



Board of Adjustment Staff Report

Meeting Date: October 7, 2021

Agenda Item: 8C

SPECIAL USE PERMIT CASE NUMBER: WSUP21-0024 (Bryan Canyon Grading)

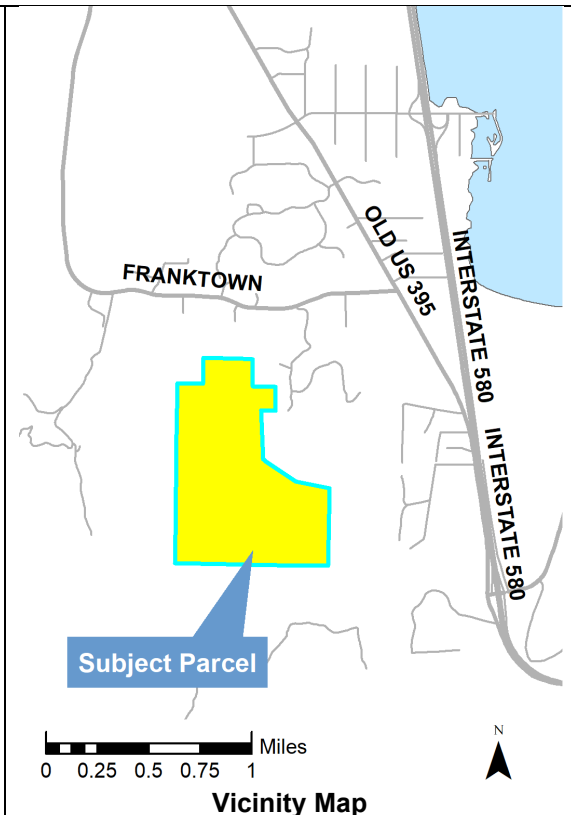
BRIEF SUMMARY OF REQUEST: Request for major grading permit to rectify illegal grading done in the past.

STAFF PLANNER: Planner's Name: Dan Cahalane
Phone Number: 775.328.3628
E-mail: dcahalane@washoecounty.us

CASE DESCRIPTION

For hearing, discussion and possible action to approve a special use permit to allow 9.6 acres of land disturbance, 29,062 cy of cut, 29,003 cy of fill, create a dam structure to build a pond and rectify illegal grading done in the past and a request to vary grading standards to allow for more than 10ft of difference from the natural grade. Currently, approximately 145,000sf of ground disturbance with up to 12ft of excavation has been completed illegally.

Applicant/Property Owner: SC Advisors, LLC
Location: Approximately 6390ft West by North of the intersection of Eastlake Blvd and Interstate 580
APN: 055-301-38
Parcel Size: 346.48 acres
Master Plan: Rural
Regulatory Zone: General Rural
Area Plan: South Valleys
Development Code: Authorized in Article 438
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 WSUP21-0024 and the request to vary final grade height above 10ft for SC Advisors, LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

(Motion with Findings on Page 10)

Staff Report Contents

Special Use Permit..... 3

Site Plan..... 4

Project Evaluation 5

Initial Code Enforcement Photo 5

Extent of Prior Grading (Google Earth)..... 6

Article 438 – Grading..... 6

Area Plan Evaluation..... 8

Reviewing Agencies 9

Recommendation 10

Motion 10

Appeal Process 11

.....

Exhibits Contents

Conditions of ApprovalExhibit A

Agency Review Memos.....Exhibit B

Public NoticeExhibit C

Project Application.....Exhibit D

The technical reports submitted with the project application are extensive. To review the complete project application with technical reports on-line click [here](#) or contact Planning at Planning@washoecounty.us to have a copy sent by email.

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 WSUP21-0024 are attached to this staff report and will be included with the action order, if approved.

The applicant has met the thresholds for major grading as outlined under Article 438, Grading. Therefore, the applicant is seeking approval of this Major Grading SUP from the Board of Adjustment.

Additionally, Article 810, Special Use Permits, allows the Board of Adjustment to vary development code standards in conjunction with the approval process per WCC 110.810.20(e). The Board of Adjustment will be ruling on the request(s) to vary standards below:

Variance(s) Requested	Relevant Code
Change in grade greater than 10ft	(110.438.45(c))

SUP LEGEND

- AREAS OF FILL GREATER THAN 8"
- AGGREGATE ROAD BASE SURFACE
- RESTORATION AREA

GRADING LEGEND

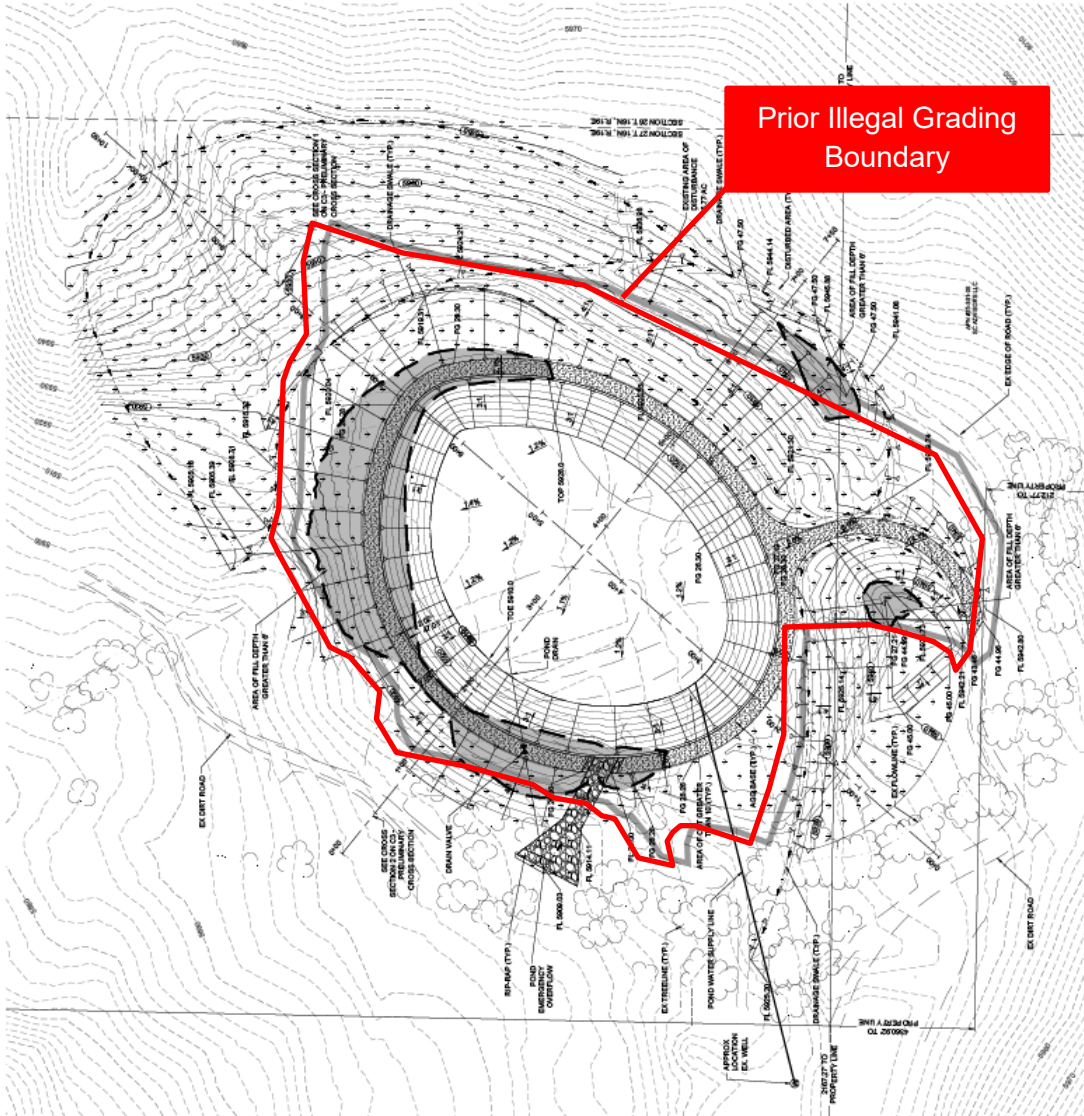
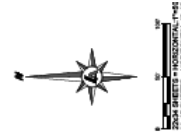
- EX ACCESS ROAD
- EX FLOWLINE
- PROP FLOWLINE

GENERAL NOTES

1. TO THE BEST OF MY KNOWLEDGE, BELIEF, AND ABILITY THESE GRADING PLANS CONFORM WITH WASHOE COUNTY DEVELOPMENT CODE.

EARTHWORK TABLE

CUT/RESED AREA - TOTAL	53.8 AC
CUT	30.8 AC (57%)
FILL	23.0 AC (43%)
TOTAL EARTHWORK VOLUME	56 CU. YD. (CUYD)
MAXIMUM DEPTH OF CUT	16.8 FT
MAXIMUM DEPTH OF FILL	16.8 FT
AREA OF CUT GREATER THAN 10"	65,596 SF
AREA OF FILL GREATER THAN 10"	63,909 SF
ROAD VOLUME @ 18" MIN. NORMAL BASE	53.8 AC (100%)
AREA OF FILL GREATER THAN 8" DEEP	36,671 SF = 0.83 AC

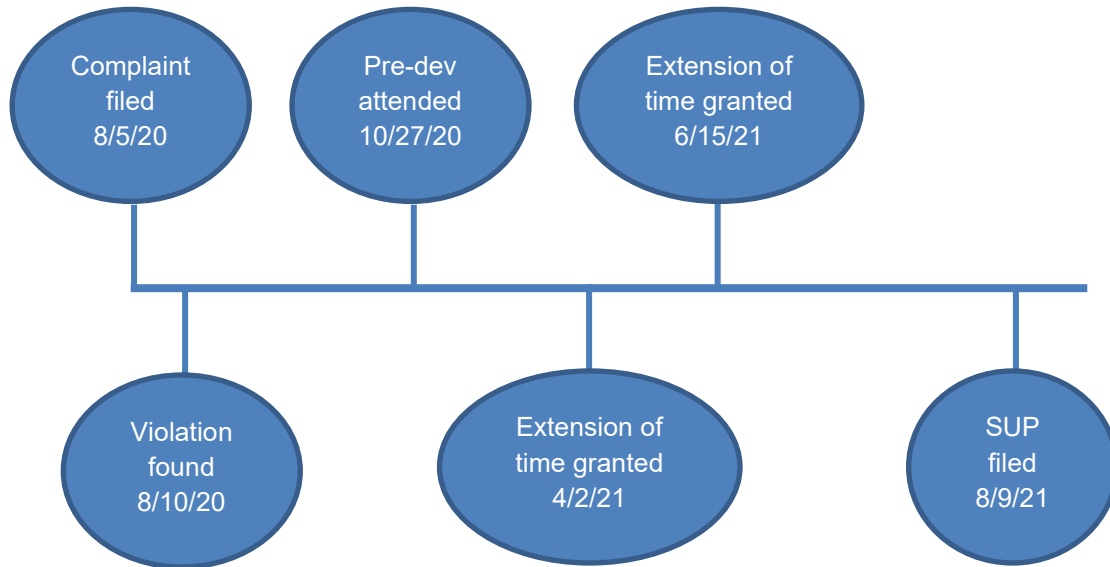


Site Plan

Project Evaluation

The applicant is requesting a special use permit for major grading including 9.6 acres of land disturbance, 29,062 cy of cut, 29,003 cy of fill, create a dam structure to build a pond for fishing and rectify illegal grading done in the past and a request to vary grading standards to allow for more than 10ft of difference from the natural grade. The proposed pond will hold up to 2.9 acre-feet of water and may require approval through the state engineer’s office. The proposed grading is located in a saddle between two peaks approximately 5910ft above sea level (approximately 800ft above the valley floor).

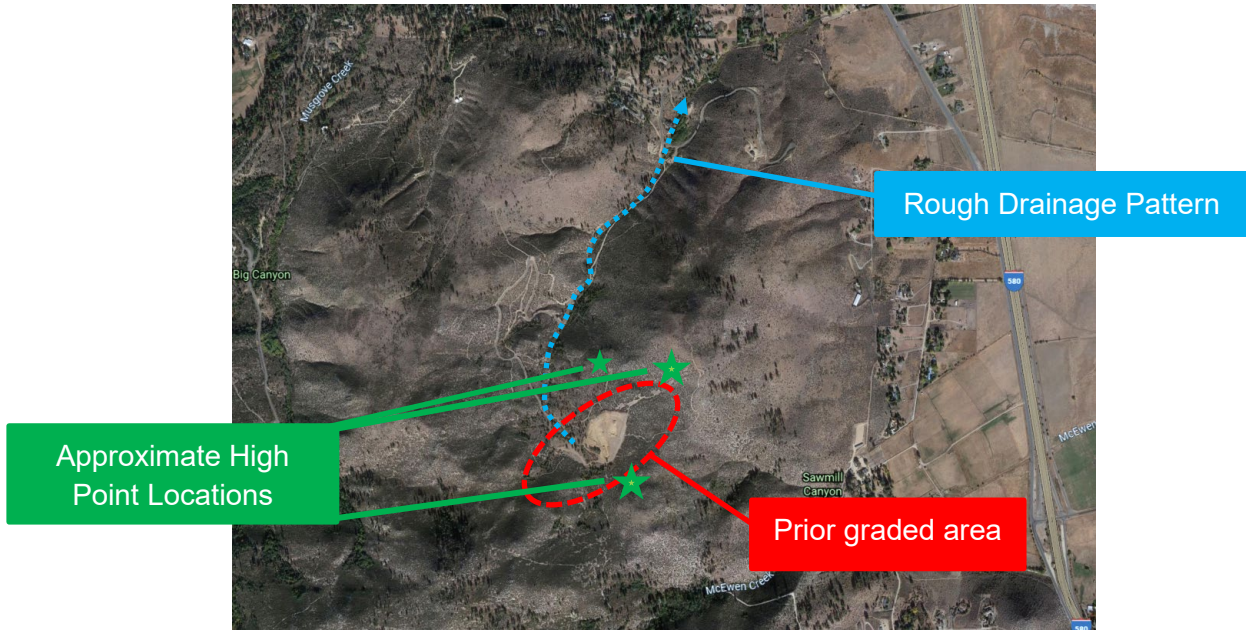
The application is in response to a prior Code Enforcement case, WVIO-ENG20-0015, which responded to approximately 145,000sf of ground disturbance with 12ft of excavation for a pond or small lake. A brief timeline of the code enforcement case is outlined below:



Initial Code Enforcement Photo

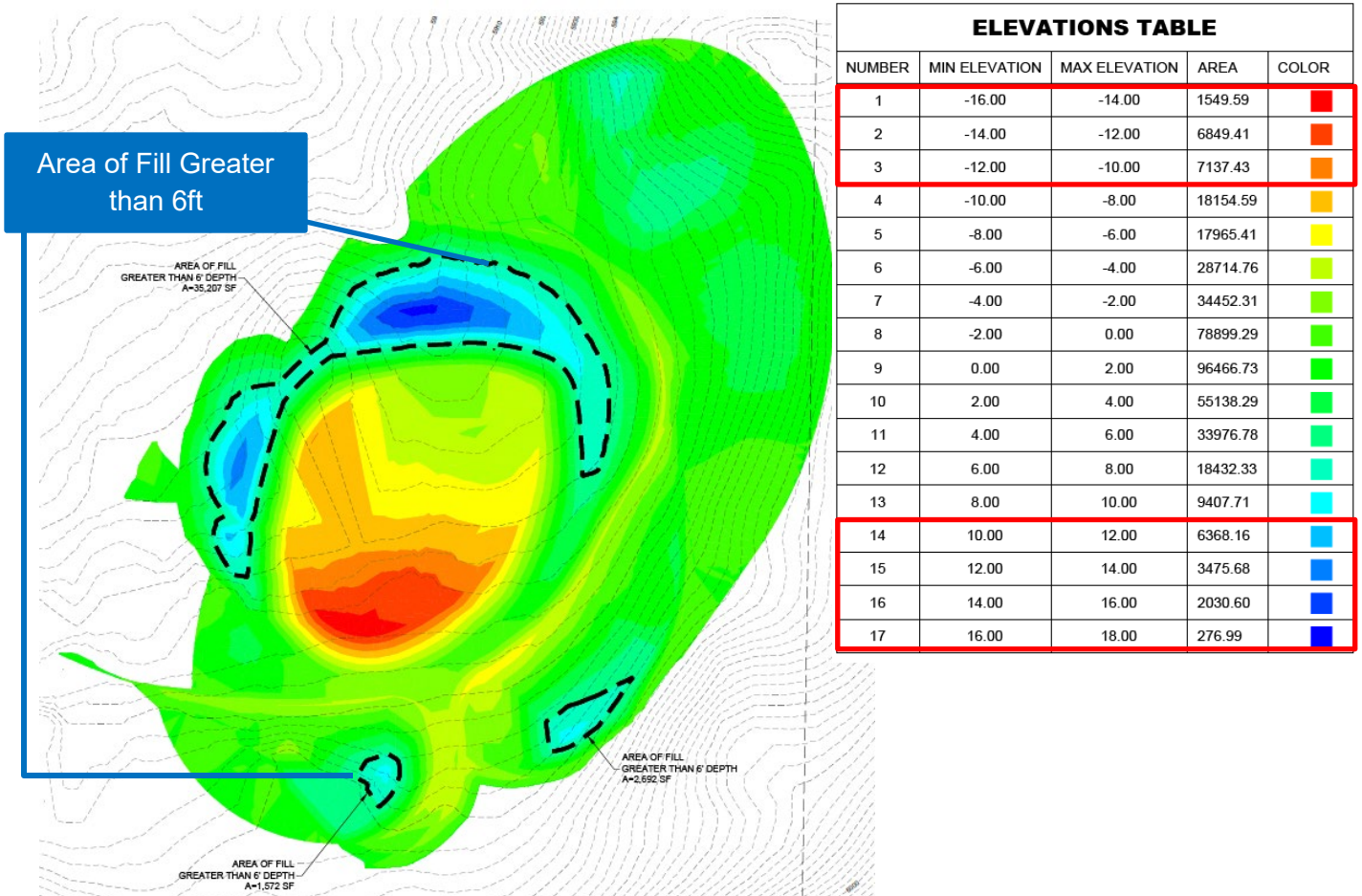


Extent of Prior Grading (Google Earth)



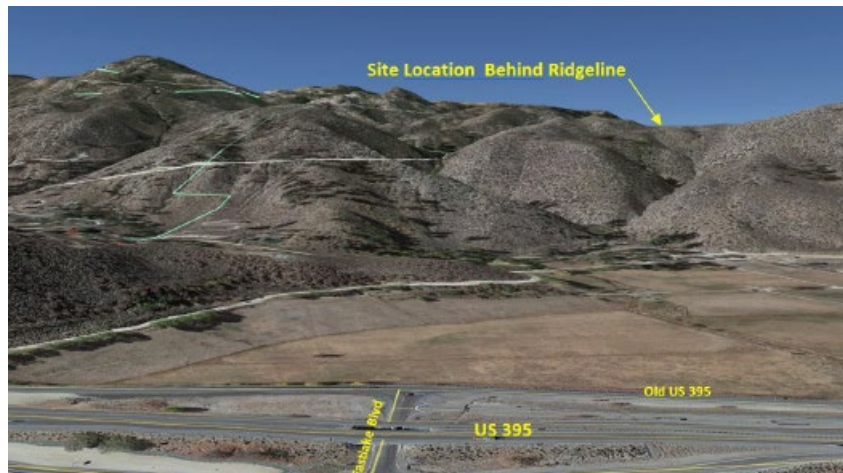
Article 438 – Grading

The applicant is requesting to vary grading standards to allow a greater than 10ft difference from the natural grade as part of the proposed dam structure and water containment, as seen below



The applicant is proposing cuts up to 16ft and fill up to 16ft to even out the pond bed and adequately contain the water. It is staff’s opinion that the request to vary standards are necessary for the dam structure to function property and conditions are provided regarding the varying of this standard specific to the construction of the pond.

The proposed grading will have no impacts on viewsheds from Washoe Valley, as seen in the images below:



All other cut and fill slopes must comply with Washoe County Code. The general grading requirements under WCC 110.438.45 are summarized in the table below:

Type of Regulation	Requirements			
	Front Yard	Side Yard	Rear Yard	Setback Envelope
Slopes	3:1	3:1	3:1	3:1
Difference from Natural Grade	Proposed to be varied. See Exhibit A.			
Retaining Wall Height	4.5ft	6ft Res/8ft non res	6ft Res/8ft non res	10ft
Retaining Wall Terrace Widths	Min. 6ft	Min. 6ft	Min. 6ft	Min. 6ft
Retaining Wall Bench Widths	Min. 4ft	Min. 4ft	Min. 4ft	Min. 4ft
Intersection Angle	45 degrees	45 degrees	45 degrees	45 degrees
Transitions	Contoured	Contoured	Contoured	Contoured

All disturbed slopes are required to be revegetated after 90 days in accordance with WCC 110.438.70. Revegetation will be deemed complete when plant density is equal to 70% of neighboring undisturbed areas in accordance with WCC 110.412.67.

Washoe County Engineering has provided conditions requiring a drainage report and detention of stormwaters on site. A drainage report is not required for a grading or special use permit per 110.420.05(b) but may impact final grading plans, especially in conjunction with the requirement to detain peak stormwater runoff on site. The applicant shall provide all conditioned finished grading plans prior to issuance of a building permit.

Area Plan Evaluation

The subject parcel is located within the South Valleys Area Plan. The following are the pertinent policies from the Area Plan:

Relevant Area Plan Policies Reviewed

Policy	Brief Policy Description	Complies	Condition of Approval/Comment
SV 2.2	Grading for residential purposes will minimize disruption to natural topography, utilize natural contours and slopes, complement natural characteristics of landscape, preserve existing vegetation, minimize cuts and fills.	Yes	The proposed pond will utilize natural contours to complement the natural characteristics of the landscape as conditioned in Exhibit A.
SV 2.3	Plan for control of noxious weeds required	Yes	Staff has provided conditions of approval requiring a noxious weed plan in Exhibit A.
SV 2.11	Landscape designs will emphasize use of native vegetation	NA	There is no proposed landscaping within the application. The applicant will be required to abide by the revegetation standards outlined in WCC 110.412.67.
SV 2.15	Public Health Impact Review will be conducted.	NA	Washoe County has not created a Public Health Impact Review process and instead uses comments and conditions from the variety of Health agencies to mitigate health issues.
SV 2.16	Finding of community character can be preserved required	Yes	The applicant has provided detailed analysis of the viewshed impacts of the proposed grading on pages 5-7 of their narrative and copied above. Staff finds that the proposed development does not negatively impact community character.
SV 12.3	Grading standards required to ensure disturbed slopes to be finished, not to exceed 3:1, and establish an undulating naturalistic appearance	Yes	The proposed application meets the requirements and standards requiring 3:1 slopes outlined in Article 438, Grading.
SV 12.5	Viewsheds and ridgelines shall be protected from significant degradation	Yes	The applicant has provided detailed analysis of the viewshed impacts of the proposed grading on pages 5-7 of their narrative and copied above. Staff finds that the proposed development does not negatively impact community character.
SV 14.1	Nevada Department of Conservation and Natural Resources required to be contacted.	Yes	The Nevada Department of Conservation and Natural Resources was contacted.

SV 18.3	Finding that no significant degradation of air quality required	Yes	The application was routed to Air Quality Management, who provided no comments. Applicant will be required to obtain dust control permits.
SV 19.1	Geotechnical studies required for non-single family home related proposals.	Yes	The applicant provided geotechnical studies as part of the application
SV 19.2	Applicants must follow recommendation of Geotech studies.	Yes	The applicant's proposal fits the recommendations of the attached geotechnical studies.
SV 23.2	Development will be protected from 1% chance flood event.	NA	This area is not mapped as a flood zone. However, the applicant will be required to provide a detailed drainage study as a condition of approval in Exhibit A.
SV 24.4	All new development in the Washoe Valley hydrographic basin requires certificated water rights.	Yes	The applicant has secured water rights to create the pond.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agency	Sent to Review	Responded	Provided Conditions	Contact
Army Corp of Engineers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
US Forest Service – State Office	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Nevada Dept of Env Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NDF- Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nevada Dept of Water Resources	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Steve Shell, sshell@water.nv.gov
Nevada Div. of Wildlife	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe County Parks & Open Spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe County Water Rights	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Vahid Behmaram vbehmaram@washoecounty.us
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rob Wimer, PE rwimer@washoecounty.us
WCHD – Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
WCHD – Environment Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
WCHD- EMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Truckee Meadows Fire Protection District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
RTC Washoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe Storey Conservation District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nevada Historic Preservation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

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 proposed major grading permit is consistent with the action programs, policies, standards and maps of the Master Plan and South Valleys Area Plan as conditioned in Exhibit A.

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: There are no required utilities, roadway improvements, or sanitation improvements required. Engineering staff have required a detailed drainage study as part of the conditions of approval outlined in Exhibit A. The applicant has obtained water rights to fill the proposed pond.

3. Site Suitability. That the site is physically suitable for major grading and for the intensity of such a development.

Staff Comment: The site is physically suitable for major grading. Specifically, the grading is located in areas considered most suitable for development in the South Valleys Area Plan map.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: The 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.

Staff Comment: The proposed grading will have no effect on a military installation.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP21-0024 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 WSUP21-0024 and the request to vary final grade height above 10ft for SC Advisors, LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

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 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.

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: SC Advisors, LLC
PO Box 3390
Stateline, CA 89449

Representatives: Lumos & Associates
9222 Prototype Dr
Reno, NV 89521

Email: ethomas@lumosinc.com



Conditions of Approval

Special Use Permit Case Number WSUP21-0024

The project approved under Special Use Permit Case Number WSUP21-0024 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on October 7, 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 – Dan Cahalane, Planner, dcahalane@washoecounty.us, 775-328-3628

- 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 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. Finish grading may vary from the natural slope by more than ten (10) feet in elevation as part of the dam and pond construction. All other areas are required to meet the provisions outlined in WCC 110.438.45
- e. Applicant shall provide a plan for control of noxious weeds as part of the final grading plans and building permit application submittal in accordance with SV policy 2.3.
- f. 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 – Robert Wimer, P.E. (775) 328-2059

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials

shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.

- b. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
- e. Exported materials shall not be sold without the proper business license.
- f. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
- g. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- h. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.
- i. Prior to Grading Permit approval, provide a Dam Permit from the Nevada Division of Water Resources, or written acknowledgement that no permit is required.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

- j. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.

Washoe County Water Rights Coordinator

- 3. The following conditions are requirements of the Water Rights Coordinator, which shall be responsible for determining compliance with these conditions.

Contact Name – Vahid Behmaram, vbehmaram@washoecounty.us

- a. The applicant shall consult with the NDWR to determine what change applications are necessary and file the requisite change applications with NDWR. The applicant shall consult with the NDWR to determine if a Dam permit is required and file the requisite application. The SUP shall be conditioned for the filing and approval of these applications.

If NDWR does not require any of the application referenced above, a written acknowledgement to that effect shall be provided to this office as a condition of approval.

*** End of Conditions ***



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

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

Date: August 25, 2021

To: Dan Cahalane, Planner

From: Robert Wimer, P.E., Licensed Engineer

Re: Special Use Permit for **Bryan Canyon Grading WSUP21-0024**
APN 055-301-38

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of the Bryan Canyon Road Pond and is located on approximately 346.48 acres at the southwest of Washoe Lake, on Bryan Canyon Road west of Highway 395. The Engineering and Capital Projects 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 Lumos and Associates. 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: Robert Wimer, P.E. (775) 328-2059

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. For construction areas larger than 1 acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
4. Applicant shall indicate on the plans where exported materials will be taken and a grading permit shall be obtained for the import site.
5. Exported materials shall not be sold without the proper business license.



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Subject: **Bryan Canyon Grading WSUP21-0024**
Date: August 25, 2021
Page: 2

6. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
7. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
8. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District. The applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review.
9. Prior to Grading Permit approval, provide a Dam Permit from the Nevada Division of Water Resources, or written acknowledgement that no permit is required.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

1. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

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

August 17, 2021

TO: Dan Cahalane, Planner, CSD, Planning & Development Division
FROM: Vahid Behmaram, Water Rights & Water Resources Consultant, CSD
SUBJECT: Special Use Permit Case Number WSUP21-0024 (Bryan Canyon Grading)

Project description:

The applicant is proposing to approve 9.6 acres of land disturbance, 29,062 cy of cut, 29,003 cy of fill, create a dam structure to build a pond and rectify illegal grading done in the past.

Location: Approximately 6390ft West by North of the intersection of Eastlake Blvd and Interstate 580. Assessor's Parcel Number: 055-301-38.

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

Comments:

The application submitted references water rights permits # 74350, 77786 & 77787 with Brayn Canyon Creek as the source for the first and underground source for the other two permits. These permits are appurtenant to the parcel subject to this Special Use Permit (SUP) application. However, the manner of use of all the referenced water rights permits are for "Irrigation". The proposed SUP is proposing to create a large pond for storage of water. The proposed SUP may require water rights change applications for the referenced water rights and / or a Dam Permit to be issued from the Nevada Division of Water Resources (NDWR).

Conditions:

The applicant shall consult with the NDWR to determine what change applications are necessary and file the requisite change applications with NDWR. The applicant shall consult with the NDWR to determine if a Dam permit is required and file the requisite application. The SUP shall be conditioned for the filing and approval of these applications.

If NDWR does not require any of the application referenced above, a written acknowledgement to that effect shall be provided to this office as a condition of approval.

From: [Steve Shell](#)
To: [Cahalane, Daniel](#)
Subject: FW: August Agency Review Memo II
Date: Wednesday, August 18, 2021 10:51:55 AM
Attachments: [image001.png](#)
[August Agency Review Memo II.pdf](#)

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

Special Use Permit Case Number WSUP21-0024 (Bryan Canyon Grading)

Permits 74350 (32.0 AFA, Surface Water) and 77787 (12.74 AFA, Underground Water) are appurtenant to the lands of this project and are held in the name of SCAP 7, LLC. The Applicant states water is not required for this project.

As of June 1, 2021, the Office of the State Engineer is open to the public. Please call 684-2800 upon arrival and a representative will come down to escort you to our office. Please be aware that only a limited number of clients are allowed on the floor at any given time. Also note that a mask is now required for all clients.

Steve Shell
Nevada Division of Water Resources
775-684-2836

From: Fagan, Donna <DFagan@washoecounty.us>
Sent: Monday, August 16, 2021 11:53 AM
To: Steve Shell <sshell@water.nv.gov>
Subject: August Agency Review Memo II

Hi Steve,

Please find the attached Agency Review Memo with cases received this month by CSD, Planning and Building.

You've been asked to review item #4. Click on the highlighted item description for a link to the application.

Please send any questions, comments or conditions to the planner for that item.

Thank you,
Donna



Donna Fagan
Planning and Building Division | Community Services Department
dfagan@washoecounty.us | Office: 775.328.3616
1001 E. 9th Street, Reno, NV 89521
Email: planning@washoecounty.us

WSUP21-0024
EXHIBIT B

From: [Thomason, Jennifer C CIV USARMY CESPK \(USA\)](#)
To: [Cahalane, Daniel](#)
Subject: Special Use Permit Case Number WSUP21-0024 (Bryan Canyon Grading)
Date: Monday, August 30, 2021 11:16:43 AM

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

Hi Dan,

Based on the information submitted it is unclear if the existing drainageway is a federally jurisdictional water. If the channel or any other aquatic features meet the definition of a water of the U.S., as defined in the June 2020 Navigable Waters Protection Rule, then a Section 404 Clean Water Act permit/verification will be needed from our office. If there are no aquatic features located on the site that meet the definition of waters of the U.S. then nothing is needed from our office. It is the applicants responsibility to coordinate with our office to obtain any required permits. Please let me know if you need anything further.

Thanks,

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

Ph: 775-784-5304

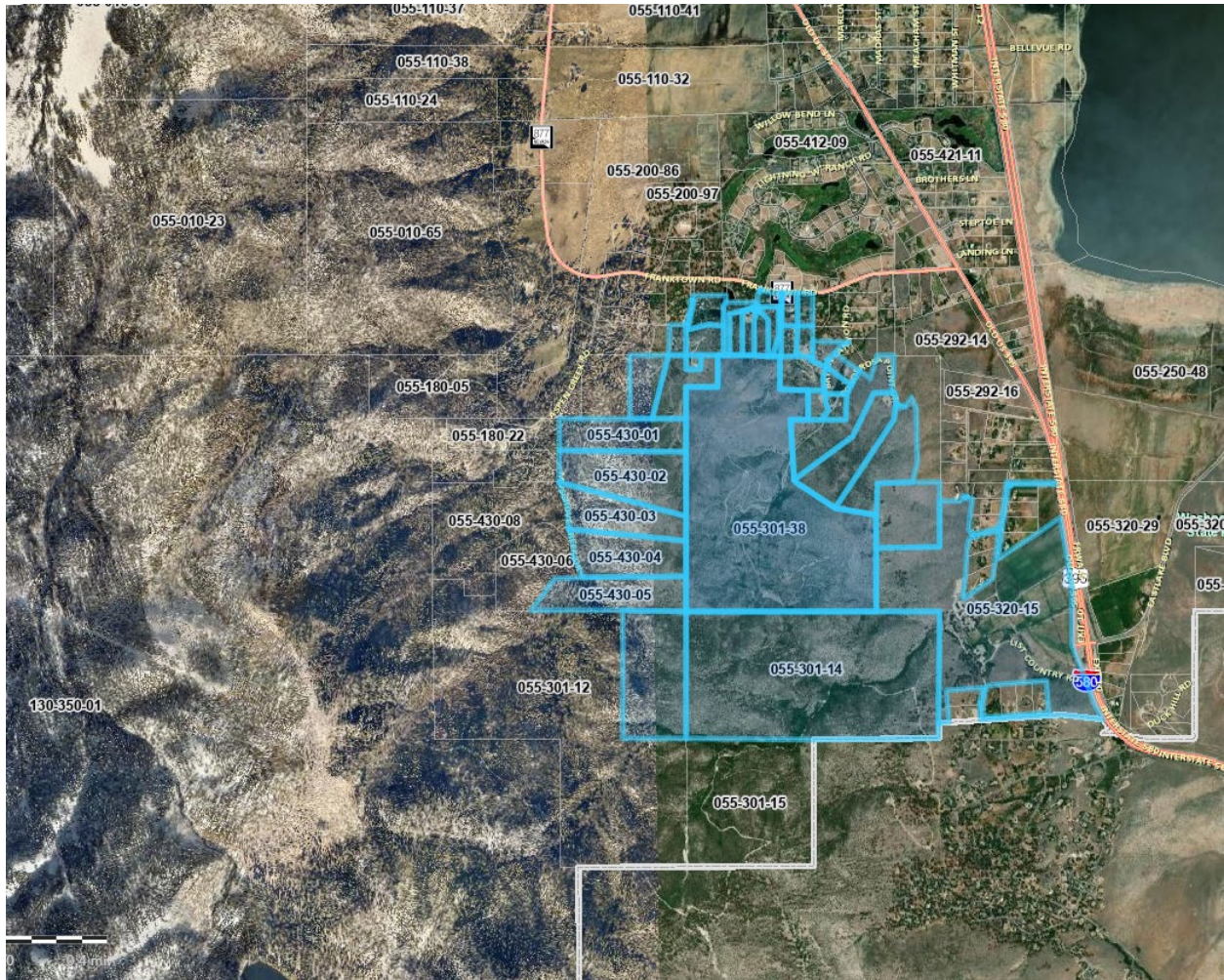
Cell: 775-686-9622- Primary number during COVID-19 Response

Business hours: Monday-Friday, 9AM-3PM Pacific Time

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:

<https://regulatory.ops.usace.army.mil/ords/f?p=136:4>



Notice sent to 35 affected property owners.

Bryan Canyon Road Pond Special Use Permit

August
2021



9222 Prototype Drive
Reno, Nevada 89521
775.827.6111
www.LumosInc.com

WSUP21-0022
EXHIBIT D

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		Staff Assigned Case No.: _____	
Project Name: Bryan Canyon Road Pond Special Use Permit			
Project Description: This application requests an SUP for grading of a pond.			
Project Address: 0 Bryan Canyon Road			
Project Area (acres or square feet): 346.480 +/- acres (Development Area is only 9.6 +/- acres)			
Project Location (with point of reference to major cross streets AND area locator): Bryan Canyon Road and Ponderosa			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
055-301-38	346.480 +/- acres		
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: SC Advisors, LLC		Name: Lumos & Associates	
Address: PO Box 3390		Address: 9222 Prototype Drive	
Stateline, CA	Zip: 89449	Reno, NV	Zip: 89521
Phone:	Fax:	Phone: 775-827-6111	Fax:
Email:		Email: ethomas@lumosinc.com	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person: Ed Thomas, PE	
Applicant/Developer:		Other Persons to be Contacted:	
Name: SC Advisors, LLC		Name: CFA, Inc.	
Address: PO Box 3390		Address: 1150 Corporate Blvd	
Stateline, CA	Zip: 89449	Reno, NV	Zip: 89506
Phone:	Fax:	Phone: 775-850-7073	Fax:
Email:		Email: dsnelgrove@cfareno.com	
Cell:	Other:	Cell: 775-737-8910	Other:
Contact Person:		Contact Person: Dave Snelgrove, AICP	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: SCAP 7, LLC

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

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, John S Hussey
(please print name)

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

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

Assessor Parcel Number(s): 055-301-38

Printed Name John S Hussey

Signed [Signature]

Address 1466 Pittman Terrace, Blaine NV

Subscribed and sworn to before me this
26 day of July, 2021.

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

My commission expires: 05/26/2023

(Notary Stamp)

Notary Certificate attached/affixed pursuant
 CA Civil Code § 1189
 CA Government Code § 8202

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

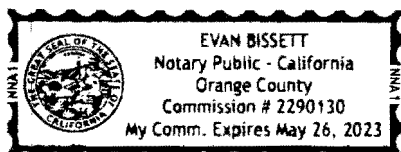
- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document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

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on this 26th
day of July, 2021, by John J Hurry

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in cursive script, appearing to read 'Evan Bissett', written over a horizontal line.

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

An SUP is being requested to facilitate grading to create a pond structure and end a code violation case regarding existing grading that had occurred on site.

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.)

See Tab B in the submittal package for a site plan addressing this requested information.

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

It is anticipated that construction/grading will commence near to the end of 2021 and completion of the proposed grading will conclude prior to the end of 2022.

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?

The location chosen for the pond is entirely for aesthetic reasons of the natural beauty. It also provides a "beneficial" use to maintain senior water rights.

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

An increase in wildlife attracted to the pond, potential use as a water source for firefighting equipment

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

No negative impacts are anticipated with this request

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.

As this is proposed to be private pond in a rural area, no formal parking, signs or lighting is planned. Revegetation will incorporated around the pond.

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
------------------------------	--

9. Utilities:

a. Sewer Service	Not Applicable to this project
b. Electrical Service	Not Applicable to this project
c. Telephone Service	Not Applicable to this project
d. LPG or Natural Gas Service	Not Applicable to this project
e. Solid Waste Disposal Service	Not Applicable to this project
f. Cable Television Service	Not Applicable to this project
g. Water Service	Not Applicable to this project

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 #	See Permits in Tab D	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).

--

10. Community Services (provided and nearest facility):

a. Fire Station	Truckee Meadows Fire Station 30, 3905 State Route 429
b. Health Care Facility	Renown Urgent Care - North Carson, 2814 N. Carson Street, Carson City
c. Elementary School	Not Applicable to this project
d. Middle School	Not Applicable to this project
e. High School	Not Applicable to this projec
f. Parks	Not Applicable to this project
g. Library	Not Applicable to this project
h. Citifare Bus Stop	Not Applicable to this project

**Special Use Permit Application
for Grading
Supplemental Information**

(All required information may be separately attached)

1. What is the purpose of the grading?

To create a natural looking pond

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

A total cut area associated with the grading plan is 29,062+/- CY, but the amount of fill will bring the grading work to a virtual balance with a 58+/- CY identified as excess when considered with the fill area.

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

9.6 +/- acres (418,176 +/- sf)

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

The grading plan for the site is intended to balance. 58+/- CY is shown as excess material on Sheet C2 with this application. This excess material will be spread across the site in a thin layer across additional fill areas to bring the site into balance.

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

No, in order to accommodate the intended water amount, the affected areas must either be wider or deeper. In this instance, the applicant has chosen to affect more land horizontally rather than digging deeper.

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, the requested SUP is in response to a code enforcement action, WVIO-ENG 20-0015. The requested SUP is intended to provide approval for the private pond that was originally envisioned.

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 site photos in the project narrative that show the existing disturbance.

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

No. Currently, no structures are constructed on adjoining properties.

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)?

No, the proposed area of grading is entirely contained within the parcel.

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?

Maximum 3:1 slope.

11. Are you planning any berms?

Yes	XXX	No	If yes, how tall is the berm at its highest? 16-18 feet
-----	-----	----	---

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)?

Not applicable

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

The site cannot be seen from anywhere in the valley or from any public right of way due to the topography surrounding this bowl area. As such, no visual mitigation is seen to be necessary.

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

No trees are intended to be removed with the approval of this SUP.

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?

An appropriate seed mix for the area and terrain will be provided with the final plans for the project.

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

No temporary irrigation is proposed. Hydro-seeding or native vegetation that naturally occurs will be incorporated.

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

No.

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

Yes	No X	If yes, please attach a copy.
-----	------	-------------------------------

Table of Contents

Project Narrative TAB A

 Project Request 1

 Property Location 2

 Master Plan & Zoning 3

 Project Summary 3

 Overview 3

 Revegetation 3

 Site Hydrology 3

 Hillside Development Site Analysis 3

 Existing Site Photos 8

 Special Use Permit Legal Findings Review 10

Tabs

Preliminary Civil Engineering Sheets, Slope Analysis and Cut and Fill Exhibits TAB B

Conceptual Drainage Report, Geotechnical Investigation Report TAB C

Supporting Information (Assessors Map, Water Rights Permit Information, Well Log Details, Record of Survey Map #4473, Proof of Property Tax Payment)..... TAB D

Project Description

Project Request

This application is a request for a special use permit for grading on a portion of the subject parcel. The proposed grading is for a pond that will provide a beneficial use of permitted water that the property owner holds. The pond is proposed to be private but would provide a watering hole for wildlife in the area and an environment for birds. The pond is proposed to be stocked for private use by the owner for fishing.

The proposed pond area is located towards the southern portion of APN 055-301-38, a 346.5+/- acre parcel. The proposed pond area grading totals 9.6+/- acres, which is +\-2.8% of the total site.

This application is presented to address previous grading activities were commenced (in error) by the applicant and their contractor. With this requested special use permit, certain thresholds associated with grading (Article 438) are specifically requested for review and approval as well as review and approval of Hillside Development (Article 424) considerations.

Article 438 (Grading) Requests

The following code sections from Section 110.438.35 (Major Grading Permit Thresholds) are specifically included with this application:

Grading on slopes of less than (flatter than) fifteen (15) percent:

- 110.438.35(a)(1)(i)(C) – Area – Grading of an area of more than four (4) acres on a parcel of any size.
- 110.438.35(a)(1)(ii)(A) – Volume – Excavation of five thousand (5,000) CY or more...

Grading on slopes of fifteen (15) percent or greater (steeper):

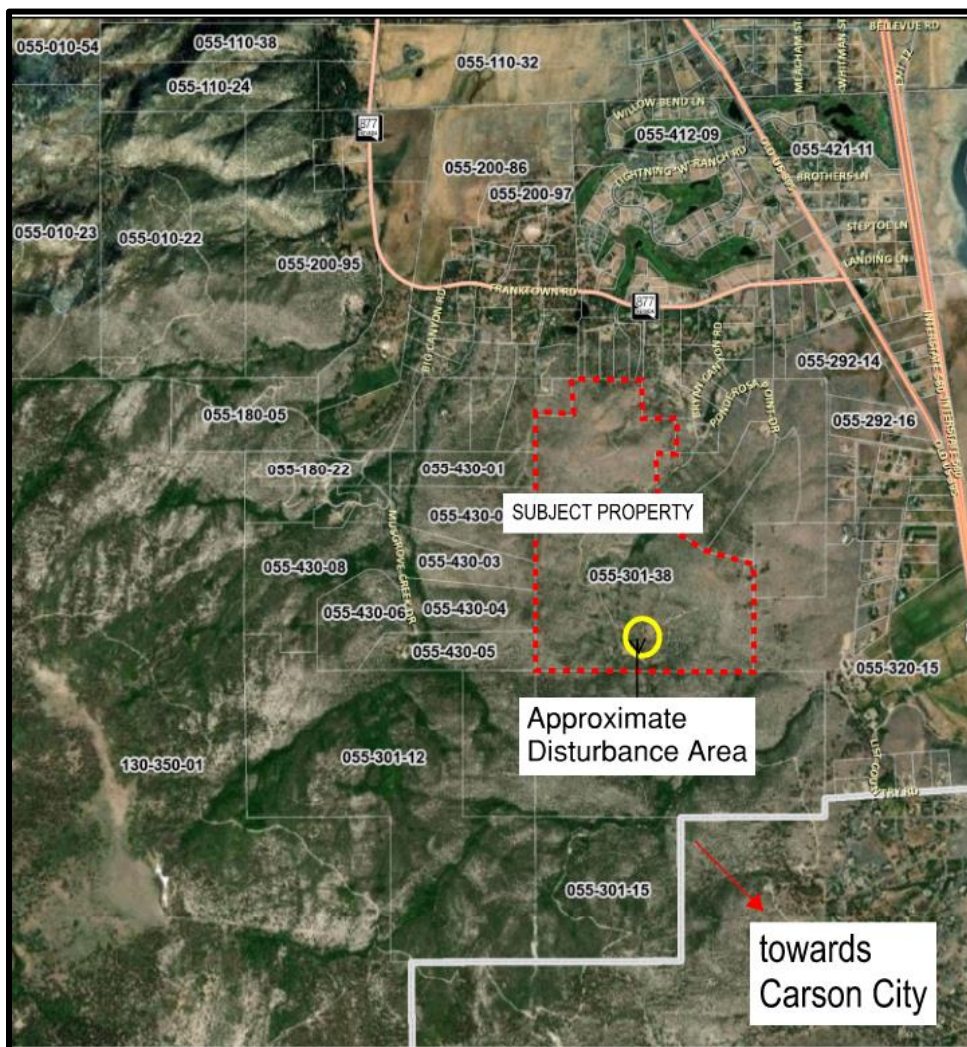
- 110.438.35(a)(2)(i)(B) – Area - Grading of ten (10) percent or more of the area of the parcel on parcels six (6) acres or greater in size ----- Although the overall parcel is significantly large, this threshold is believed to be crossed as the development site is only 9.6+/- acres and the portion of the development site that has grading in association with the pond is greater than 20% of the development site area.
- 110.438.35(a)(2)(ii)(A) – Volume – Excavation of one thousand (1,000) CY or more...

General thresholds regardless of slope:

- 110.438.35(a)(4) – Grading to construct a permanent earthen structure greater than six (6) feet in height on the remainder of the property.
- 110.438.35(a)(6) – Creation of a dam structure that holds (retains) more than twenty-five thousand cubic feet of water.

Property Location

The subject parcel contains 346.5+/- acres of land but only 9.6+/- acres or +/-2.8% of subject parcel is proposed to be disturbed with this grading. The development site is located in the southern portion of the subject parcel. A Vicinity Map is provided below showing the subject parcel and development site that is associated with this request.



Master Plan and Zoning

The subject parcel is master planned general rural (GR) and zoned General Rural (GR). The proposed grading for the pond is allowed under the existing zoning designation.

Project Summary

Overview – The proposed grading project consists of earthwork on a small portion of the 346.5+/- acre parcel (APN 055-301-38). Allowance of this grading activity will provide a necessary water structure to create a “beneficial” use for the maintenance of existing water rights.

The proposed grading will create a pond (mostly manmade) located near the southern boundary of the parcel and be supplied with water by an existing well located west of the pond.

Revegetation

Native revegetation will be incorporated into the final treatment around this pond area using strippings from the site and an appropriate seed mix for the area (to be defined with the final grading permit). There is no formal landscaping proposed as this is simply the creation of a pond in a high desert foothills type setting. Formal landscaping, as is required by code would be out of character for the area in which the development site is located.

Site Hydrology

The preliminary hydrology report is provided in Tab C with this application.

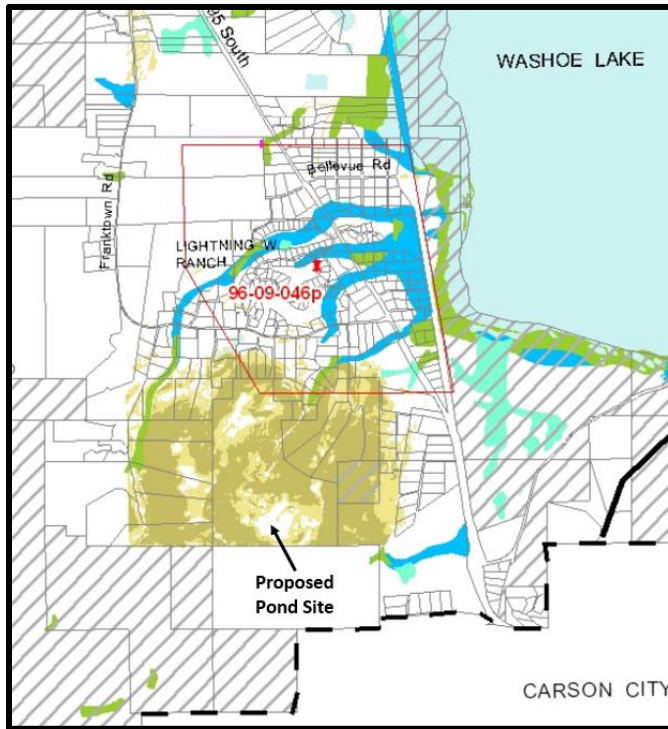
Hillside Development Site Analysis

Following is a review of the supplemental review items required under Article 424 (Hillside Development) in the Washoe County Development Code. Each review item listed in section 110.424.15 is provided

a. Site Analysis

- (1) Major topographic conditions including ridgelines, ravines, canyons and knolls;

Below is an excerpt from the South Valleys Area Plan – Development Suitability Map showing the location of the proposed pond being in an area suitable for development and surrounded by topography. The development site sits in a bowl that helps to conceal views of the pond and associated grading from lands in the valley and along public rights-of-way.



(2) Preliminary geological conditions including major rock outcroppings, slide

areas and areas underlain with faults that have been active during the Holocene epoch of geological time;

Seismic Considerations are included in the Geotechnical Investigation Report, provided in Tab C of this application package.

(3) Preliminary soil conditions including soil type, expansiveness, slumping, erodibility and permeability;

Soils Conditions have been reviewed in the Geotechnical Investigation Report, provided in Tab C of this application package.

(4) Significant surface hydrological conditions including natural drainage courses, perennial streams, floodplains, wetlands and ponding areas;

No significant hydrologic resources are identified to be within the development area.

(5) The location and types of significant vegetation including known rare and endangered plant species and general plant communities;

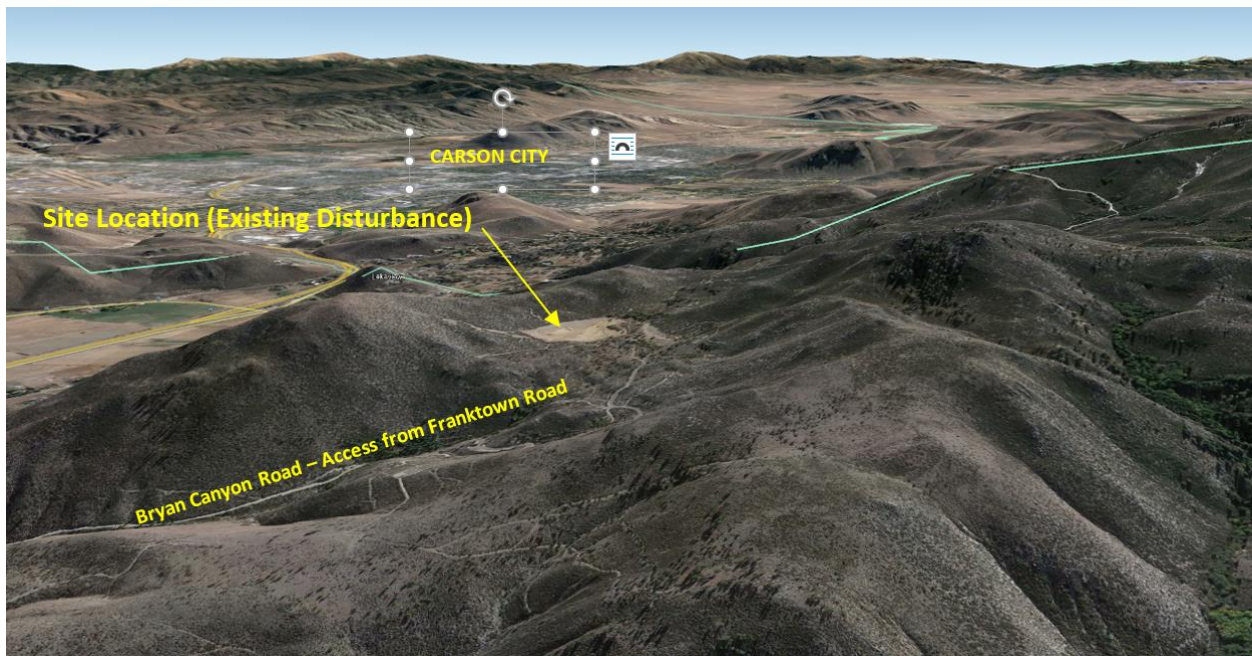
No rare or endangered plant species are known to be located in the area of the proposed pond by the applicant or consultants on this project.

(6) Habitat areas for rare or endangered animal species;

The location of a pond will have no negative impact on any habitat within the area. From review of the Washoe County habitat area maps from the Conservation Element of the Washoe County Master Plan, only Mule Deer appear to have Key winter habitat in the area of the development site. The pond will provide a water supply for the Mule Deer and can be seen as a benefit.

(7) Preliminary viewshed analysis including cross sections of views to and from the development site from all major roadways within one (1) mile of the project site, and from major focal points on the project site;

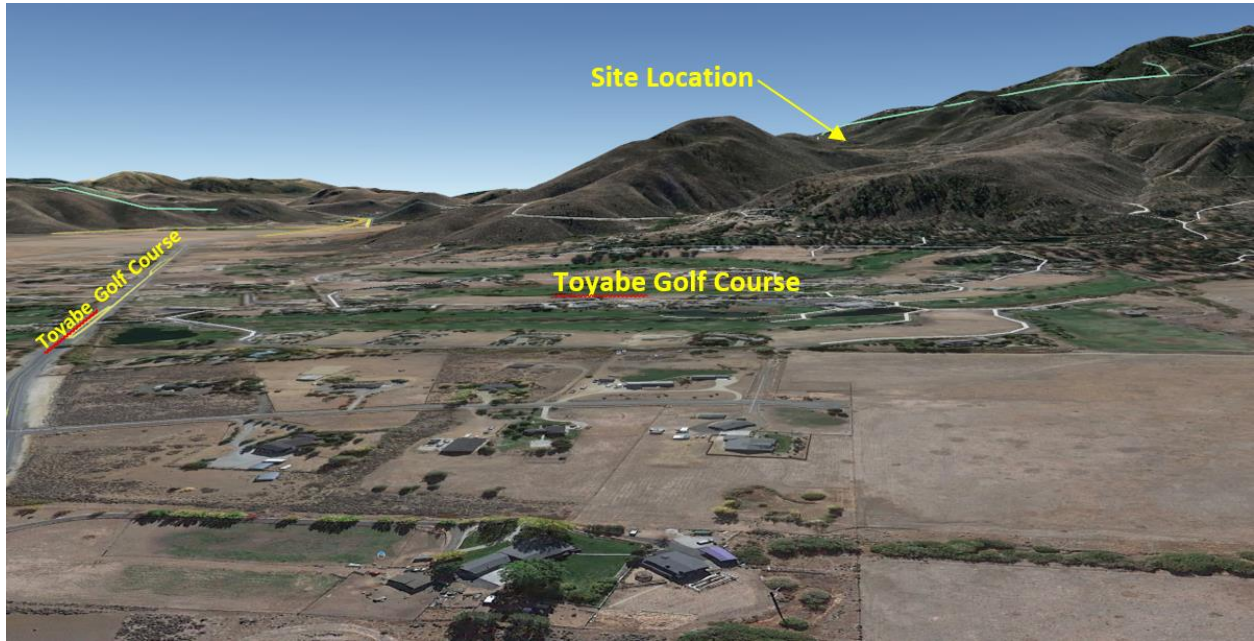
Below are aerial images viewed at varying perspectives toward the site that show the proposed location of the pond is not visible from major roadways and vantage points that are in the habited portions of the Washoe Valley area.



Perspective view of the development site from above, viewing toward the southeast. The access canyon (Bryan Canyon and Bryan Canyon Road) can be seen in the foreground and the existing disturbance area associated with the proposed pond can be seen in this aerial image.

BRYAN CANYON ROAD POND

SPECIAL USE PERMIT



Perspective view toward the site from a couple hundred feet above the ground surface. View exposes that the area of the pond cannot be viewed from this vantage point. View is looking south from north of the Toyabe Golf Course toward the site.



Perspective view toward the site from a couple hundred feet above the ground surface. View exposes that the area of the pond cannot be viewed from this vantage point due to natural topographic view blockage. View is looking West from the intersection of Eastlake Blvd and U.S. 395 toward the site.

(8) How the development responds to the unique conditions of the hillside; and

For the most part, the development exists in the lesser slope areas (as is evidenced on the Slope Analysis Map provided as Sheet C4 in Tab B of this application. The proposed pond could have been naturally occurring with a slightly higher ground being formed, naturally at the northern portion of the bowl. The site is well suited to have a pond (man-made or natural).

- (9) A slope analysis, submitted on a topographic map with contour intervals of at least five (5) feet for planning purposes.
- (i) 0 - 15 percent;
 - (ii) 15 - 20 percent;
 - (iii) 20 - 25 percent;
 - (iv) 25 - 30 percent; and
 - (v) Greater than 30 percent.

A Slope Analysis Map is provided as Sheet C4 in Tab B using the slope categories noted above.

b. Developable Area Map.

A developable area map, prepared pursuant to Section 110.424.20(b).

The Existing Site and Preliminary Grading Plans, coupled with the Slope Analysis Map (Sheets C1, C2 and C3), provided with this application adequately address site developable area as the total area of disturbance is only +/-2.8% of the entire subject parcel. The proposed location of the pond, as has been noted previously within this project narrative The total amount of 30% or steeper slopes is only 804+ SF of the 9.6+/- acre development site area or less than 2/10 of 1% of the total development site area.

c. Constraint and Mitigation Analysis.

A detailed analysis of how the identified constraints will be mitigated and incorporated into the project's design.

There are no constraints that to the development of this site for a pond. As such, there is no mitigation analysis that is foreseen to be necessary.

d. Washoe County Master Plan Amendment.

Not applicable. No Master Plan Amendment is proposed with this application.

Existing Site Photos

The development site slopes from south to northwest. The site lies at the intersection of a number of informal dirt trails that can be seen on the Washoe County GIS map. Site photos showing the access road to the development site and the existing site disturbance are provided, below.



View of paved section of Bryan Canyon Road (access to the development site/pond location) – view near the northern entry to the subject parcel

View of gravel section of Bryan Canyon Road (access to the development site/pond location) – view nearing the development site.





View to the north of the existing disturbance at the development site

View to the southwest of the existing disturbance/development area. Area vegetation can be seen in the foreground.



Special Use Permit Legal Findings Review

Section 110.810.30 -- Findings. Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment or a hearing examiner shall find that all of the following are true:

- a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

The proposed SUP for grading improvements has been prepared to meet the design requirements set forth under the Washoe County Master Plan and Development Code. The subject property is contained within the South Valleys Area Plan Suburban Character Management Area.

These measures will be met with the proposed grading and drainage improvements.

SV.1.6 The following Regulatory Zones are permitted within the West Washoe Valley Suburban Character Management Area:

- a. General Rural (GR – One unit per 40 acres).
- b. Low Density Rural (LDR – One unit per 10 acres).
- c. Medium Density Rural (MDR – One unit per 5 acres).
- d. Public/Semi-public Facilities (PSP).
- e. Parks and Recreation (PR).
- f. Open Space (OS).
- g. High Density Rural (HDR – One unit per 2.5 acres).

The development site is zoned GR and appropriate to the Master Plan and the WWVRCMA.

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.

An appropriate control plan will be submitted with final plans, as is typically required through condition of approval.

SV.2.14 Development activities should be designed to support the efficient use of infrastructure and the conservation of recharge areas, habitat, and open vistas.

The proposed drainage will provide an additional recharge area for the West Washoe Valley area.

SV.2.16 The approval of 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.

The proposed grading SUP will not negatively impact the surrounding parcels owners nor community character. The pond structure is intended to directly affect the parcel owner by providing a use for existing water rights in the area. Indirectly, the pond structure should provide a water source for wildlife in the area, particularly mule deer and may be available as a water source for fire fighting efforts, if necessary and agreed by all stakeholders in such use..

- b) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

Response: The pond is suitable within the area in which is it located and with slightly different topography at the northwest corner of the pond, could be naturally occurring.

- c) Issuance Not Detrimental. 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; and

Response: This request will not be detrimental to the character of the surrounding area and is appropriate to the setting of a forest/natural area in the foothills of the Sierra Nevada mountain range.

- d) 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.

Response: Not applicable as there are no military installations in proximity to the project site.

REV	DATE	DESCRIPTION	BY

PRELIMINARY
FOR SUP REVIEW
AUGUST 2021

1/8" = 1' HORIZONTAL
0" = 50'
ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY

C1

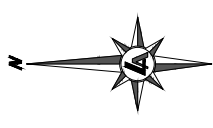
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DESIGNED BY: ET
CHECKED BY: BM
JOB NO.: 10334.000

WASHOE VALLEY
WASHOE COUNTY
NEVADA
SCAP 7, LLC
BRYAN CANYON ROAD POND
SPECIAL USE PERMIT
EXISTING SITE PLAN

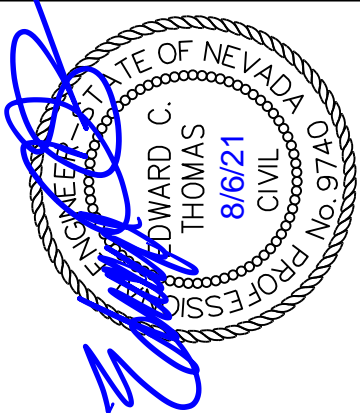


388 N. CURRY ST., STE. 200
CARSON CITY, NV 89703
TEL: 775.683.1077
WWW.LUMOSINC.COM
INFO@LUMOSINC.COM

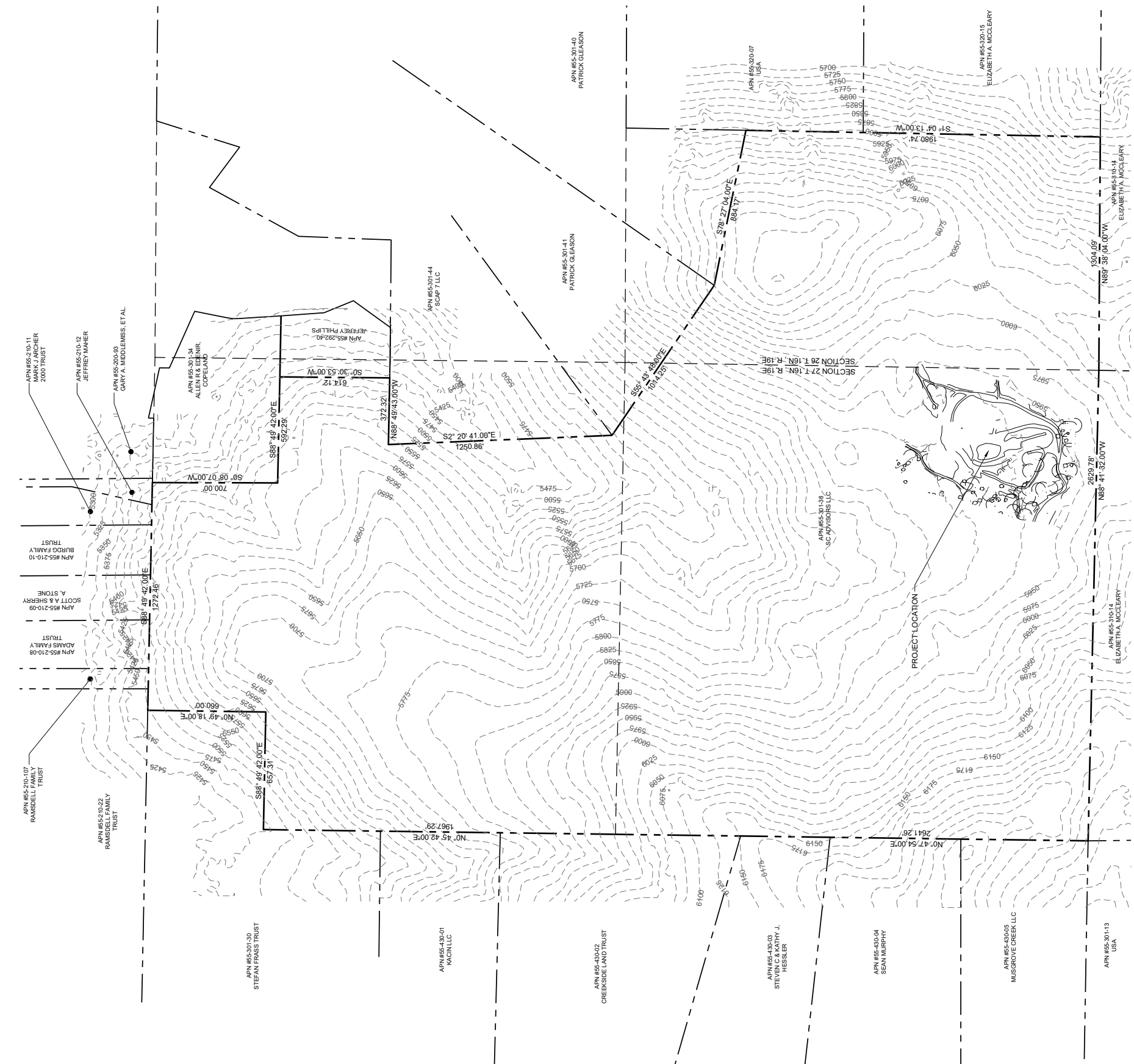
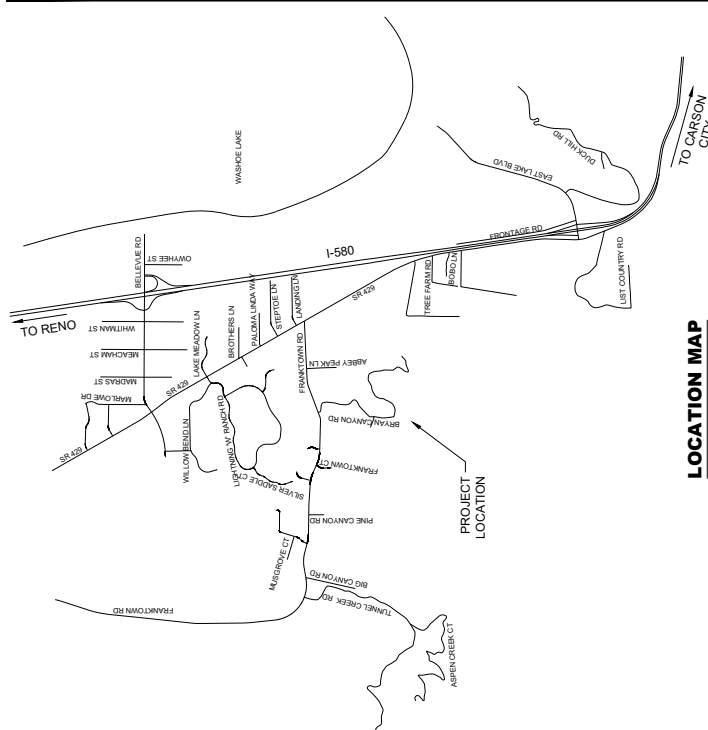
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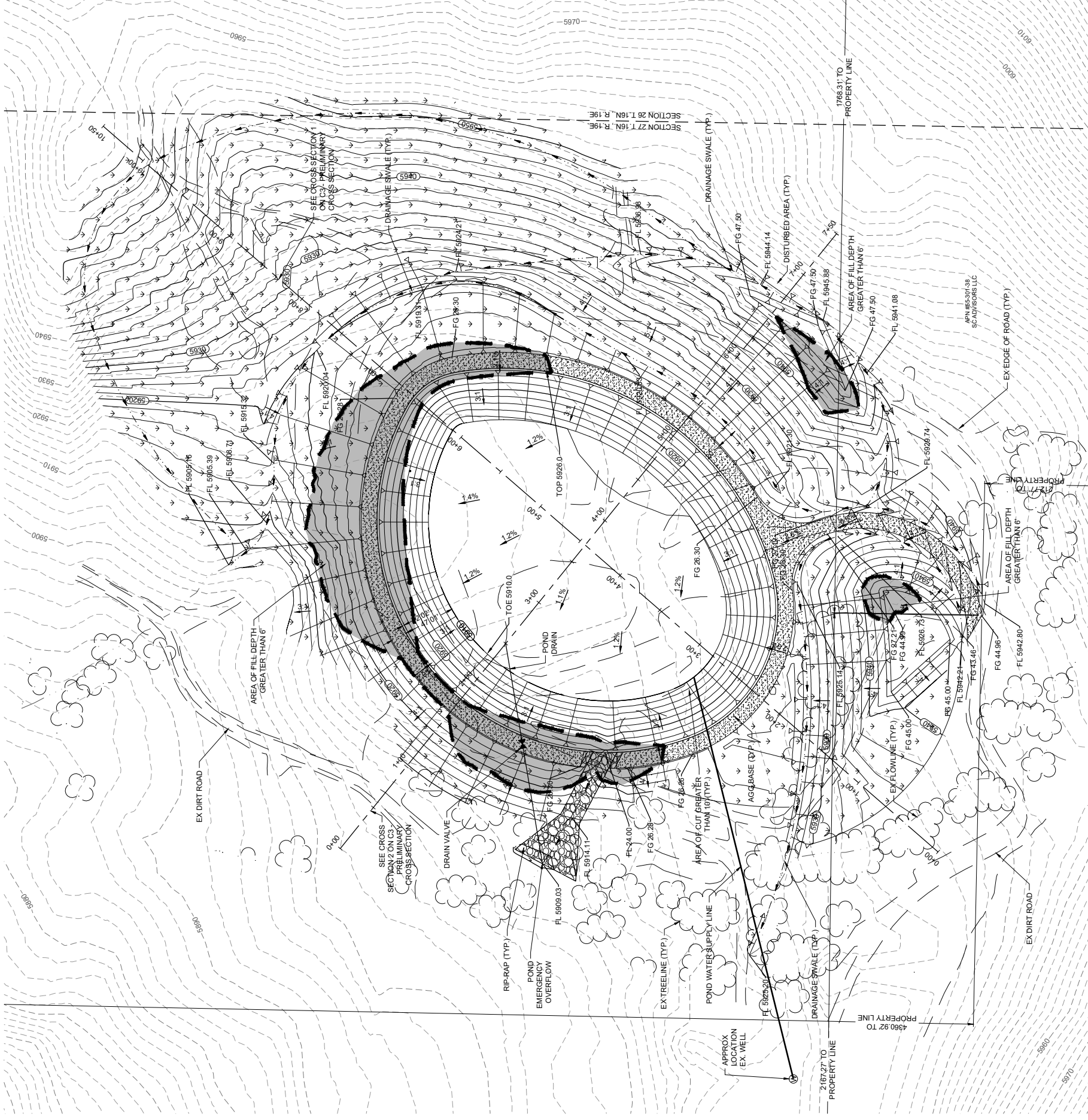


0 300' 600'
22x34 SHEETS = HORIZONTAL; 1"=300'
11x17 SHEETS = HORIZONTAL; 1"=600'



EXP. 6/30/2022





- SUP LEGEND**
- AREAS OF FILL GREATER THAN 6"
 - AGGREGATE ROAD BASE SURFACE
 - REVEGETATION AREA

- GRADING LEGEND**
- EX ACCESS ROAD
 - EX FLOWLINE
 - PROP FLOWLINE

GENERAL NOTES

1. TO THE BEST OF MY KNOWLEDGE, BELIEF, AND ABILITY THESE PLANS ARE IN COMPLIANCE WITH WASHOE COUNTY DEVELOPMENT CODE.

EARTHWORK TABLE

DISTURBED AREA - TOTAL	9.6 AC.
CUT	29,082 CU. YD.
FILL	29,003 CU. YD.
TOTAL EARTHWORK VOLUME	58 CU. YD. (CUT)
MAXIMUM DEPTH OF CUT	15 FT.
MAXIMUM DEPTH OF FILL	16 FT.
AREA OF CUT GREATER THAN 10'	15,536 SF.
AREA OF FILL GREATER THAN 10'	12,869 SF.
POND VOLUME @ EL. 5924	2.9 AC. FT.
NORMAL WSEL	5924
AREA OF FILL GREATER THAN 6" DEEP	39,471 SF = 0.91 AC.

LUMOS & ASSOCIATES

308 N. CURRY ST., STE. 200
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SCAP 7, LLC

**BRYAN CANYON ROAD POND
SPECIAL USE PERMIT
PRELIMINARY GRADING PLAN**

WASHOE COUNTY
NEVADA

PRELIMINARY
FOR SUP REVIEW
AUGUST 2021

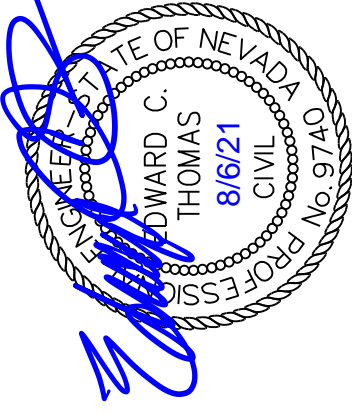
REV	DATE	DESCRIPTION

SCALE: 1/4" = 10'
ORIGINAL DRAWING

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C2

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SCAP 7, LLC
 WASHOE VALLEY
 WASHOE COUNTY
 NEVADA

**BRYAN CANYON ROAD POND
 SPECIAL USE PERMIT
 PRELIMINARY CROSS SECTION**

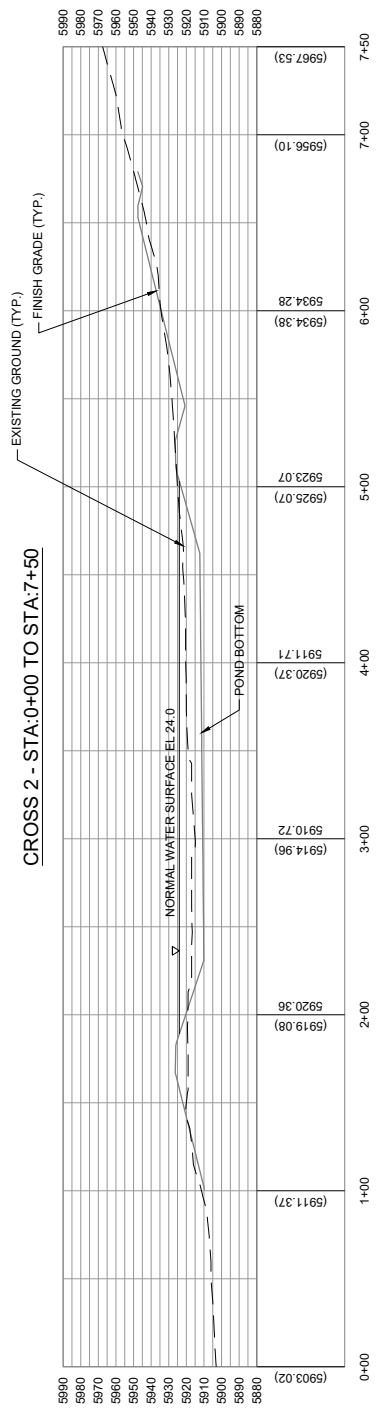
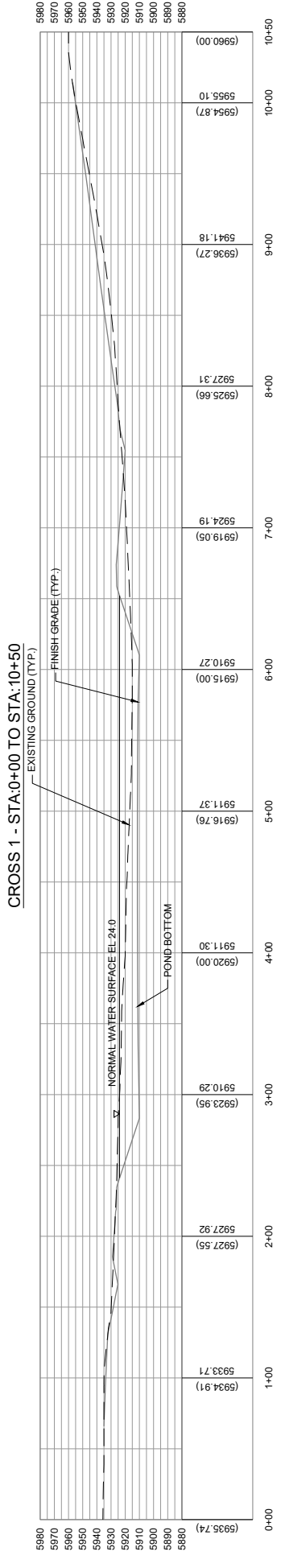
REV	DATE	DESCRIPTION

PRELIMINARY
 FOR SUP REVIEW
 AUGUST 2021

SCALE: 1 INCH ON ORIGINAL DRAWING = 50'
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

C3

DRAWN BY: MCR
 DESIGNED BY: ET
 CHECKED BY: BM
 JOB NO.: 10334.000



EDWARD C. THOMAS
 8/6/21
 CIVIL
 No. 97040
 PROFESSIONAL ENGINEER
 STATE OF NEVADA

EXP. 6/30/2022

0 50' 100'
 22x34 SHEETS = HORIZONTAL-T=50'
 11x17 SHEETS = HORIZONTAL-T=100'

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SCAP 7, LLC
 WASHOE VALLEY
 WASHOE COUNTY
 NEVADA

**BRYAN CANYON ROAD POND
 SPECIAL USE PERMIT
 SLOPE ANALYSIS MAP**

PRELIMINARY
 FOR SUP REVIEW
 AUGUST 2021

REV	DATE	DESCRIPTION

SCALE: 1 INCH ON ORIGINAL DRAWING = 50'

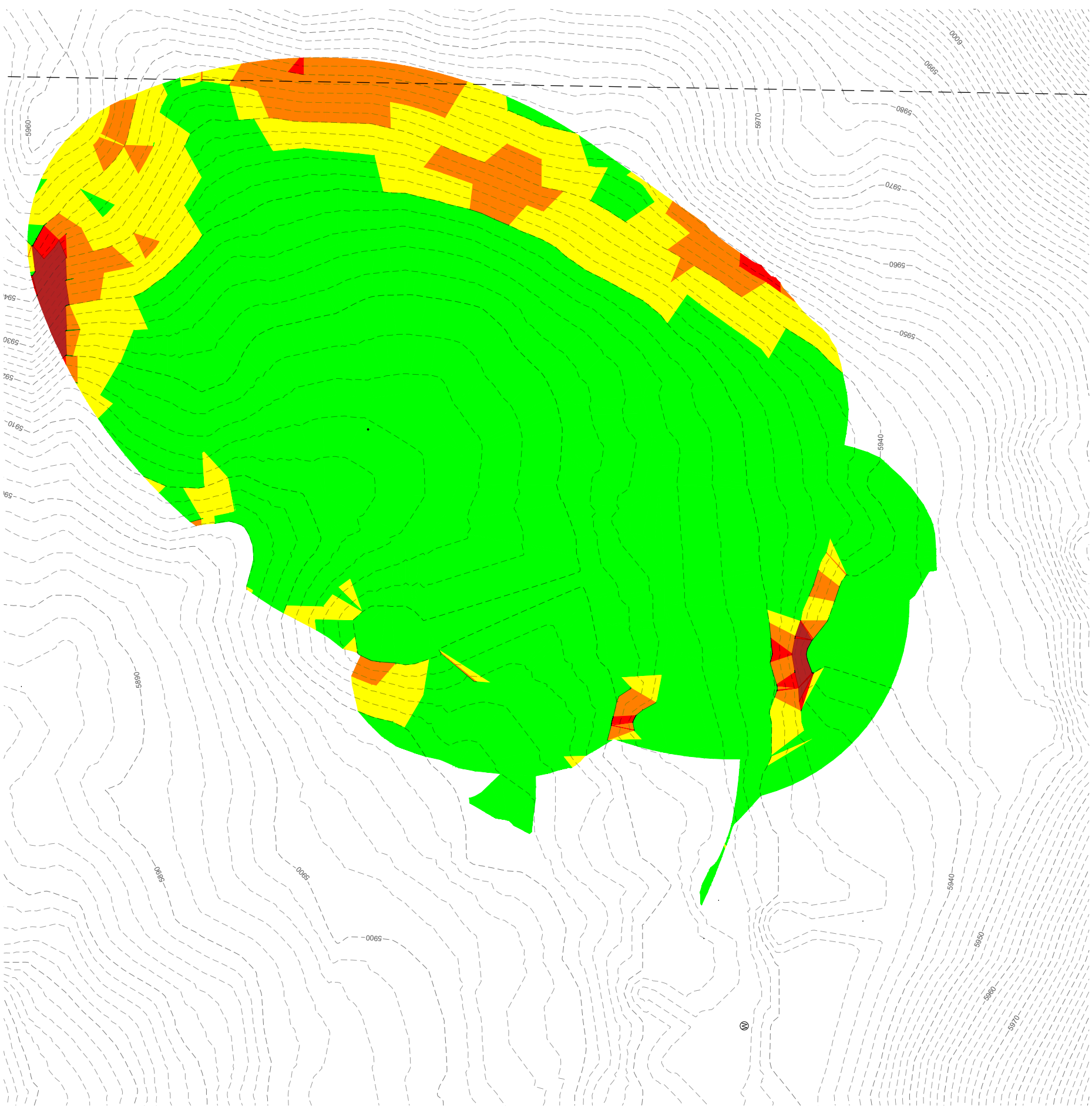
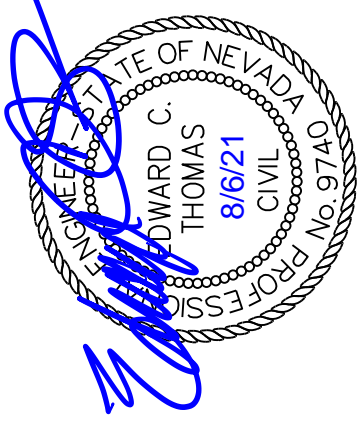
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C4

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SLOPES TABLE

Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	15.00%	317959.69	Green
2	15.00%	20.00%	67993.73	Yellow
3	20.00%	25.00%	28389.36	Orange
4	25.00%	30.00%	1761.64	Red-Orange
5	30.00%	100.00%	3191.63	Red



**BRYAN CANYON ROAD POND
SPECIAL USE PERMIT
CUT/FILL ANALYSIS MAP**

PRELIMINARY
FOR SUP REVIEW
AUGUST 2021

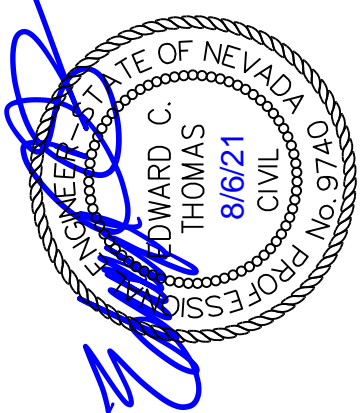
REV	DATE	DESCRIPTION

SCALE: 1 INCH ON
ORIGINAL DRAWING
= 50'
IF NOT ONE INCH ON THIS SHEET,
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C5

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ELEVATIONS TABLE				
NUMBER	MIN ELEVATION	MAX ELEVATION	AREA	COLOR
1	-16.00	-14.00	1549.59	Red
2	-14.00	-12.00	6849.41	Orange
3	-12.00	-10.00	7137.43	Yellow-Orange
4	-10.00	-8.00	18154.59	Yellow
5	-8.00	-6.00	17965.41	Light Green
6	-6.00	-4.00	28714.75	Green
7	-4.00	-2.00	34452.31	Light Blue
8	-2.00	0.00	78865.29	Blue
9	0.00	2.00	96466.73	Light Blue
10	2.00	4.00	55138.29	Blue
11	4.00	6.00	33976.78	Light Blue
12	6.00	8.00	18432.33	Blue
13	8.00	10.00	9407.71	Light Blue
14	10.00	12.00	6388.16	Blue
15	12.00	14.00	3475.68	Light Blue
16	14.00	16.00	2030.60	Blue
17	16.00	18.00	276.99	Dark Blue



EXP. 6/30/2022

