

# 53 Mule Deer Court

## Grading Special Use Permit

**Prepared for:**

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# 53 Mule Deer Court – Grading Special Use Permit

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# 53 Mule Deer Court – Grading Special Use Permit

## Introduction

The current owners of this property, Brian Graham and Morgan Sutton, purchased this property with the understanding there was a previous grading violation, and intend to immediately rectify the violation and develop the property to build a custom home. The intent of the proposed grading is to minimize any further disturbance of existing natural grades, minimize clearing of existing vegetation, create slopes that will aid in successful revegetation, allow for flatter driveway access from the street and flatten excessively steep conditions, and revegetate all disturbed areas. Several of the slopes on the property, which cannot be seen from the road, are littered with trash and construction debris. All of the trash and debris will be removed and properly disposed of as part of the proposed grading. This application includes the following requests:

- A **Special Use Permit** to allow for grading in excess of 5,000 CY and cut/fill depths exceeding 6' to remedy a previous grading violation and create a buildable pad for a single family residential unit.

## Project Location

The project site (APN 38-730-39) consists of 5.69 acres located at 53 Mule Deer Court within the Verdi Area Plan. Specifically, the subject parcel is located on the north side of Mule Deer Court, which intersects with Mule Deer Drive, connecting to Mogul Mountain Drive. Figure 1 below depicts the project location.



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Figure 1 (Vicinity Map)

### Figure 1 Vicinity Map

## Existing Conditions

The subject property is zoned Low Density Suburban 18% and General Rural 82% and is part of the Mogul Highlands subdivision. The project site is vacant with the exception of a small temporary shed structure (figure 2). There is an existing home foundation (figures 3 & 4) that has been buried by the unpermitted fill near the northwest boundary of the property. The southern edge of the property bordered by the street is approximately 10' below the elevation of the road and generally flat. To the north of the flat section is a steep slope that leads down to a natural drainage with and actively flowing creek. From the creek, the property slopes up to a pre-existing dirt road that accesses a nearby water tank. The previously graded portion of the lot is currently vegetated with weeds such as thistle and fox tail. Ungraded portions of the lot are densely vegetated with native brush, and the creek is lined with willows and trees.

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Figure 2 (Existing Shed)

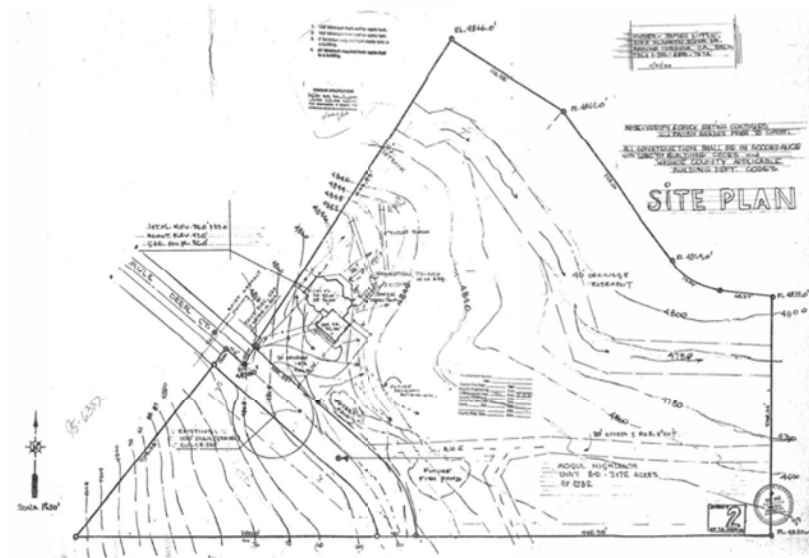


Figure 3 (Site plan from 1997)



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Figure 4 (Existing Foundation - Google Earth Image August 2011)



Figure 5 (View looking northwest at unpermitted fill)

Figure 6

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Figure 7 (Debris and trash on unpermitted fill slope)

Figure 8



Figure 9 (View facing southeast from top of unpermitted fill)

Figure 10



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### Project Request

The applicants plan to construct a new single family residence at the subject property. It is planned to locate the home in the south central portion of the property in order to maximize privacy and center the home between the neighboring houses. Existing slope conditions created by the unpermitted grading to the north of the flat portion of the parcel are excessively steep, which raises concerns for erosion. The project request is to allow 4,677 CY of cut and 3,862 CY of fill over an area of 44,033 SF. Per section 110.438.35 of the Washoe County Development Code, a Special Use Permit (SUP) is triggered based on the total area of grading being over ½ acre {110.438.35 (2)(i)}, total cubic yards of grading being over 1,000 CY {110.438.35 (2)(ii)}, and fills greater than 4.5 feet in height in the front yard setback {110.438.35 (4)}.

As part of this SUP request, we are requesting that this SUP remain valid for a period of four years due to the extensive amount of work being proposed to remediate the current condition of the property.

The elevation of the existing pad sits approximately level with roadway on the west portion, and 7' below the existing roadway on the east portion. By excavating the unpermitted fill and utilizing it onsite, the grades on the site can be evened out without the need for additional import or export and it will minimize the elevation differential with the roadway and the adjacent parcels. The higher pad elevation will allow for better driveway access from the roadway in addition to minimizing the length of the driveway slope % and overall length. Additionally, the slope grades from the pad grade to the roadway and the pad grade to the adjacent property to the northwest will be minimized, which will limit potential for erosion. All fill will be generated from onsite cut with no import of material anticipated except structural material as required in the geotechnical report.

Unpermitted fill placed on slopes from the flat portion of the property down toward the existing drainage are too steep to remove without further disturbing existing vegetation and for revegetation to effectively limit erosion potential. It is necessary to flatten these slopes and re-grade them to blend with existing topography. This grading will also help facilitate successful re-vegetation efforts. All fills will meet section 110.438.45 of the Washoe County Development Code. A retaining wall will be constructed at the top of this fill slope in order to minimize the amount of grading necessary. Upon completion, this slope will be revegetated with a native seed mix and irrigated to ensure successful growth as a permanent erosion control measure. This revegetation will also help to minimize any visual impacts of the grading. Retaining wall



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details and structural calculations will be submitted with the subsequent grading permit application. All debris and trash located on this slope will be removed and disposed of at the local landfill.

As previously noted, there is an existing foundation and septic tank built in the year 1997 buried within the unpermitted fill. As part of the proposed grading, the unpermitted fill placed over this foundation will be removed and placed as shown on the grading plans. Once the foundation is exposed, all concrete and rebar will be demolished and removed for disposal at the local Waste Management landfill located in Mustang, NV. Any potential use of the existing septic system will be coordinated and permitted through Washoe County Health Department.

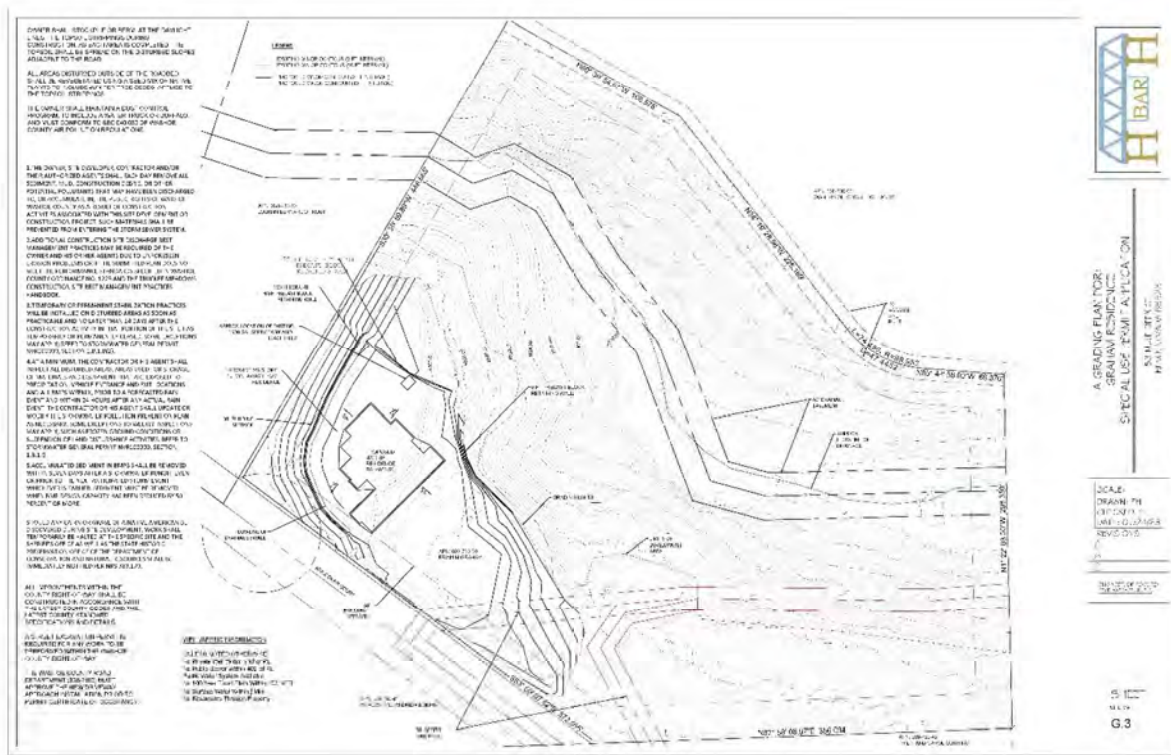


Figure 10 (Grading Plan)





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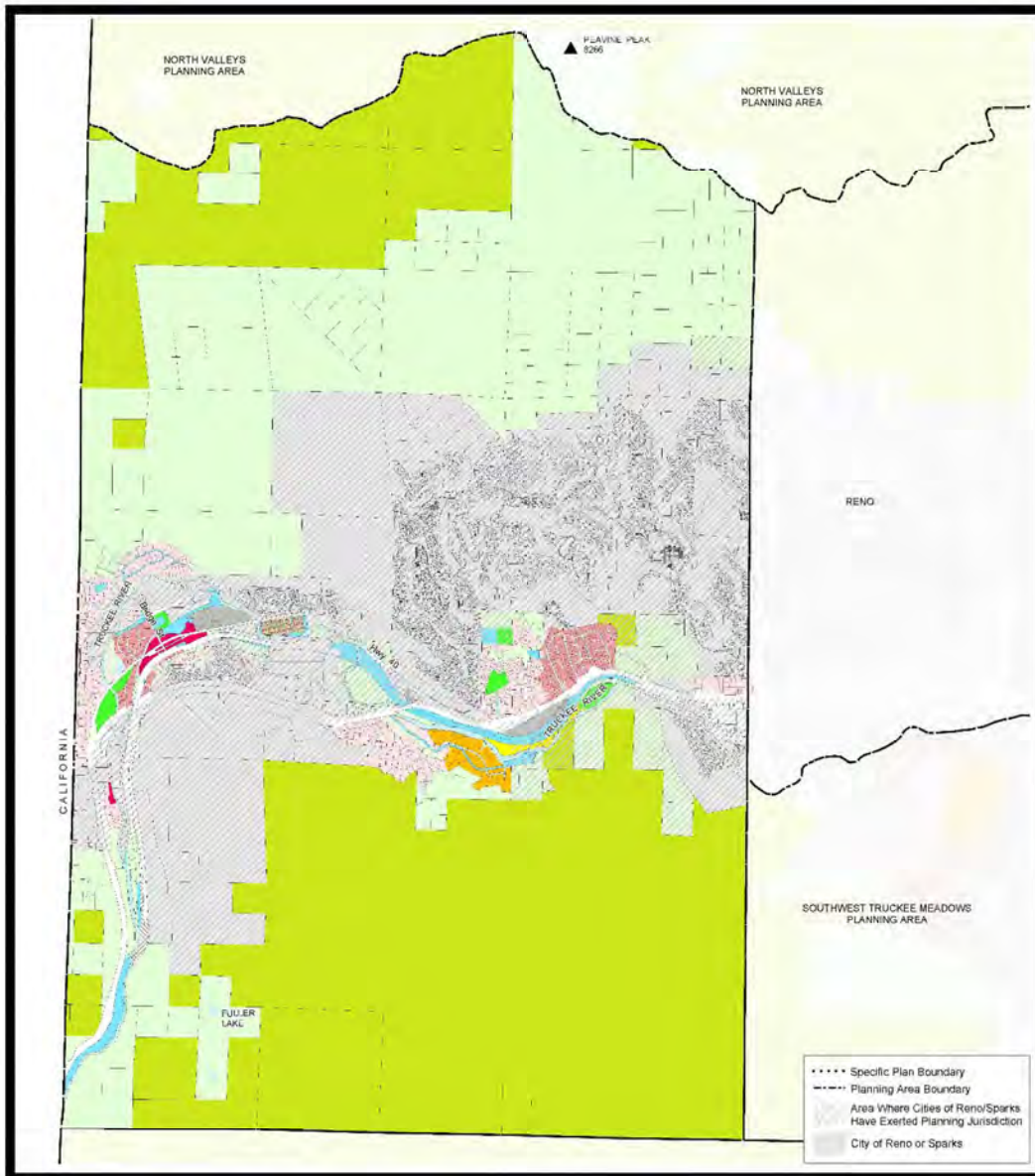


Figure 12 (Zoning Map)

### 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 use to be accommodated by the planned grading is permitted within both the General Rural and Low Density Suburban zones and with the goals and policies of the Verdi Area Plan. This SUP request provides for consistency with section 110.438.35 and the application of Development Code standards further ensures consistency with all applicable policies**

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

**The property is well suited for the type of development proposed. A water service already is stubbed into the site. The existing septic system will be evaluated for use. If it is determined unsuitable by Washoe County Engineering and/or District Health Department, a new septic system will be installed concurrently with the single family residence subject to review and approval by the same agencies. The proposed grading is consistent with Washoe County standards for slopes, drainage, etc. ensuring compliance with this finding.**

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

**The proposed grading and home site location are compatible and consistent with other custom home in the Mogul Highlands subdivision and will directly compliment the adjoining properties. All grading impact will be mitigated by proper slope transitions, 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 public health, safety, or welfare; have a detrimental impact on adjacent properties, or be detrimental to the character of the surrounding area.

**No negative impacts are anticipated with the granting of this SUP request. All potential impacts will be properly mitigated and the development proposed is directly**



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**consistent with surrounding parcels and uses. The proposed grading will greatly improve the existing condition, which is a benefit to the surrounding area.**

### Hillside Development

Although the site does trigger Hillside Development, the area requested to be developed has minimal slopes and has been previously been developed. The site has large areas of slopes steeper than 15% (Slope Map provided in figure 13 of this submittal packet), and contains an active drainage within a drainage easement bisecting the property, but areas of requested development are generally less than 5% slope. Existing dirt roads that are used for water tank access are cut in across existing slopes.

The Site Analysis required Hillside Development is provided below, and a Development Constraints and Opportunities Map is provided in figure 14 of this submittal packet. The Development Constraints and Opportunities Map and Site Analysis demonstrate that the site has significant constraints and that any development needs to be limited to the area adjacent to the existing road Mule Deer Ct.

The project site is a 5.69 acre vacant site surrounded by single family residences. Site grading w been designed to be similar other residences within the neighborhood and blend in with the existing surroundings.

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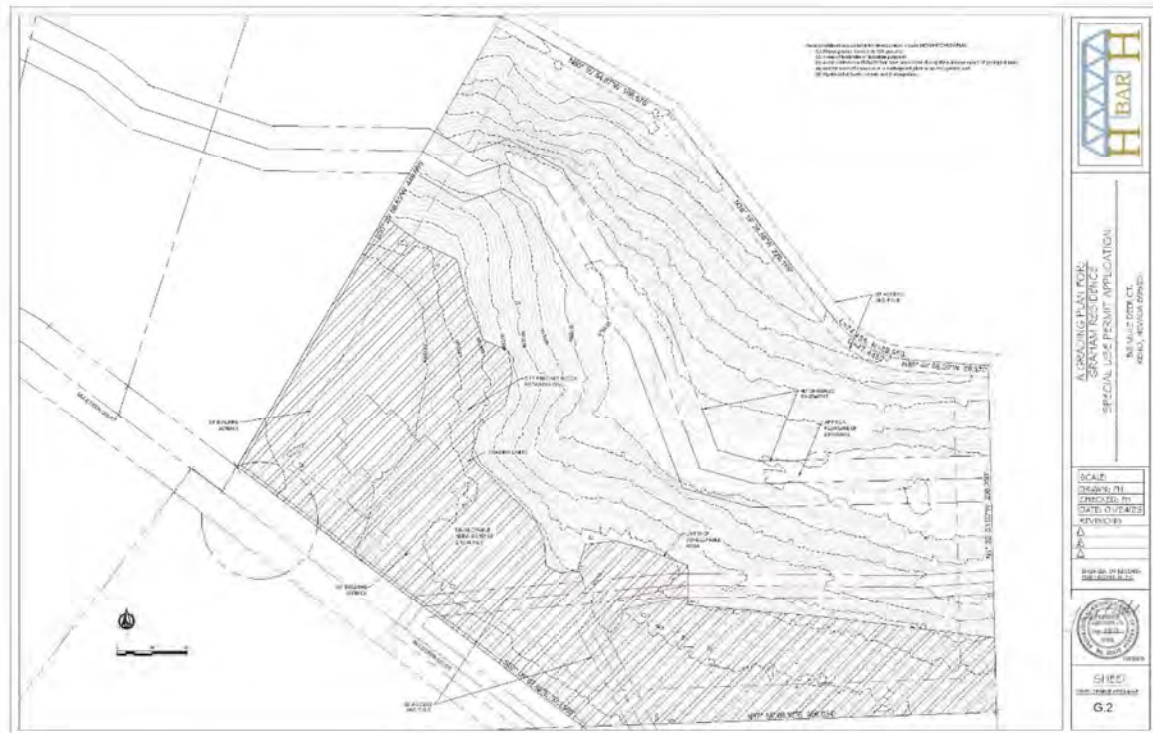


Figure 12 (Site Analysis)

### Site Analysis

**Land Use:** The site is currently an undeveloped lot in a subdivision with a Master Plan designation of Suburban Residential and corresponding zoning designation of 18% Low Density Suburban (LDS) and 82% General Rural (GR). The proposed use is single use residential, which meets the policies of the Master Plan and Zoning designations. Surrounding property designations are shown on the Zoning Map included in figure 12 of this submittal packet. Proposed grading has been limited to previously graded areas to accommodate grading constraints and avoid any impacts to existing drainages on the site.

**Existing Structures:** The project site is vacant with the exception of a small temporary shed structure and an existing home foundation that has been buried by the unpermitted fill near the northwest boundary of the property.

**Existing Vegetation:** The project site consists of two areas of vegetation. The previously graded portion of the lot is currently vegetated with weeds such as thistle and fox tail. Ungraded portions of the lot are densely vegetated with native brush, and the drainage is lined with willows and trees.



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**Topography:** The project site is a residential lot, portions of which have been previously disturbed and developed. The project site overall has a range of moderate to steep slopes all sloping towards the drainage, with a flat area along Mule Deer Ct which has been previously disturbed. The project site is developable and constraints will be mitigated by containing all proposed improvements to the previously disturbed areas and leaving drainages and steeper slopes in their existing condition. The areas of proposed development is generally less than 15% slope.

**Soil:** A preliminary geotechnical investigation was completed for the Project Site. A final geotechnical report will address any concerns as part of the special use permit application.

**Natural Drainageways:** There is a drainage through the middle of the project. The drainage appears to be natural. All proposed development and grading will be kept clear from the existing drainage and the drainage easement it is in.

**Wetlands and Water Bodies:** There are no water bodies or wetlands on the site.

**Flood Hazards:** The project site is located in FEMA Zone X – Minimal Flood Hazard. For current conditions, all flows on the site sheet drain and eventually drain to the drainage easement that bisects the property. All existing drainages will be left in their existing condition. Site specific drainage associated with the proposed residence will be addressed in the plans to be submitted for permit.

**Seismic Hazards:** There are no known seismic hazards on or near the subject site.

**Avalanche Hazards:** There are no known avalanche or other landslide hazards on the site.

**Significant Views:** The project site is a residential lot located in upper Mogul visible from Cliff View Road and upper Gooseberry. The proposed development for a single family home is similar to neighboring properties on either side of the parcel.

**Easements:** Existing easement water easement will have fill placed over it, but access will not be impacted. All other easements, including access, phone, electric, and water easements on the site will not be impacted.

**Utilities:** This site was previously being developed for a single family residence. There is a previously permitted and constructed septic system onsite. TMWA has confirmed there is a water service stubbed into the property fed by a water main on Mule Deer Ct. NV Energy has confirmed it can serve the project with gas from a gas main on Mule Deer Ct., and can serve the project with electricity through a transformer on the southwest corner of the property.

**Appropriate Access Points:** The property will be accessed from Mule Deer Ct. with a driveway similar to other properties and residences in the surrounding areas.

## Appendix A

### Washoe County Development Application



## 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>53 Mule Deer Court</b>			
Project Description: Grading for a single family residence and rectifying a grading violation issued to the previous property owner.			
Project Address: 53 Mule Deer Court			
Project Area (acres or square feet): 5.69			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): <b>North of Interstate 80 and west of Cliff View Drive</b>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
038-730-39	5.69		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Brian Graham & Morgan Sutton		Name: H Bar H Engineering	
Address: 2610 Sunray Drive		Address: 1853 Woodtrail Court	
Zip: 89503		Zip: 89434	
Phone: 775-302-6481    Fax:		Phone: 775-287-8632    Fax:	
Email: bgraham775@hotmail.com		Email: fred@hbarh.net	
Cell: 775-302-6481    Other:		Cell: 775-287-8632    Other:	
Contact Person: Brian Graham		Contact Person: Fred Hatcher, P.E.	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: Brian Graham & Morgan Sutton		Name:	
Address: 2610 Sunray Drive		Address:	
Zip: 89503		Zip:	
Phone: 775-302-6481    Fax:		Phone:                      Fax:	
Email: bgraham775@hotmail.com		Email:	
Cell: 775-302-6481    Other:		Cell:                      Other:	
Contact Person: Brian Graham		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Appendix C  
Special Use Permit Application



# Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

This SUP request is to allow grading in excess of 5,000 CY to remedy a previous grading violation.

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.)

There is an existing foundation and septic tank in the northwest corner of the property. Refer to attached report and plans for a detailed depiction of existing and proposed conditions.

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

The initial grading will be completed as soon as possible. The building plans are contingent on this SUP being granted and will be developed and submitted for permit within 24 months of this SUP being granted.

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 contours and grading are designed to blend with the existing natural topography and minimize disturbance. Revegetation and erosion control measures will result in a natural appearance.

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

This project will directly compliment other custom homes in Mogul Highlands. In addition, existing trash and debris will be removed and disposed of as part of the proposed grading.

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

With the planned mitigation of cut and fill slopes, no negative impacts are anticipated.

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.

**4,678 CY of cut and 3,862 CY of fill**

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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9. Utilities:

a. Sewer Service	Septic
b. Electrical Service	NV Energy
c. Telephone Service	AT&T or Charter
d. LPG or Natural Gas Service	Natural Gas- NV Energy
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	AT&T or Charter
g. Water Service	TMWA

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).

Native revegetation and contouring to match existing topography.
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10. Community Services (provided and nearest facility):

a. Fire Station	TMFPD - Station 40 Verdi/Mogul
b. Health Care Facility	
c. Elementary School	Verdi Elementary
d. Middle School	Billinghurst Middle School
e. High School	McQueen High School
f. Parks	Mogul Park
g. Library	Washoe County- Verdi Branch
h. Citifare Bus Stop	Robb Drive



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

1. What is the purpose of the grading?

The grading will rectify a previous grading violation, allow for flatter driveway access, establish slopes suited for successful revegetation, and remove debris in existing fill.

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

**4,678 CY of cut and 3,862 CY of fill**

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

44,033 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?

An excess of 815 CY of export is expected. Much of this exported material is anticipated to be trash and will be disposed of at the landfill.

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

The previous grading violation from the prior property owner and onsite slope conditions trigger the need for a SUP per 110.438.35 of the Development Code.

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.)

The previous owner imported approximately 12,000 CY of fill, which triggered a grading violation. The manner and location in which this fill was placed is not consistent with the grading proposed as part of this SUP but will be used as part of the onsite cuts and fills.

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

Yes, all proposed disturbance is as shown in the plans provided with this SUP application.

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

All of the proposed pad area has been previously disturbed and can be seen from the roadway. The proposed slope work will remedy the previously disturbed slope fill associated with the grading violation and can be seen by the homes down the canyon on Cliff View Dr.

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)?

Not applicable

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?

A detailed cut/fill plan is included as an attachment to this application. Proposed slopes of all proposed grading is provided in these plans. Revegetation will be used to stabilize slopes and establish a natural appearance.

11. Are you planning any berms?

Yes	No X	If yes, how tall is the berm at its highest?
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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)?

Retaining wall will be used to minimize grading and will be no more than 6' tall. Manufactured block and rockery wall is being proposed.

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

Native revegetation and contouring to match existing topography.

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

None

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?

Revegetation seed mix and application rate will be implemented following the Truckee Meadows Construction Site BMP Handbook.



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

Through onsite irrigation sprinkler system served by a TMWA water meter.

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

Yes

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

Yes X	No	If yes, please attach a copy. Attachment 5
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Attachment 1  
Civil Improvement Plans

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Attachment 2  
Cut/Fill Map





Attachment 4  
Site Analysis

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