

Washoe County Board of Adjustment



WAC23-0011 (Ophir Hill) for WSUP22-0027

October 26, 2023

Request



The request is to amend conditions of approval conditions pertaining to landscaping – required by the Board of Adjustment, and to amend conditions of approval 1e, 1g, 1h, and 3h.

Background



- On July 6, 2023 the Board of Adjustment (BOA) heard and approved special use permit case number WSUP22-0027.
- The request was for major grading that resulted in a total of 491,792 square feet (or 11.29 acres) of disturbance; and to grade an additional 35,719 square feet (or 0.82 acres) located on Federal Lands. The proposal includes 22,050 cubic yards of cut, 16,750 cubic yards of fill.

Site Plan



Evaluation of Amendment of Conditions



The applicant is now requesting to amend the following conditions of approval:

Board of Adjustment Condition a. *The applicant shall provide ~~72 trees,~~ with ~~1 tree per 20 linear feet along the north and south buffer~~ **8 trees,** and **with** 1 tree per 50 linear feet along the highway frontage.*

Evaluation of Amendment of Conditions



The subject parcel has a regulatory zone of High Density Rural (HDR), and the properties to the north and west have a regulatory zone of HDR.

The properties to the south and east have a regulatory zone of General Rural (GR)

Only Civic, Commercial, and Industrial use types require screening adjoining residential use types.

Evaluation of Amendment of Conditions



- The landscaping conditions outlined within the original staff report were based on an old landscape plan that was part of the original submittal in September 2022.
- With the resubmitted May 2023 application, the revised landscape plan from May 2023 was unintentionally omitted by staff.
- The amendment request still meets code for residential use projects.

Evaluation of Amendment of Conditions



The applicant is also requesting multiple cleanup items as amendments:

1.e. The applicant shall complete phase 1 of the special use permit within **68** months of the date of approval.

Evaluation of Amendment of Conditions



The applicant is also requesting two cleanup items as amendments:

*1. h. The grading and full land restoration ~~bond~~ **financial assurance** shall be pulled by Washoe County if Phase 1 of the SUP is not completed within 6 months of the date of approval, and/or phase 2 is not completed within 1 year and 6 months of the date of approval.*

Evaluation of Amendment of Conditions



*1. g. and 3h Within ~~60~~ **90** days of approval of WSUP22-0027 by Washoe County, a grading and full land restoration financial assurance estimate, based on an acceptable design from a third-party licensed engineer and landscape architect, shall be submitted to the County Engineer and Planning & Building Division Director for review and approval. This estimate shall include, but not necessarily be limited to, costs for removal of all stockpile and excavation material, grading of site to return to original grades and contours prior to illegal grading operations on the site, with complete restoration of vegetation and natural drainage patterns to the site to prevent erosion and sediment transport. This condition applies to APNs 046-032-02, -04, and -05, as well as the adjoining Bureau of Land Management parcel, APN 046-022-06, located immediately to the south. The approved design associated with the financial assurance estimate and accompanying financial assurance shall be provided to the Engineering Division ~~prior to the issuance of any grading or building permits~~ **within 120 days of approval of WSUP22-0027.***

Status



- **Applicant has submitted the following since the July approval:**
- Building permit for Phase 1 grading.
- Financial Assurance Estimate
- Financial Assurance Design
- The Financial Assurance estimate and design have been accepted by Washoe County Engineering.
- The applicant also submitted the Financial Assurance (Certificate of Deposit) to the County on Tuesday, October 24, 2023.

Noticing

- Property owners were noticed within 2,000 feet.
- 48 parcels were noticed (36 property owners)
- No Neighborhood Meeting was required.



Reviewing Agencies & Findings



- Various agencies reviewed the application, their comments are included in the staff report.
- Agencies with conditions, are included in the Conditions of Approval.
- Staff is able to make all the findings as explained in the staff report.

Possible Motion for Amendment of Conditions



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 Amendment of Conditions Case Number WAC23-0011 in order to amend conditions of Special Use Permit Case Number WSUP22-0027 (Ophir Hill) for Burdick Excavating, 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:

Thank you

Chris Bronczyk, Senior Planner
Washoe County CSD – Planning Division
cbronczyk@washoecounty.gov
775-328-3612

