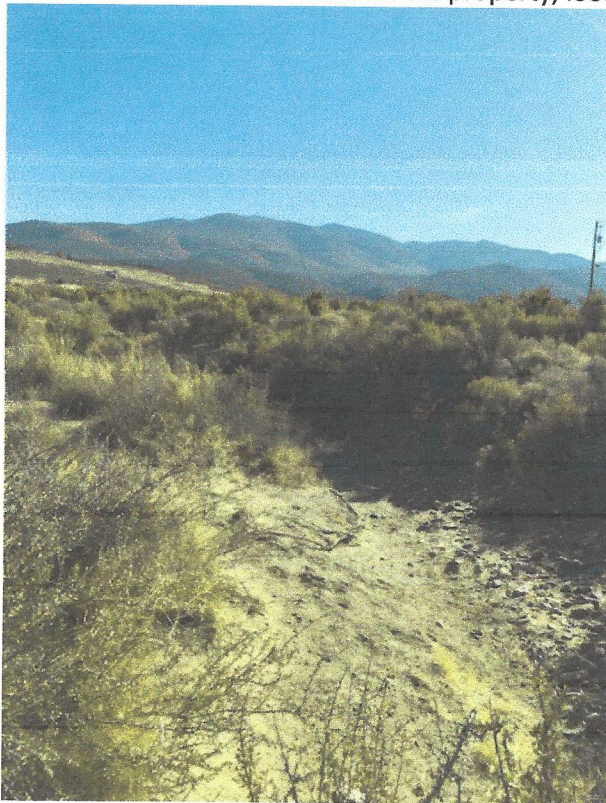
**Figure 3 – Existing Conditions**

## Burns Family Grading Restoration - Special Use Permit

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View across property, looking west



Jumbo Creek remnant – water was diverted to engineered channel with prior adjacent development

**Figure 3 (continued) – Existing Conditions**

## Burns Family Grading Restoration - Special Use Permit

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### Project Request

This request seeks the approval of a Special Use Permit for grading. The goal is to restore and revegetate the site so as to be in compliance with Washoe County grading regulations.

In the course of positioning the property for sale, the owner was advised to clear vegetation from the site. This was undertaken using landscaping/earth moving equipment. As shown in Figure 3, the site is currently stripped of most vegetation between the northern property line and the Jumbo Creek remnant to the south. This work was performed without prior approval by Washoe County. Based on input from County staff, the proper course of action is to now secure the approval of an SUP that outlines a grading restoration and revegetation plan.

No development is associated with this request. The only goal of this SUP is to restore the property and to bring the process into compliance with Washoe County grading standards. The site will remain undeveloped with the granting of this SUP.

Given that the site was largely flat prior to removing the vegetation, there was no need to grade large quantities of dirt in order to clear the site. Some dirt was removed with the vegetation but there was no extensive re-contouring of the site. The Jumbo Creek remnant area was not disturbed and it is entirely outside of the graded portion of the site. All removal work stopped prior to reaching the creek. The photo in Figure 3 above shows vegetation remaining along the creek banks.

The stripped vegetation and some accompanying dirt were moved to the northern edge of the site and formed into stockpiles. With the approval of this request, these stockpiles will be distributed across the site as part of the restoration process.

Figure 4 below shows the extent of the grading. Note that the creek is outside of this area.

### *Grading volume*

It is estimated that approximately 1,500 cubic yards of material were moved with the unpermitted grading work. The affected area totaled 4.3 acres, as outlined on the attached engineering plans.

It's worth noting that these numbers show the grading, while unpermitted, was not an aggressive re-contouring of the property but simply a removal of vegetation and some accompanying dirt. 1,500 cubic yards of material from 4.3 acres of area results in an average removal of 2.6 inches of material per square foot of site.

### *Mitigation plan*

The purpose of this SUP is to acknowledge the unpermitted grading and to approve a mitigation plan. This mitigation plan involves landscaping the site with a native hydro-seed blend, as is commonly used in Washoe County for revegetation projects. This process will also include fertilizer to ensure initial growth and a

## Burns Family Grading Restoration - Special Use Permit

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tackifier to stabilize the site and control dust and erosion. This work will be performed under the direction of a licensed landscape architect.

### *Code enforcement*

There is a code enforcement case underway on this site. This SUP is being completed based on input from Washoe County staff, including input from the Code Enforcement Department. Code enforcement has been informed that this application has been submitted and is under review. The project team remains available to discuss this project with Code Enforcement as needed.

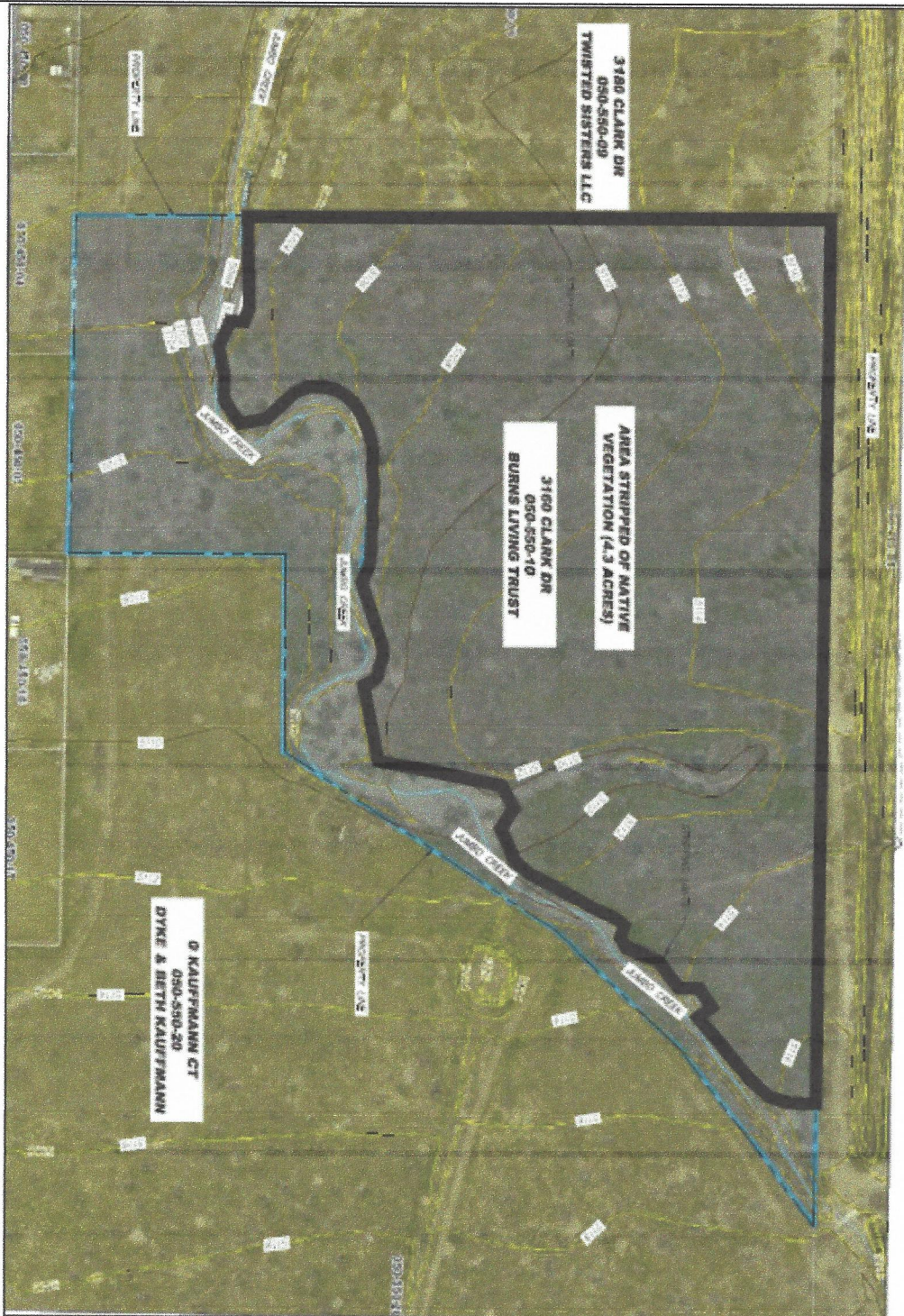
### *Future Development*

This application does not include any development of the property. The present owner does not have any plans to develop the site. The property will likely be sold following the completion of the restoration work. A subsequent owner could choose to develop the site in conformance with the LDS zoning that is in place.

### *Slopes*

As shown on the included engineering sheets, the site is not subject to the hillside ordinance. There are no steep slopes on the site. Measuring across the site from northeast to southwest, the site has an average slope of less than 2%. Most slopes are less than 5%. The banks of the creek channel likely have short slopes of 1-3 feet with steep sections but these were not affected by the grading.

# Burns Family Grading Restoration - Special Use Permit



Note: A full-size copy of this plan is included with the application.

Figure 4 – Site Plan

## Burns Family Grading Restoration - Special Use Permit

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### **GRADING NOTES:**

1. ALL CONSTRUCTION SHALL CONFORM TO THE STANDARD SPECIFICATIONS, AND THE LATEST STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION 2012 ADDITION (AND ANY APPURTENANT SUPPLEMENTS) SPONSORED AND DISTRIBUTED BY WASHOE COUNTY.
2. THE CONTRACTOR SHALL MAINTAIN A DUST CONTROL PROGRAM, INCLUDING WATERING OF OPEN AREAS. THE CONTRACTOR SHALL ALSO MAINTAIN CONFORMITY WITH SECTION 040.030 OF THE WASHOE COUNTY AIR POLLUTION REGULATIONS.
3. THE CONTRACTOR SHALL VERIFY IN FIELD, ALL ELEVATIONS, DIMENSIONS, FLOW LINES, EXISTING CONDITIONS, AND POINT OF CONNECTION WITH ADJOINING PROPERTY (PUBLIC OR PRIVATE). ANY DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING UTILITIES DURING CONSTRUCTION. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES FOR LOCATIONS OR POT-HOLING PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL DISPOSE OF ALL DEMOLITION DEBRIS PER FEDERAL, STATE AND LOCAL REGULATIONS AND ORDINANCES.
5. ALL UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM SURFACE EVIDENCE AND AVAILABLE UTILITY COMPANY RECORDS. ALL UTILITIES SHOULD BE VERIFIED IN THE FIELD. ODYSSEY ENGINEERING INC. ASSUMES NO RESPONSIBILITY FOR ACCURACY OR COMPLETENESS OF SUCH RECORDS.
6. THE CONTRACTOR SHALL MAINTAIN AN ON-GOING PROCESS OF REMOVAL OF ALL SPILLAGE OF EXCAVATION MATERIAL ON ALL PAVED STREETS.
7. LAND GRADING SHALL BE DONE IN A METHOD TO PREVENT DUST FROM TRAVERSING THE PROPERTY LINE.
8. ALL REQUIRED UTILITY SHUT-DOWNS SHALL BE COORDINATED WITH APPROPRIATE UTILITY COMPANY AND OWNERS PERSONNEL.
9. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE, PERMIT AND IMPLEMENT A STORM WATER POLLUTION PREVENTION PLAN IN CONFORMANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS. THE CONTRACTOR SHALL MAINTAIN EXISTING B.M.P. IMPROVEMENTS THAT ARE IN PLACE, AND SHALL PROVIDE AND MAINTAIN ADDITIONAL B.M.P.'S AS REQUIRED TO IMPLEMENT HIS S.W.P.P.
10. THE CONTRACTOR SHALL OBTAIN AND THE OWNER SHALL PAY FOR ALL NECESSARY PERMITS AND FEES REQUIRED FOR CONSTRUCTION.
11. THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AND WASHOE COUNTY.
12. ADD 5100 FEET TO ALL TRUNCATED ELEVATIONS.
13. THE NATURAL VEGETATION AND EXISTING LANDSCAPING SHALL BE PRESERVED AS MUCH AS PRACTICAL OUTSIDE STRIPPING LIMITS
14. SLOPES STEEPER THAN 3:1 SHALL BE MECHANICALLY STABILIZED WITH ROCK-RIP.
15. ANY ACCESS OR UNSUITABLE MATERIAL SHALL BE DISPOSED OF IN ACCORDANCE WITH THE LATEST WASHOE COUNTY REGULATIONS OR IN APPROVED AREAS.

**Figure 5 – Site Plan Notes**

**SEED MIX:**

NON-IRRIGATED DRY-LAND NATIVE/NATURALIZED RE-VEGETATION THAT INCLUDES A HYDRO-SEED BLEND, FERTILIZER, AND TACKIFIER.

**DIRT MOVED:**

THE AMOUNT OF STRIPPING AND EARTHWORK MOVED FROM THE AREA IS APPROXIMATELY 1,500 CUBIC YARDS.

**TRUCKEE MEADOWS REGIONAL  
STORMWATER QUALITY NOTES:**

1. THE OWNER, SITE DEVELOPER, CONTRACTOR AND OR THEIR AUTHORIZED AGENTS SHALL EACH DAY REMOVE ALL SEDIMENT, MUD, CONSTRUCTION DEBRIS, OR OTHER POTENTIAL POLLUTANTS THAT MAY HAVE BEEN DISCHARGED TO, OR ACCUMULATE IN, THE PUBLIC RIGHTS OF WAYS OF WASHOE COUNTY AS A RESULT OF CONSTRUCTION ACTIVITIES ASSOCIATED WITH THIS SITE DEVELOPMENT OR CONSTRUCTION PROJECT. SUCH MATERIALS SHALL BE PREVENTED FROM ENTERING THE STORM SEWER SYSTEM.
2. ADDITIONAL CONSTRUCTION SITE DISCHARGE BEST MANAGEMENT PRACTICES MAY BE REQUIRED OF THE OWNER AND HIS OR HER AGENTS DUE TO UNFORESEEN EROSION PROBLEMS OR IF THE SUBMITTED PLAN DOES NOT MEET THE PERFORMANCE STANDARDS SPECIFIED IN THE WASHOE COUNTY AND THE TRUCKEE MEADOWS CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK.
3. TEMPORARY OR PERMANENT STABILIZATION PRACTICES WILL BE INSTALLED ON DISTURBED AREAS NO LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. SOME EXCEPTIONS MAY APPLY; REFER TO STORMWATER GENERAL PERMIT NVR100000, SECTION 1.B.A.b. (2).
4. AT A MINIMUM, THE CONTRACTOR OR HIS AGENT SHALL INSPECT ALL DISTURBED AREAS, AREAS USED FOR STORAGE OF MATERIALS AND EQUIPMENT THAT ARE EXPOSED TO PRECIPITATION, VEHICLE ENTRANCE AND EXIST LOCATIONS AND ALL BMPs WEEKLY, PRIOR TO A FORECASTED RAIN EVENT AND WITHIN 24 HOURS AFTER ANY ACTUAL RAIN EVENT. THE CONTRACTOR OR HIS AGENT SHALL UPDATE OR MODIFY THE STORMWATER POLLUTION PREVENTION PLAN AS NECESSARY, SOME EXCEPTIONS TO WEEKLY INSPECTIONS MAY APPLY, SUCH AS FROZEN GROUND CONDITIONS OR SUSPENSION OF LAND DISTURBANCE ACTIVITIES. REFER TO STORMWATER GENERAL PERMIT NVR100000, SECTION 1.B.A.g.
5. ACCUMULATED SEDIMENT IN BMPs SHALL BE REMOVED WITHIN SEVEN DAYS AFTER A STORMWATER RUNOFF EVENT OR PRIOR TO THE NEXT ANTICIPATED STORM EVENT WHICHEVER IS EARLIER. SEDIMENT MUST BE REMOVED WHEN BMP DESIGN CAPACITY HAS BE REDUCED BY 50 PERCENT OR MORE.

Figure 5 – Site Plan Notes (continued)

## Burns Family Grading Restoration - Special Use Permit

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### South Valleys Area Plan

This request was analyzed against the development standards contained in the South Valleys Area Plan. There are no provisions in the Area Plan that directly impact this application.

The goal of this application is to bring the site into grading conformance. The Area Plan supports proper grading as a means of reducing visual impacts and preventing unregulated grading.

Below are several policies from the South Valleys Area Plan that are supported by this application:

*SV.2.2 Whenever possible, grading for residential purposes after the date of final adoption of this plan will: a. Minimize disruption to natural topography. b. Utilize natural contours and slopes. c. Complement the natural characteristics of the landscape. d. Preserve existing vegetation and ground coverage to minimize erosion. e. Minimize cuts and fills.*

The grading plan presented here is a restoration plan, intended to complement the natural characteristics of the landscape, restore native vegetation, and prevent erosion.

*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.*

The landscape/planting plan presented here will prevent the spread of noxious weeds by restoring native vegetation to the site.

*SV.12.3 The grading design standards referred to in Policy SV.12.2 will, at a minimum, ensure that disturbed areas shall be finished and fill slopes will not exceed a 3:1 slope, and that hillside grading will establish an undulating naturalistic appearance by creating varying curvilinear contours.*

The plan presented here is focused on finishing/restoring the disturbed site area.

In general, this application supports the area plan by restoring and maintaining the natural appearance of the area.

Note that the Area Plan designates this property and the neighboring parcels as 'Most Suitable' for development. In other words, this parcel is not part of a wildland area or otherwise deemed inappropriate for development.



## Burns Family Grading Restoration - Special Use Permit

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### Special Use Permit Findings

In order to approve a Special Use Permit, the following findings must be made. Responses are provided in **bold**.

1. Consistency. The granting of the special use permit is consistent with the policies and maps of the Comprehensive Plan Elements and the Area Plan in which the property is located.

**The proposed plan to restore the property was developed through consultation with County staff and through a review of County policies concerning grading and Special Use Permits. The goal of this SUP is to restore the property. This goal is strongly supported by the grading policies outlined here and by the overall content of the South Valleys Area Plan. This SUP request provides for consistency with section 110.438 of the Washoe County Development Code and application of Development Code standards further ensures consistency with all applicable policies and practices.**

2. Adequate Public Facilities. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities must exist or will be provided.

**No development is included in this application.**

3. Site Suitability. The site must be physically suitable for the proposed use and for the intensity of development.

**No development is included in this application. The site does not contain steep slopes. Unpaved road access to the site is in place, allowing for the restoration work to be completed.**

**All grading impacts will be mitigated through revegetation and implementation of standards included within the Washoe County Development Code.**

4. Issuance Not Detrimental. Issuance of the permit may not be significantly detrimental to the public health, safety or welfare; have a detrimental impact on adjacent properties; or be detrimental to the character of the surrounding area.

**The purpose of this SUP is to remove the impact resulting from earlier unpermitted grading.**

## 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.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: <b>Burns Property Grading SUP</b>			
Project Description: A Special Use Permit request for grading and restoration.			
Project Address: 3160 Clark Drive, Washoe Valley			
Project Area (acres or square feet): Grading Area=4.3 acres, Parcel Area=5.9 acres			
Project Location (with point of reference to major cross streets AND area locator): <b>East of Clark Drive, Washoe Valley.</b>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
050-550-10	5.90		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information (attach additional sheets if necessary)</b>			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Mary Burns, Burns Living Trust		Name: Rubicon Design Group	
Address: 3900 Ormsby Place		Address: 1985 Chimney Rock Trail	
Washoe Valley, NV	Zip: 89704	Reno, NV	Zip: 89523
Phone:	Fax:	Phone: 775-527-6710	Fax:
Email:		Email: dwilson@rubicondesigngroup.com	
Cell:	Other:	Cell: 775-527-6710	Other:
Contact Person:		Contact Person: Derek Wilson	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: same		Name: Frank Bidart, Odyssey Engineering	
Address:		Address: 895 Roberta Lane, Suite 104	
	Zip:	Sparks, Nevada	Zip: 89431
Phone:	Fax:	Phone: (775) 359-3303	Fax:
Email:		Email: frank@odysseyreno.com	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person: Frank Bidart	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

## Special Use Permits

Washoe County Code (WCC) Chapter 110, Article 810, Special Use Permit, provides a method of reviewing proposed uses as listed in Article 302, Allowed Uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation systems, or public facilities in the vicinity. The Planning Commission, Board of Adjustment, or Hearing Examiner may require conditions of approval necessary to eliminate or minimize, to an acceptable level, any potentially adverse effects of the use. See WCC 110.810, for further information.

### Development Application Submittal Requirements

Applications are accepted on the 8<sup>th</sup> of each month (if the 8<sup>th</sup> is a non-work day, the first working day after the 8<sup>th</sup>)

1. **Fees:** See Master Fee Schedule. **Bring payment with your application to Community Service Department (CSD). Make check payable to Washoe County.**
2. **Development Application:** A completed Washoe County Development Application form.
3. **Owner Affidavit:** The Owner Affidavit must be signed and notarized by all owners of the property subject to the application request.
4. **Proof of Property Tax Payment:** The applicant must provide a written statement from the Washoe County Treasurer's Office indicating all property taxes for the current quarter of the fiscal year on the land have been paid.
5. **Application Materials:** The completed Special Use Permit Application materials.
6. **Proposed Site Plan Specifications (Special Use Permit and Stables):**
  - a. Lot size with dimensions drawn using standard engineering scales (e.g. scale 1" = 100', 1" = 200', or 1" = 500') showing all streets and ingress/egress to the property.
  - b. Show the location and configuration of all existing and proposed buildings (with distances from the property lines and from each other), all existing buildings that will remain (with distances from the property lines and from each other), all existing buildings that will be removed, and site improvements on a base map with existing and proposed topography expressed in intervals of no more than five (5) feet.
  - c. Show the location and configuration of wells and well houses, septic systems and leach fields, overhead utilities, water and sewer lines, and all existing and proposed easements.
  - d. Show locations of parking, landscaping, signage and lighting.
  - e. The cross sections of all rights-of-way, streets, alleys or private access ways within the proposed development, proposed name and approximate grade of each, and approximate radius of all curves and diameter of each cul-de-sac.
  - f. Property boundary lines, distances and bearings.
  - g. Contours at five (5) foot intervals or two (2) foot intervals where, in the opinion of the County Engineer, topography is a major factor in the development.
  - h. Indication of prominent landmarks, rock outcroppings, and natural foliage which will be deciding considerations in the design of the development.
  - i. If any portion of the land within the boundary of the development is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps, that fact and the land so affected shall be clearly shown on the map by a prominent note on each sheet, as well as width and direction of flow of each water course within the boundaries of the development.
  - j. Existing and proposed roads, trails or rights-of-way within the development shall be designated on the map. Topography and existing developments within three hundred (300) feet must also be shown on the map.

**Special Use Permit Application  
Supplemental Information**  
(All required information may be separately attached)

1. What is the project being requested?

A Special Use Permit for: grading/restoration of a vacant property that was cleared of vegetation without the approval of an SUP. The extent of the grading triggered the need for an SUP. The property owner is seeking approval to restore/revegetate the property. Please see the attached report for a complete project description.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

The required site plan is attached, as are supporting documents describing the site and the proposed revegetation.

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

No construction is associated with this SUP and no development is planned for the property at this stage. The revegetation will occur as soon as possible following approval of this SUP. Ideally, the revegetation will be in place for the Spring season, 2021.

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

No development/intensity is planned with this SUP. The goal is to return the property to a naturally vegetated condition.

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

Approval of this SUP will benefit the area by restoring the property to a naturally vegetated condition which will control dust and erosion.

6. What are the anticipated negative impacts or affect your project will have on adjacent properties? How will you mitigate these impacts?

The project is a mitigation effort. No adverse impacts are expected.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

**No development is proposed.**

8. 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
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9. Utilities:

a. Sewer Service	None
b. Electrical Service	None
c. Telephone Service	None
d. LPG or Natural Gas Service	None
e. Solid Waste Disposal Service	None
f. Cable Television Service	None
g. Water Service	None

For most uses, 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	

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

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10. Community Services (provided and nearest facility):

a. Fire Station	TMF Station 320
b. Health Care Facility	St. MARY's GALena Urgent Care
c. Elementary School	Pleasant Valley Elementary
d. Middle School	Doral Academy
e. High School	Galena HS
f. Parks	Washoe Lake State Park
g. Library	South Valleys Library
h. Citifare Bus Stop	Route 56, Damonte Ranch PARKway

**Special Use Permit Application  
for Grading  
Supplemental Information**  
(All required information may be separately attached)

1. What is the purpose of the grading?

To restore/revegetate a property that was stripped of vegetation without the prior approval of an SUP.

2. How many cubic yards of material are you proposing to excavate on site?

It is estimated that the unpermitted grading moved 1,500 cubic yards of plant/dirt material.

3. How many square feet of surface of the property are you disturbing?

Site disturbed area equals 187,308 square feet (4.3 acres).

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

No material is planned for export or import. The plan is to redistribute any previously graded material around the site in a natural manner.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit? (Explain fully your answer.)

The site has already been graded. The goal is to restore the property.

6. Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances, the year the work was done, and who completed the work.)

Yes, as detailed in the attached documents, the site was graded in 2020 in preparation for listing the property for sale. The owner was erroneously advised that stripping the vegetation would make the property more attractive to buyers.

7. Have you shown all areas on your site plan that are proposed to be disturbed by grading? (If no, explain your answer.)

Yes, please see attached engineering sheets.

8. Can the disturbed area be seen from off-site? If yes, from which directions and which properties or roadways?

The site can be seen from surrounding property on all four sides.

9. Could neighboring properties also be served by the proposed access/grading requested (i.e. if you are creating a driveway, would it be used for access to additional neighboring properties)?

Access is in place to the property. No coordination with other properties is warranted since no development is proposed.

10. What is the slope (horizontal/vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

The site is largely flat and overall contours will not be changed with this project. Should there be any small areas requiring stabilization, a licensed landscape architect will address these areas at the time of revegetation.

11. Are you planning any berms?

Yes	No <input checked="" type="checkbox"/>	If yes, how tall is the berm at its highest?
-----	--	--

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e. rockery, concrete, timber, manufactured block)?

No walls, or leveling, is included in this request.

13. What are you proposing for visual mitigation of the work?

The entire project is a mitigation effort.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

Vegetation on site was low sage and grass. No trees were removed.

15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

The seed mix will be a dry land native blend. Quantity will be selected by a licensed landscape architect, based on experience in the area.

16. How are you providing temporary irrigation to the disturbed area?

The plan is to plant the site for the Spring 2021 season. Irrigation needs will be determined at the time by a licensed landscape architect and will depend partially on the wetness of the winter season.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

The landscape architect planned for the work is familiar with the Conservation District and will coordinate with them as needed.

18. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit the requested grading?

Yes	No <input checked="" type="checkbox"/>	If yes, please attach a copy.
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Washoe County Treasurer  
 Tammi Davis

Account Detail

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**CollectionCart**

Collection Cart	Items	Total	<a href="#">Checkout</a>	<a href="#">View</a>
	0	\$0.00		

**Pay Online**

No payment due for this account.

**Washoe County Parcel Information**

Parcel ID	Status	Last Update
05055010	Active	12/7/2020 1:40:23 AM

**Current Owner:**  
 BURNS LIVING TRUST  
 3900 ORMSBY PL  
 WASHOE VALLEY, NV 89704

**SITUS:**  
 3160 CLARK DR  
 WCTY NV

**Taxing District**  
 4000

**Geo CD:**

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

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
<a href="#">2020</a>	\$672.38	\$672.38	\$0.00	\$0.00	\$0.00
<a href="#">2019</a>	\$640.36	\$640.36	\$0.00	\$0.00	\$0.00
<a href="#">2018</a>	\$611.03	\$611.03	\$0.00	\$0.00	\$0.00
<a href="#">2017</a>	\$586.40	\$586.40	\$0.00	\$0.00	\$0.00
<a href="#">2016</a>	\$571.54	\$571.54	\$0.00	\$0.00	\$0.00
<b>Total</b>					<b>\$0.00</b>

**Disclaimer**

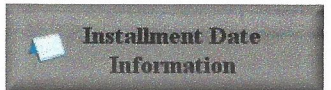
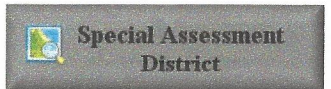
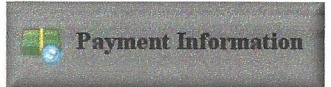
- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However,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

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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





January 11, 2021

Roger Pelham  
Senior Planner  
Washoe County Planning and Building Division  
1001 E. Ninth Street  
Reno, NV 89512

**Re: Burns Property Grading SUP**

Dear Roger,

Per the South Valleys Area Plan, policy 2.4, I am providing a review and summary of the recent presentation to the CAB on the Burns Property Grading Special Use Permit.

Given the overall goal of restoring the property and the lack of any development plans for the site, the CAB was in support of the SUP. No opposition was identified and no changes to the project were requested.

There was no public input on the project and the only Board question asked what would occur if the SUP was not granted. County staff indicated there would likely be an appeal to the Board of County Commissioners if the SUP was denied.

I trust this letter fulfills your needs. If you have any questions please contact me at (775) 527-6710 or [dwilson@rubicondesigngroup.com](mailto:dwilson@rubicondesigngroup.com). Thank you.

Sincerely,

Derek Wilson  
Partner

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(775) 527-6710 • [www.rubicondesigngroup.com](http://www.rubicondesigngroup.com)