



Board of Adjustment Staff Report

Meeting Date: April 6, 2023

Agenda Item: 8D

SPECIAL USE PERMIT CASE NUMBER: WSUP23-0006 (53 Mule Deer Court)

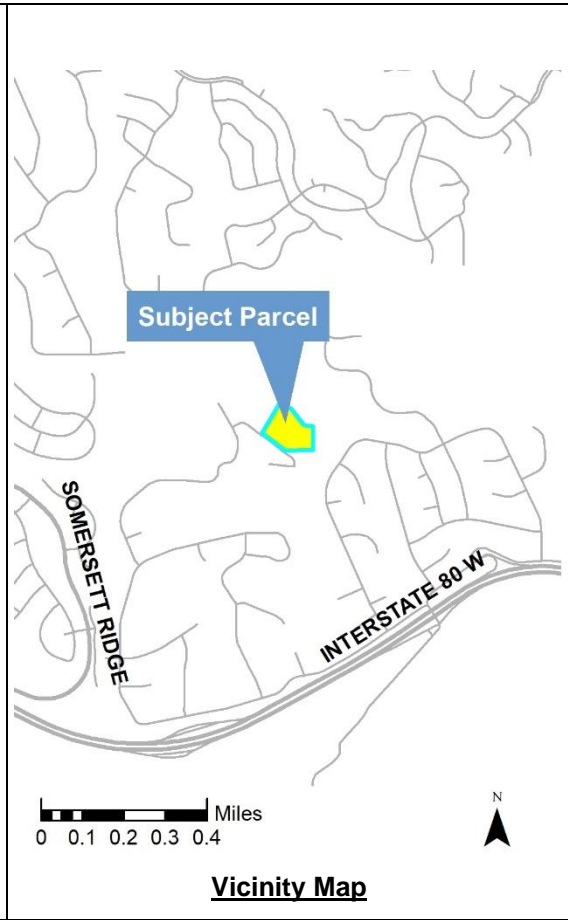
BRIEF SUMMARY OF REQUEST: For major grading on slopes greater than 15% and to address previous unpermitted grading.

STAFF PLANNER: Chris Bronczyk, Senior Planner
Phone Number: 775.328.3612
E-mail: cbronczyk@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a special use permit for major grading and addressing unpermitted grading on the subject property. The request includes 4,677 cy of cut and 3,862 cy of fill over an area of 44,033 sf on slopes greater than 15%. The major grading also includes 815 cy of export. The unpermitted grading consists of 12,000 cy of imported fill to the subject parcel. Additionally, the applicants are asking to vary section 110.438.45(c) of the Washoe County Code to allow finish grades to vary more than 10 feet from the natural slope.

Applicant / Owner: Brian Graham and Morgan Sutton
Location: 53 Mule Deer Court
APN: 038-730-39
Parcel Size: 5.69 acres
Master Plan: Rural (R) and Suburban Residential (SR)
Regulatory Zone: Low Density Suburban (LDS) 18%; General Rural (GR) 82%
Area Plan: Verdi
Development Code: Authorized in Article 810, Special Use Permits
Commission District: 5 – Commissioner Herman



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 WSUP23-0006 for Brian Graham, 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, and Verdi Area Plan Policy V 27.13:

(Motion with Findings on Page 9)

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Noticing Map Exhibit D

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Public Comment Exhibit G

The technical report submitted with the project application is extensive. To review the complete technical report on-line click [here](https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_five/2023/Files/WSUP23-0006_geoprpt.pdf) or visit https://www.washoecounty.gov/csd/planning_and_development/applications/files-planning-development/comm_dist_five/2023/Files/WSUP23-0006_geoprpt.pdf.

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 the 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 WSUP23-0006 are attached to this staff report and will be included with the action order.

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
Difference from natural grade by more than 10 feet	110.438.45(c)

Project Evaluation

The subject parcel (APN: 038-730-39) is 5.69 acres with split regulatory zones of Low-Density Suburban (LDS) and General Rural (GR). The LDS portion is 18% of the parcel and the GR portion is the remaining 82%. The Master Plan designations on the subject parcel are Suburban Residential (SR) and Rural (R) and contain the same split percentage of 18% and 82%. The subject site contains a small temporary shed, and an existing home foundation that was buried by unpermitted grading, the site also contains a septic tank built in 1997 that was also buried.

The applicant is requesting a special use permit for major grading which includes 4,677 cy of cut, 3,862 cy of fill, 815 cy of export, and a total area of disturbance of 44,033 sf. (\pm 1.01 acres). The major grading thresholds are exceeded because the majority of the disturbance on the parcel are on slopes which are greater than 15%. The request submitted is also to address the unpermitted grading that took place on the subject parcel prior to the existing owner purchasing the property. The unpermitted grading consists of 12,000 cy of imported fill to the subject parcel. The applicant is requesting that the special use permit remain active for a period of 4 years instead of the standard 2-year time frame, the reason stated is to allow time to remediate the current condition of the property from the unpermitted grading.

The major grading thresholds triggered are outlined below.

- **Section 110.438.35(a)(2):** Grading on slopes of fifteen (15) percent or greater (steeper):
 - **Section 110.438.35 (2)(ii)(A):** Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site, or;

The applicant is proposing to excavate the unpermitted fill and utilize it elsewhere on site to allow for the grades to even out without needing additional import or export to take place. The intent is to also minimize the elevation difference from the roadway and the adjacent parcels. The applicant states that the higher pad elevation will allow for better driveway access, will minimize the length of the driveway, and will minimize the overall slope percentage of the driveway.

As part of excavating the unpermitted fill, the applicant intends to remove all concrete and rebar and any other foundation elements left/dumped by the previous owner in order to allow for the property to be developable, and if there is any potential use of the existing septic system they will coordinate with Washoe County Health.

The proposed grading plan shows 3 total retaining walls; 2 retaining walls which are 4 feet in height, and one retaining wall of 6 feet in height. None of the proposed retaining walls are located within a yard setback.

Modified Standards

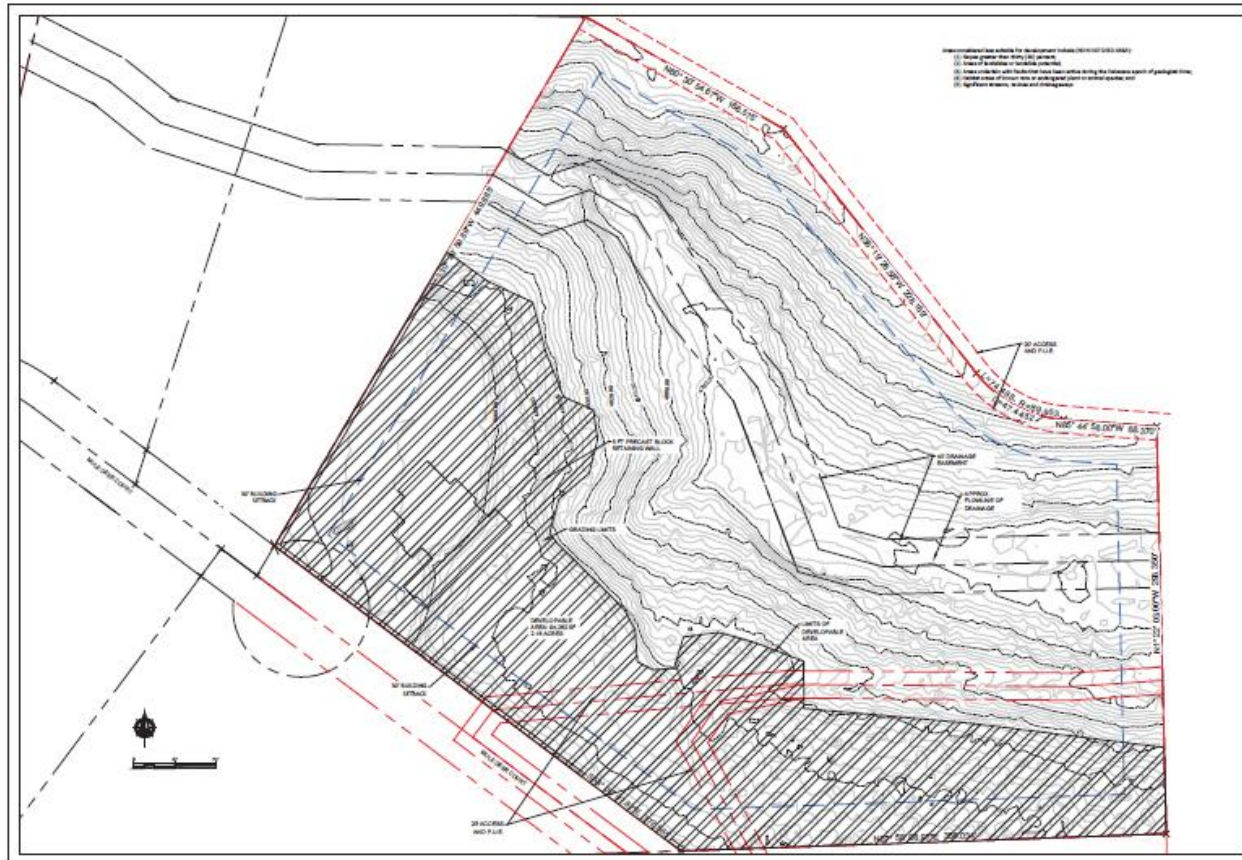
The applicant is requesting to vary grading standards per section 110.438.45 of the Washoe County Code in order to allow a greater than 10ft difference of the finished grade from the natural grade as part of this proposed special use permit.

The applicant is proposing cuts up to 12.5ft to help remediate the unpermitted grading that previously took place on the subject parcel. This area of cut is located to the north of the proposed residence. It is staff's opinion that the request to vary standards are necessary to allow for proper restoration of the site. All disturbed slopes are required to be revegetated after 90 days in accordance with WCC 110.438.70.

Hillside Development

Article 424, Hillside Development is triggered as part of this special use permit request due to the property containing slopes in excess of fifteen (15) percent or greater on 20 percent or more of

the site, as stated in Section 110.424.05(a)(1). Article 423 is intended to regulate hillside development in a manner different from regulations that impact flat terrain.



Complaint History

The subject parcel has had a considerable number of complaints made since 2016. The complaints are outlined below.

- **AE-16-0075:** AE-16-0075 is the primary case file (Exhibit C) regarding the unpermitted activity on the subject site. A stop activity order was issued based on several calls from citizens. The unpermitted grading created slopes greater than 3:1, which is prohibited under Washoe County Code.
- **WCMP20-00979:** On July 15, 2020 the City of Reno submitted a complaint to Washoe County stating that the property has considerable junk and debris and that the property appears to be a dumping ground.
- **WCMP20-01767:** On October 10, 2020 an anonymous complaint was made stating the property owner is running a commercial business from the property, and that dump trucks full of debris, clippings, and building material are moved in and out of the property on a regular basis.
- **WCMP20-01804:** On October 27, 2020 a resident reported that the property was being used for illegal dumping of waste and construction debris.

- **WCMP21-00320:** On March 31, 2021 a resident reported that the subject site had been graded without a permit.
- **WVIO-ENG21-0005:** An Engineering violation was created as part of the March 31, 2021 complaint for unpermitted grading.

Unpermitted Grading

The applicants explain within their submittal that when they purchased the property, they knew that there was unpermitted grading that took place on site, and since purchasing the property they have been working with Washoe County to resolve the violation(s) and bring the property into compliance by submitting a special use permit to allow for them to move forward with the construction of a single-family custom home. The applicant was aware that they would have to include the unpermitted grading as part of the submittal.

The previous property owned imported roughly 12,000 cy of fill to the site, which triggered an administrative enforcement action by Washoe County. The importation was unpermitted. The unpermitted grading buried an existing foundation and an existing septic tank built in 1997.

The existing slope conditions created by the unpermitted grading are excessively steep as noted in the submittal materials. The applicant states that due to the steepness of the unpermitted fill, existing vegetation will need to be disturbed, and that the steepness makes revegetation difficult and ineffective for limiting erosion. Therefore, the applicant is proposing to flatten these slopes and re-grade them to instead blend with the existing topography, which will allow for better re-vegetation efforts. The applicants are proposing a retaining wall to minimize the amount of required grading.

Verdi Area Plan Evaluation

The subject parcel is located within the Verdi Area Plan. The following is/are the pertinent policy from the Area Plan:

Relevant Verdi Area Plan Policies Reviewed

Policy	Brief Policy Description	Complies	Condition of Approval
V.27.13	The approval of all special use permits and administrative permits must include a finding that the community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.	Yes	No

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Engineering & Capital Projects	X			
Washoe County Land Development (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov
Washoe County Parks & Open Space	X	X	X	Faye-Marie Pekar, fpekar@washoecounty.gov
Washoe County Sewer	X	X		
Washoe County Traffic	X	X		
Washoe County Water Rights Manager (All Apps)	X	X		
WCHD Air Quality	X	X	X	Genine Rosa, grosa@washoecounty.gov;
WCHD Environmental Health	X	X	X	Jim English, jenglish@washoecounty.gov
TMFPD	X	X	X	Dale Way, dway@tmfpd.us; Brittany Lemon,
Washoe-Storey Conservation District	X	X	X	Jim Shaffer, shafferjam51@gmail.com

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 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.

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi Area Plan.

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

- (b) **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. The proposed use is to place roadway improvements, specifically a driveway and to identify unpermitted grading. There are no utility, sanitation, or water supply facilities necessary.

- (c) **Site Suitability.** That the site is physically suitable for major grading, and for the intensity of such a development.

Staff Comment. The proposed site is physically suitable for major grading to allow for a driveway to serve one single family residence.

- (d) 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.

- (e) 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.

Verdi Area Plan Policy V.27.13

V.27.13 The approval of all Special Use Permits and administrative permits must include a finding that the community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: The proposed major grading SUP will not negatively impact the surrounding parcels owners nor community character. The proposed grading is to accommodate a custom home on the existing parcel and to address previous unpermitted grading.

Recommendation

After a thorough analysis and review, Special Use Permit Case Number WSUP23-0006 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 WSUP23-0006 for Brian Graham, 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, and Verdi Area Plan Policy V 27.13:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi Area Plan;
- (b) 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;
- (c) Site Suitability. That the site is physically suitable for major grading, and for the intensity of such a development;
- (d) 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;
- (e) 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.

Verdi Area Plan Policy SV.27.13

- (f) **V.27.13** The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts

Appeal Process

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

Applicant / Owner: Brian Graham and Morgan Sutton
bgraham775@hotmail.com



Conditions of Approval

Special Use Permit Case Number WSUP23-0006

The project approved under Special Use Permit Case Number WSUP23-0006 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on April 6, 2023. 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.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

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 – Chris Bronczyk, Senior Planner; 775.328.3612; cbronczyk@washoecounty.gov

- 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.
- 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 four years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- 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. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only.
- e. Wall colors shall blend with the adjacent undisturbed hillside.

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.

GENERAL CONDITIONS

Contact Information: 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. A Geotechnical Report prepared by a Licensed Engineer in the State of Nevada is required. The report shall identify the locations, extents, and mitigation measures necessary for the placement of uncontrolled or undocumented fill as identified in Washoe County Violation WVIO-ENG21-0005.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

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

- j. The following note shall be added to the construction drawings; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

- k. No traffic related conditions.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

- l. No utilities related conditions.

Truckee Meadows Fire Protection District

- 3. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Brittany Lemon; 775.326.6000; blemon@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <https://tmfpd.us/fire-code/>

Washoe County Parks and Open Space

- 4. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Faye-Marie Pekar, Parks Planner, 775.328.3623, fpekar@washoecounty.gov

- a. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
- b. The project shall comply with Washoe County Code Section 110.412.67, Revegetation.
- c. Prior to the issuance of building or grading permits, the applicant shall submit a revegetation/planting plan, prepared by a biologist or other qualified professional to the Parks Program for review and approval. At a minimum, the plan will include: the selection of native/perennial adapted plants or seed mixes to be utilized on the undeveloped, disturbed areas of the subject site; revegetation success criteria; appropriate monitoring provisions; and measures to prevent the spread of noxious and invasive weeds.

Washoe County Air Quality Management

5. The following conditions are requirements of the Washoe County Air Quality Management Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Genine Rosa, grosa@washoecounty.us

- a. Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped. If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

Washoe County Health District- Environmental

6. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name: James English, Environmental Health Specialist Supervisor, 775.328.2610, jenglish@washoecounty.gov

- a. If the application and permit are approved, future development of the property will be subject to WCHD plan review and the must current approved District Board of Health Regulations Governing Sewage, Wastewater and Sanitation.
- b. By reviewing this application, WCHD in no way approves any proposed building location, placement or onsite sewage disposal system location, design or placement as part of this development review for grading.

*** End of Conditions ***



Date: February 27, 2023

To: Chris Bronczyk, Senior Planner

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

Re: Special Use Permit for 53 Mule Deer Court WSUP23-0006
APN 038-730-39

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the grading for a single family residence and rectifying a grading violation issued to the previous property owner and is located on approximately 5.69 acres north of Interstate 80 and west of Cliff View Drive in Mogul. 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 H Bar H Engineering. The County Engineer shall determine compliance with the following conditions of approval.

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

GENERAL CONDITIONS

Contact Information: 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.
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. A Geotechnical Report prepared by a Licensed Engineer in the State of Nevada is required. The report shall identify the locations, extents, and mitigation measures necessary for the placement of uncontrolled or undocumented fill as identified in Washoe County Violation WVIO-ENG21-0005.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

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

1. The following note shall be added to the construction drawings; “All properties, regardless if they are located within or outside of a FEMA designated flood zone, maybe subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties.”

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitch Fink, (775) 328-2050

No traffic related conditions.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Alexander Mayorga, P.E. (775) 328-2313

No utilities related conditions.

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

February 27, 2023

Washoe County Community Services
Planning and Development Division

RE: 53 Mule Deer Court; 038-730-39
Special Use Permit; WSUP23-0006

Dear Washoe County Staff:

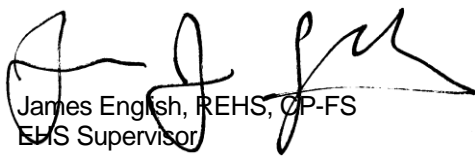
The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD), which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed the above referenced project and has no objections to the approval of the application as submitted.
- b) Condition #2: If the application and permit are approved, future development of the property will be subject to WCHD plan review and the must current approved District Board of Health Regulations Governing Sewage, Wastewater and Sanitation.
- c) Condition #3: By reviewing this application, WCHD in no way approves any proposed building location, placement or onsite sewage disposal system location, design or placement as part of this development review for grading.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,



James English, REHS, CP-FS
EHS Supervisor
Environmental Health Services
Washoe County Health District



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Regional Parks and Open Space

1001 EAST 9TH STREET
 RENO, NEVADA 89520-0027
 PHONE (775) 328-3600
 FAX (775) 328.3699

TO: Chris Bronczyk, Planner

FROM: Faye-Marie Pekar, Park Planner

DATE: March 2, 2023

SUBJECT: Special Use Permit Case Number WSUP23-0006 (53 Mule Deer Court)



I have reviewed the application for case number WSUP23-0006 on behalf of the Washoe County Regional Parks and Open Space Program (Parks Program) and prepared the following comments:

If approved, this special use permit would allow for major grading to facilitate the development of a single-family dwelling. Grading for this project was performed illegally last year and this special use permit would bring the grading into conformance with Washoe County Code. The total grading proposed is ~4,678 cubic yards of cut and ~3,862 cubic yards of fill, with 44,033 sq. ft. of disturbance. The application indicates disturbed area shall be reseeded with a native seed mix and irrigated to ensure successful growth as a permanent erosion control measure.

Given these considerations, the Parks Program requires the following conditions of approval:

1. Should any earthen materials need be imported to the site, they shall be “certified weed free” to prevent the spread of noxious and invasive weeds.
2. The project shall comply with Washoe County Code Section 110.412.67, Revegetation.
3. Prior to the issuance of building or grading permits, the applicant shall submit a revegetation/planting plan, prepared by a biologist or other qualified professional to the Parks Program for review and approval. At a minimum, the plan will include: the selection of native/perennial adapted plants or seed mixes to be utilized on the undeveloped, disturbed areas of the subject site; revegetation success criteria; appropriate monitoring provisions; and measures to prevent the spread of noxious and invasive weeds.



From: [Rosa, Genine](#)
To: [Bronczyk, Christopher](#)
Subject: Application Review Memorandum I
Date: Wednesday, February 15, 2023 7:43:53 AM

Special Use Permit Case Number WSUP23-0004 (Barrett Grading)

Special Use Permit Case Number WSUP23-0006 (53 Mule Deer Court)

Both receive the following comments:

Any dust generating activity, regardless of size of disturbance, will be subject to the Washoe County District Board of Health Regulation Governing the Air Quality Management Division, 040.030 Dust Control. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.

If disturbance will be greater than 1 acre then a Dust Control Permit will be required prior to breaking ground, failure to do so may result in enforcement action resulting in a Notice of Violation with associated fines. For Dust Control Permit questions call AQMD at 775-784-7200 or visit www.OurCleanAir.com.

P.S. Please be sure to click the link below and sign up to receive air quality news, updates, public notices and more via email.

Genine Rosa

Senior Air Quality Specialist | Air Quality Management Division | Washoe County Health District
grosa@washoecounty.gov | O: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

Working Hours M-Th: 7 AM-4:30 PM and F: 7 AM-11 AM

OurCleanAir.com | [Subscribe to get Air Quality Updates!](#)



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Please take our customer satisfaction survey by clicking [here](#)

From: [Lemon, Brittany](#)
To: [Bronczyk, Christopher](#)
Cc: [Way, Dale](#)
Subject: WSUP23-0006 (53 Mule Deer Court)
Date: Wednesday, February 15, 2023 8:01:01 AM
Attachments: [image001.png](#)

Good Morning Chris,

“This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply.”

<https://tmfpd.us/fire-code/>.

It was hard to tell from the plans but it appears there are areas of the driveway that will have over a 10% slope. If that is the case, this project will require an approved Alternate Materials and Method from TMFPD.

Thank you,

Brittany Lemon

Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue

blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584

3663 Barron Way, Reno, NV 89511



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



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

1001 East 9th Street
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

February 15, 2023

TO: Chris Bronczyk, Senior Planner, CSD, Planning & Development Division
FROM: Vahid Behmaram For Timber Weiss, Licensed Engineer, CSD
SUBJECT: Special Use Permit Case Number WSUP23-0006 (53 Mule Deer Court)

Project description:

For hearing, discussion, and possible action to approve a special use permit for major grading and addressing unpermitted grading on the subject property. The request includes 4,677 cy of cut, 3,862 cy of fill over an area of 44,033 sf. The major grading also includes 815 cy of export. The unpermitted grading consists of 12,000 cy of imported fill to the subject parcel.

Location: Assessor's Parcel Number: 038-730-39.

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

No comments or conditions.



Washoe-Storey Conservation District

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

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

February 21, 2023

Washoe County Community Services Department

C/O Chris Bronczyk, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WSUP23-0006 Mule Creek Court

Dear Chris,

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

The District requests reviewing the revegetation plans. These plans have not yet been sent to us for our review.

With rock walls proposed, we recommend filling the voids in the face of the entire wall to prevent the undermining of small mammals.

The District recommends the paint color palette utilize soft earth tone colors for the primary residence including the roofing material.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources any questions call us (775-750-8272).

Sincerely,

Jim Shaffer

















WSUP23-0006 3
EXHIBIT C

**Code Enforcement
Complaint Data Sheet**

03-03-2016

Complaint No.: AE-16-0075

Parcel No.: 03873039

Location: 53 Mule Deer Ct

Respondent: BERNARDO JOSEPH ET AL

Owner: BERNARDO JOSEPH ET AL

Status: PENDING

Received: 03/03/2016

Date Closed/Paid/Complied:

Description: illegal grading without a permit

Zoning:

Type of Complaint: LANDUSE

Taken by: RS

Code Enforcement Officer: RS

Case Description

illegal grading without a permit

3/3/16 Division Director Dwayne Smith needed a case number for a Stop Activity Order for illegal grading activity based on several calls from citizens. Dwayne is handling inspection today and will deliver Stop Activity Order. See case file on M drive/Dwayne Smith/Administrative Enforcement Cases.

Renee Schebler, Planning Technician

Description continued (L/H/N/C)

People

RESPONDENT BERNARDO JOSEPH ET AL 03/03/2016 Phone:

BERNARDO PAUL A & VICTORIA J

43 MULE DEER CT

RENO NV 89523

License:

OWNER BERNARDO JOSEPH ET AL 03/03/2016 Phone:

BERNARDO PAUL A & VICTORIA J

43 MULE DEER CT

RENO NV 89523

License:

Address

53 MULE DEER CT WCTY

Parcel Number

038-730-39



Washoe County
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects

STOP ACTIVITY ORDER

March 3, 2016

Appeal Date: March 16, 2016

Name of Respondent: Joseph Bernado
 Location of violation: 53 Mule Deer Ct.
 APN 038-730-39
 Case Number: AE-16-0075

Investigations by Washoe County reveal that you are violating provisions of the Washoe County Code as follows and, under the provisions of Washoe County Code Section 125.157, you are hereby ordered to stop the following described activities.

Description of Violation:	Grading With Out A Permit
Code reference:	WC Code Section 110.438
Activities which must be stopped and corrective actions:	Clearing, Grubbing, Grading, Earthwork Construction, Fill and Embankments, Requires Approved Permits Prior To Work
Deadline for corrective actions:	March 17, 2016
Enforcement Official to contact:	Dwayne Smith, P.E., Director of Engineering and Capital Projects Email: desmith@washoecounty.us Phone: 775.328.2043

This Stop Activity Order remains in effect until lifted by me, as the Enforcement Official, or through an Administrative Order issued by an administrative hearing officer.

IF YOU FAIL TO OBEY THIS STOP ACTIVITY ORDER, YOU MAY BE SUBJECT TO ANY ONE OR COMBINATION OF THE FOLLOWING:

- Administrative enforcement proceedings which could result in administrative penalties ranging from \$100 to \$400 for each notice issued for uncorrected code violation(s), and other administrative fees and costs;
- Civil court proceedings against you seeking injunctive relief and penalties;
- Criminal court proceedings which could result in the issuance of a misdemeanor criminal citation against you and, if you are convicted, could result in fines ranging from \$500 to \$2,500 and possible incarceration in the County jail of up to six months;
- Abatement, including Summary Abatement by the County; and/or,
- Any other relief authorized by law.

YOU HAVE A RIGHT TO APPEAL THIS ORDER as described on the reverse side.

 Director of Engineering and Capital Projects

RIGHT TO APPEAL

YOU MAY APPEAL THIS STOP ACTIVITY ORDER by requesting an administrative hearing.

To request an administrative hearing, you must appear in person at the Administrative Hearing Office, with the accompanying Stop Activity Order to request an administrative hearing. The Office is located within the County Manager's Office on the 2nd floor (east end) of Building A, 1001 East Ninth Street, Reno, NV.

Please contact the Administrative Hearing Office at 775.328.2001, or by e-mail at aho@washoecounty.us, for more information and/or directions to their Office.

Deadline for filing appeal: You must submit a request for administrative hearing **before the Appeal Date shown on this Stop Activity Order.**

Fees and Costs: The fee for an administrative hearing is \$50.00 payable at the conclusion of the administrative hearing if you have been found in violation of the Washoe County Code. The hearing officer may also impose additional administrative penalties, costs, and/or fees.

Hearing Officer and Hearing Date: An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date, which will be scheduled within 30 calendar days of the date you file your appeal. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal. Failure to obey the Administrative Order is a misdemeanor criminal offense, which may be pursued separately from this Order.

Impact on this Order. **This Stop Activity Order remains in effect up until the hearing date.** Any deadlines, actions, and/or remedies included in this Order will be placed on hold until your appeal is concluded.

If you fail to request an administrative hearing by the Appeal Date shown on this Stop Activity Order, the Order and its remedies are final and will take effect as outlined in the Order.



Washoe County
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

ADMINISTRATIVE ENFORCEMENT

****FINAL WARNING****

May 15, 2017

Joseph Bernado
53 Mule Deer Ct.
Reno NV 89523

Please comply by **May 30, 2017**

Old Case Number: AE-16-0075
New Case Number: **?>?**
Subject Property: 53 Mule Deer Ct.
Parcel Number: 038-730-39

Dear Respondent:

A violation of Washoe County Code has been determined for grading work performed on the above referenced parcel. A Stop Activity Order was issued on March 3, 2016. An Administrative Enforcement Warning letter was issued on September 1, 2016 (copy attached). An email communication with you regarding dirt quantity calculation occurred on November 18, 2016. As of today's date, there has been no resolution of the violation.

This letter serves as your final warning to resolve the violation by voluntary action. Failure to do so will result in the assessment of administrative penalties as allowed per Washoe County Code Article 125. You have **15 days** from the date of this letter to provide this office with a written detailed schedule for the preparation and submittal of an engineered grading permit plan set to Washoe County Building and Safety for a building permit. You have **30 days** from the date of this letter to submit said engineered plan

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

*****SEE OTHER SIDE*****

The site review shows the referenced property has been graded without a permit. The grading violation is not in compliance with the following sections of Washoe County Code, Article 438 Grading Standards:

WCC Article 438 Grading Standards, Section 110.438.10 – Permits Required:

- Grading Permit is required for minor grading (grading of greater than fifty cubic yards)

WCC Article 438 Grading Standards, Section 110.438.55(a)- Grading of Slopes

- Grading shall not result in slopes in excess of, or steeper than, three horizontal to one vertical (3:1)

The actions you must take to correct this violation are:

All grading must be brought into compliance with Article 438 Grading Standards. Specifically you must prepare a grading plan and submit to Washoe County Building and Safety for a Grading Permit within 30 days from the date of this letter (by October 3, 2016). Additionally, you must obtain the grading permit and complete all work required of the approved grading permit including final inspection and permit closeout within 6 months (by January 3, 2017).

Please contact me immediately at 775-328-2043 to discuss the code violations on your property and actions you must take to correct the violations, or if you have any questions about this warning. I will gladly schedule an appointment to meet with you on your property. You may also stop by the County's Offices shown at the bottom of the first page of this Warning, but I recommend you call me to arrange an appointment prior to visiting the County's Offices.

You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at 775-328-3699, or orally at 775-328-2043. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If an extension of time is granted, we will mutually develop a plan with time frames for you to correct the violation.

An administrative penalty notice will be issued if the corrective actions are not initiated by October 3, 2016, or the work is not completed within the time frame stipulated, or by any extension of time approved by the Engineering and Capital Projects Division. **The administrative penalty notice will result in an automatic penalty of \$100.** Further Administrative Penalty Notices with increased penalty amounts and additional fees may be issued without further warning if the violation is not corrected. Failure to pay the penalty may cause further action by the County Collections Office, which may include an additional \$50 collection fee, potential penalties and interest, and may result in a lien on the property to recover all unpaid penalties, fees or costs.

Warning to: Joseph Bernado
Case number: AE-16-0075
Date: September 1, 2016
Page: 3

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

Dwayne Smith, P.E., Director
Engineering and Capital Projects Division
desmith@washoecounty.us
(775) 328-2043



Washoe County
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

ADMINISTRATIVE ENFORCEMENT

****WARNING****

September 1, 2016

Joseph Bernado
53 Mule Deer Ct.
Reno NV 89523

Please comply by October 3, 2016

Case Number: AE-16-0075
Subject Property: 53 Mule Deer Ct.
Parcel Number: 038-730-39

Dear Respondent:

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

The site review shows the referenced property has been graded without a permit. The grading violation is not in compliance with the following sections of Washoe County Code, Article 438 Grading Standards:

WCC Article 438 Grading Standards, Section 110.438.10 – Permits Required:

- Grading Permit is required for minor grading (grading of greater than fifty cubic yards)

WCC Article 438 Grading Standards, Section 110.438.55(a)- Grading of Slopes

- Grading shall not result in slopes in excess of, or steeper than, three horizontal to one vertical (3:1)

*****SEE OTHER SIDE*****

Warning to: Joseph Bernado
Case number: AE-16-0075
Date: September 1, 2016
Page: 2

The actions you must take to correct this violation are:

All grading must be brought into compliance with Article 438 Grading Standards. Specifically you must prepare a grading plan and submit to Washoe County Building and Safety for a Grading Permit within 30 days from the date of this letter (by October 3, 2016). Additionally, you must obtain the grading permit and complete all work required of the approved grading permit including final inspection and permit closeout within 6 months (by January 3, 2017).

Please contact me immediately at 775-328-2043 to discuss the code violations on your property and actions you must take to correct the violations, or if you have any questions about this warning. I will gladly schedule an appointment to meet with you on your property. You may also stop by the County's Offices shown at the bottom of the first page of this Warning, but I recommend you call me to arrange an appointment prior to visiting the County's Offices.

You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at 775-328-3699, or orally at 775-328-2043. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If an extension of time is granted, we will mutually develop a plan with time frames for you to correct the violation.

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

Dwayne Smith, P.E., Director
Engineering and Capital Projects Division
desmith@washoecounty.us
(775) 328-2043

September 21, 2016

RECEIVED

SEP 22 2016

OFFICE OF
C.S.D. ENGINEERING & CAPITAL PROJECTS

Dwayne Smith, P. E., Director
Engineering and Capital Projects Division

Dwayne,

Re: Joseph Bernardo
Case #AE-16-0075

Per your letter of September 1, 2016, I have not done any grading on the lot at 53 Mule Deer Ct., Reno, NV. The property is still in need of grading. To date, that has not been done. Per your permission, I did scrape dirt to build a ramp down to my vineyard supplies so I could get my harvest and needed items to do my job. I should have had at least 3 loads of dirt to make a ramp but you stopped me after one so it is still way too steep for the safe use of any vehicle at this time.

I drew what I thought was a good set of plans. After four times trying to file them, I was told they would not accept them unless an engineering company drew the plans. I was unaware of that law.

I have made 4 visits and 2 phone calls to your office trying to file for the permit. As of this time, all attempts have been unsuccessful. I have contacted two different engineering companies to complete a set of grading plans. Both companies told me that it would be 4 - 6 weeks before an engineer could start the process. In July, I did get a Granite engineer, Adam Hand, PhD, PE to evaluate the site. He determined at that time the dirt was still too wet to get a reading on the exact amount of fill. Your engineering department at the county told me they would not accept his certified written report. They said I must go to CFA, Grey & Assoc., Ed Thomas, Summit Engineering, Tec Engineering, and others. I was told it was illegal to draw my own plans, however, I have not been able to determine which law is applicable to this.

Sincerely,



Joseph Bernardo
43 Mule Deer Ct.
Reno, NV. 89523

Chism, Johnna

From: West, Walt
Sent: Friday, November 18, 2016 2:10 PM
To: 'joebernardo65@yahoo.com'
Cc: Smith, Dwayne E.; Peri, Lydia
Subject: FW: Dirt quantities calculation for 53 Mule Deer Court Will you accept this?let me know

Mr. Bernardo,

It appears that CFA proposes to calculate earthwork using existing contour data compared to as-built topo survey. I had envisioned this process from the very beginning....this would be acceptable. To bring the illegal grading into compliance with County Code, a grading plan meeting the requirements of Article 438 (e.g. slopes being 3:1 or flatter, fill height not exceeding 10 feet) needs to be prepared. A special use permit will be needed if the work exceeds thresholds (disturbed area or volume) identified in Section 110.438.35.

Walter West, P.E.

Licensed Engineer
Washoe County Community Services Department
Engineering and Capital Projects Division
(775) 328-2310 (office)
(775) 328-3699 (fax)
wwest@washoecounty.us
1001 E. Ninth St., Bldg. A, Reno, NV 89512
P.O Box 11130 Reno, NV 89520



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From: Corbridge, Kimble
Sent: Thursday, November 03, 2016 1:38 PM
To: West, Walt
Subject: FW: Dirt quantities calculation for 53 Mule Deer Court Will you accept this?let me know

Walt,
Is this yours???
Kimble

From: Joe Bernardo [<mailto:joebernardo65@yahoo.com>]

Sent: Thursday, November 03, 2016 11:24 AM

To: Corbridge, Kimble

Subject: Fw: Dirt quantities calculation for 53 Mule Deer Court Will you accept this?let me know

On Thursday, November 3, 2016 11:21 AM, Joe Bernardo <joebernardo65@yahoo.com> wrote:

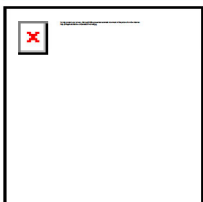
On Wednesday, November 2, 2016 6:20 PM, Kevin German <kgerman@cfareno.com> wrote:

Joe,

It was good talking to you. I'm sorry it took us so long to connect. My suggestion if the county accepts it is to purchase the latest 2' contour data (\$240) that they have on file to be used as a base surface (the before). We will then perform a field survey of the current conditions. Our office will generate a topographic map that will be used as the comparison surface (the after). We will then run earthwork quantities between the two to come up with cubic yards of import and prepare a color exhibit map showing the depths of cuts and fills. This is about the only way I can see doing this since the County contour data is our only record of what natural ground was prior to your work.

I believe we can do the work for about \$1,200. Let me know if you have any questions. Once the County signs off on the game plan we can look into the next step.

KEVIN GERMAN, P.L.S., PRINCIPAL • DIRECTOR OF SURVEYING



CFA, INC.

ENGINEERS ■ LAND SURVEYORS
PLANNERS ■ LANDSCAPE ARCHITECTS

1150 CORPORATE BOULEVARD ■ RENO, NEVADA 89502
MAIN 775-856-1150 ■ EXT 107 ■ DIRECT 775-856-7075 ■ CFARENO.COM

From: [Brian Graham](#)
To: [Bronczyk, Christopher](#)
Subject: 53 Mule Deer Ct SUP
Date: Monday, February 13, 2023 3:44:33 PM

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

Chris,

As part of my SUP application, I am also requesting variance from Washoe County Development Code 110.438.45 (c), as the grading plans submitted require grading in excess of 10 feet.

Thanks
Brian Graham

53 Mule Deer Court

Grading Special Use Permit

Prepared for:

Brian Graham & Morgan Sutton
2610 Sunray Drive
Reno, NV 89503

Prepare by:

Brian Graham
2610 Sunray Drive
Reno, NV 89503

February 8, 2023

53 Mule Deer Court – Grading Special Use Permit

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Appendices

- Appendix A- Washoe County Development Application
- Appendix B- Owner Affidavit - **Omitted by Planning Admin**
- Appendix C- Special Use Permit Application
- Appendix D- Property Tax Verification - **Omitted by Planning Admin**

Attachments

- Attachment 1- Civil Improvement Plans
- Attachment 2- Cut/Fill Map
- Attachment 3- Geotechnical Report - **Omitted by Planning Admin**
- Attachment 4- Developable Area Map
- Attachment 5- CCRs - **Omitted by Planning Admin**

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.

53 Mule Deer Court – Grading Special Use Permit



Figure 2 (Existing Shed)

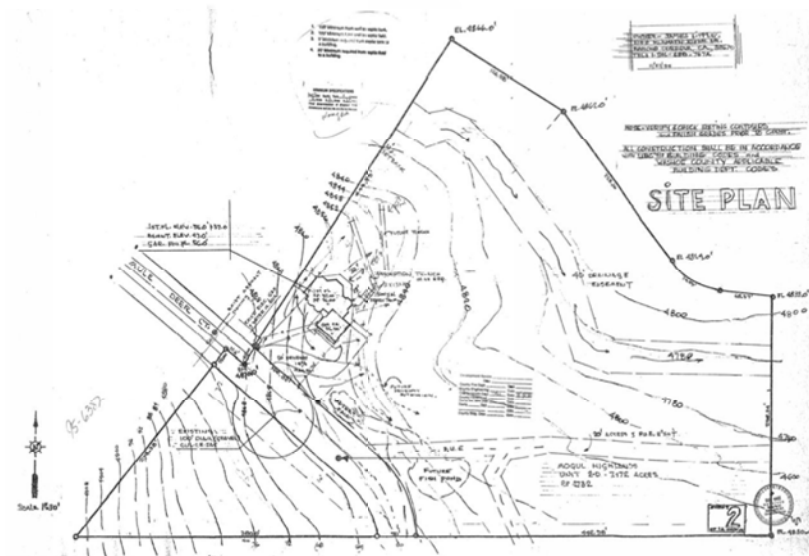


Figure 3 (Site plan from 1997)

53 Mule Deer Court – Grading Special Use Permit



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



Figure 5 (View looking northwest at unpermitted fill)

Figure 6

53 Mule Deer Court – Grading Special Use Permit



Figure 7 (Debris and trash on unpermitted fill slope)

Figure 8



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

Figure 10

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

53 Mule Deer Court – Grading Special Use Permit

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.

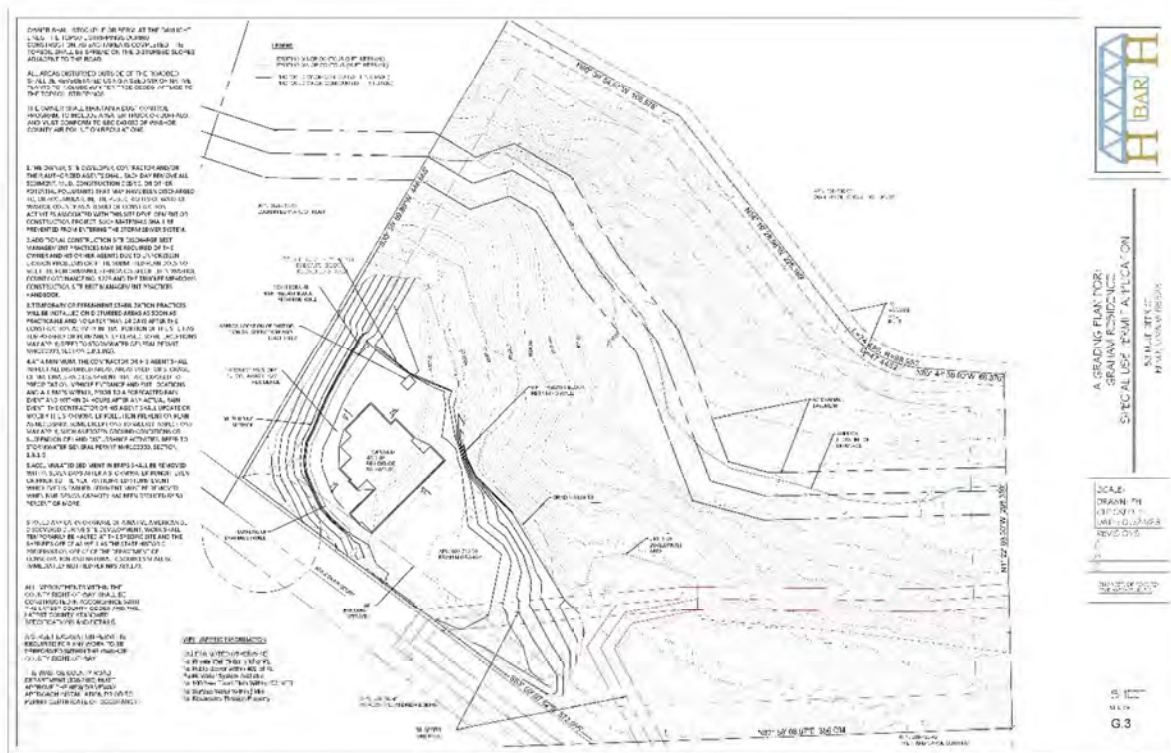


Figure 10 (Grading Plan)

53 Mule Deer Court – Grading Special Use Permit

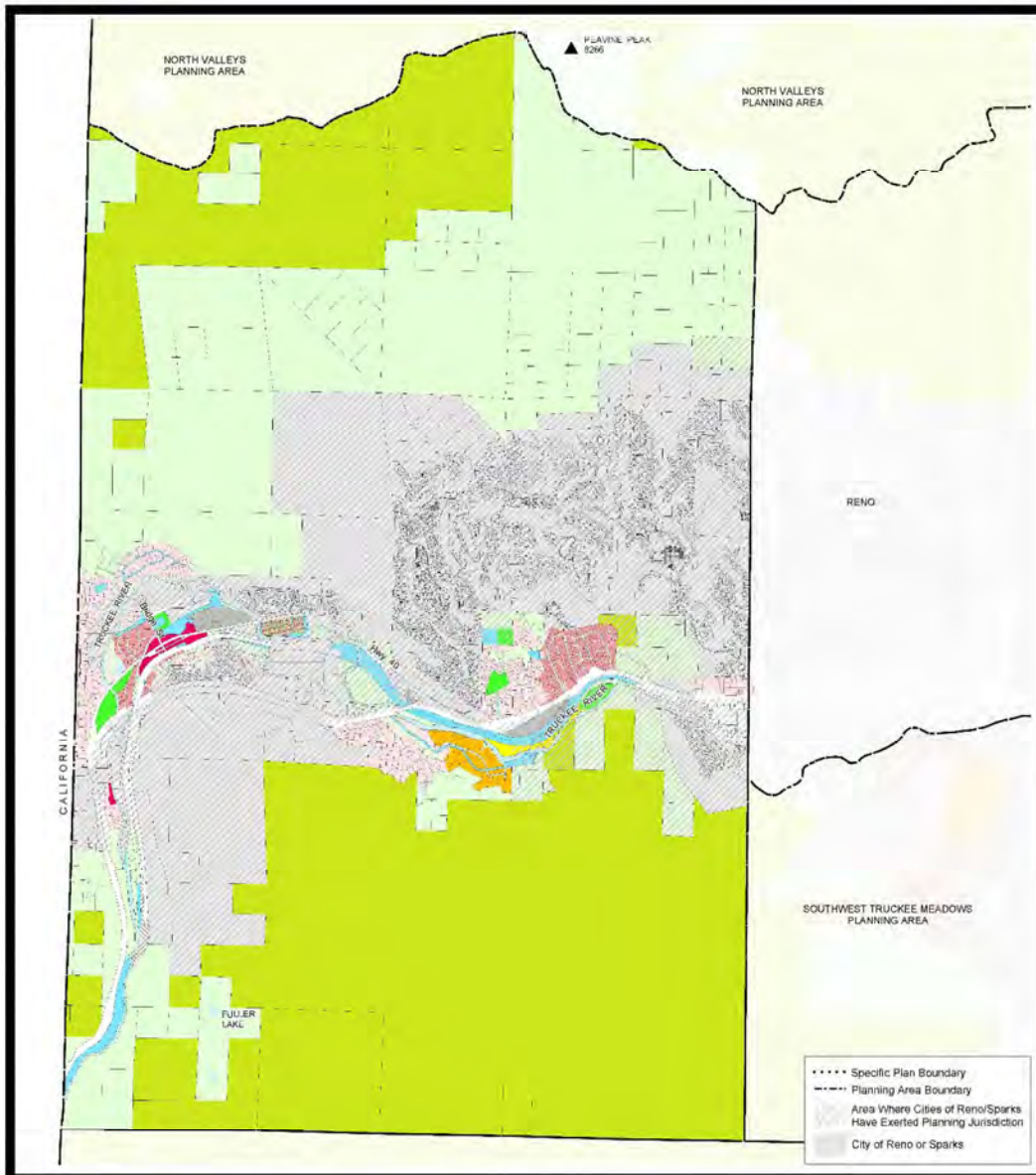


Figure 12 (Zoning Map)

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

53 Mule Deer Court – Grading Special Use Permit

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

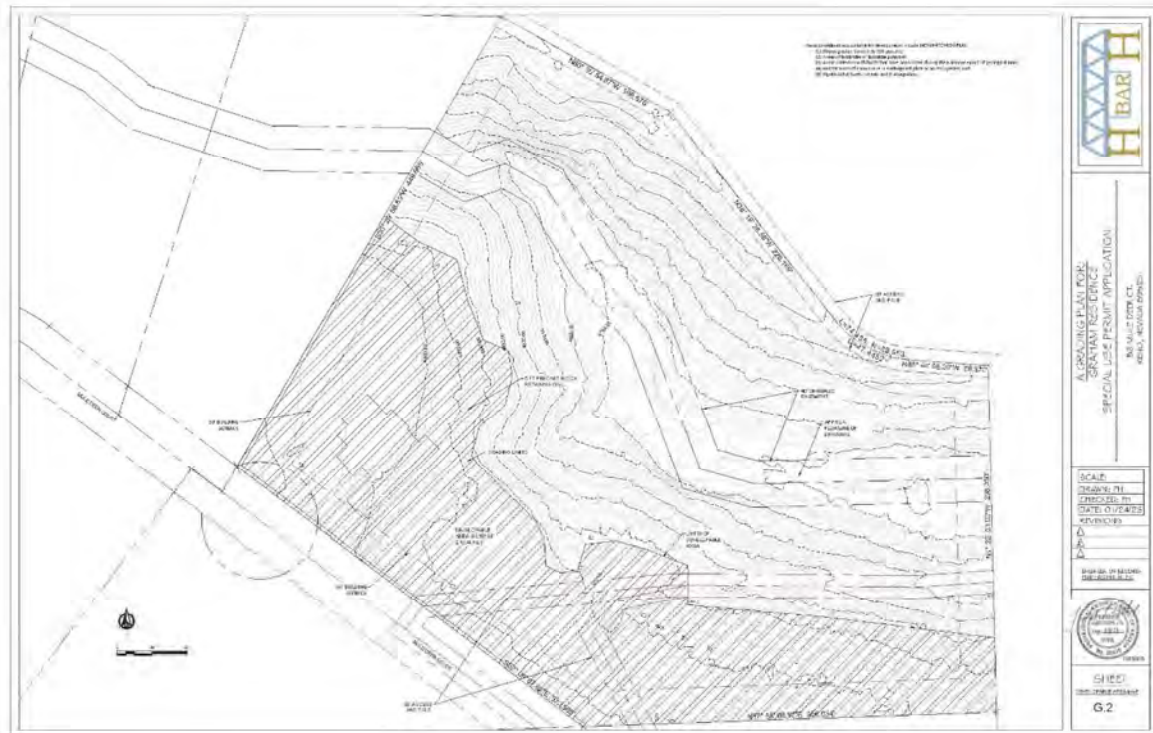
Hillside Development

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.

53 Mule Deer Court – Grading Special Use Permit



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.

53 Mule Deer Court – Grading Special Use Permit

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.

Project Information		Staff Assigned Case No.: _____	
Project Name: 53 Mule Deer Court			
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 AND area locator): North of Interstate 80 and west of Cliff View Drive			
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).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
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.	
Applicant/Developer:		Other Persons to be Contacted:	
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:	
For Office Use Only			
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
---	-----------------------------

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.
--

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?
-----	------	--

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If yes, please attach a copy. Attachment 5
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Attachment 1
Civil Improvement Plans



53 MULE DEER CT.
RENO, NEVADA 89523

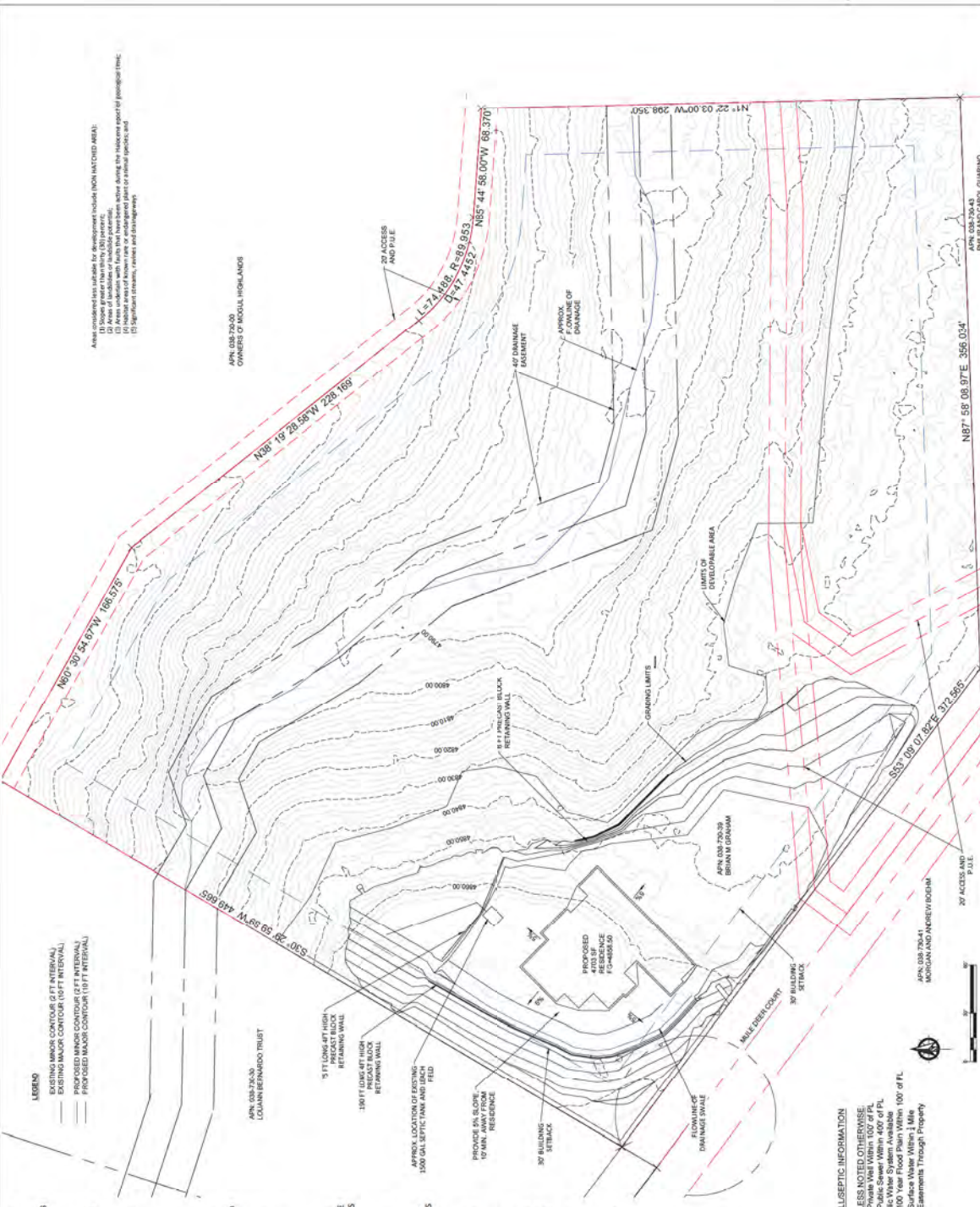
A GRADING PLAN FOR:
GRAHAM RESIDENCE
SPECIAL USE PERMIT APPLICATION

SCALE:
DRAWN: FH
CHECKED: FH
DATE: 01/24/23
REVISIONS

ENGINEER OF RECORD:
FEDERICO P. T.E.



SHEET
SITE MAP
G.3



LEGEND

- EXISTING MAJOR CONTOUR (2 FT INTERVAL)
- EXISTING MAJOR CONTOUR (10 FT INTERVAL)
- PROPOSED MAJOR CONTOUR (2 FT INTERVAL)
- PROPOSED MAJOR CONTOUR (10 FT INTERVAL)

OWNER SHALL STOCKPILE OR BERM, AT THE DAYLIGHT TOPSOIL SHALL BE SPREAD ON THE DISTURBED SLOPES ADJACENT TO THE ROAD.

ALL AREAS DISTURBED OUTSIDE OF THE ROADBED SHALL BE REVEGETATED USING A SEED MIX OF NATIVE PLANTS AND GRASSES APPROPRIATE TO THE TOPSOIL STRATIFICS.

THE OWNER SHALL MAINTAIN A BEST CONTROL MEASUREMENT SYSTEM (BMS) FOR THE DISTURBED AREAS AND MUST CONFORM TO SEC 04.000 OF WASHOE COUNTY AIR POLLUTION REGULATIONS.

1. THE OWNER, SITE DEVELOPER, CONTRACTOR AND/OR THEIR AUTHORIZED AGENTS SHALL EACH DAY REMOVE ALL SEDIMENT, MUD, CONSTRUCTION DEBRIS, OR OTHER POTENTIAL POLLUTANTS THAT MAY HAVE BEEN DISCHARGED TO OR ACCUMULATE IN, THE PUBLIC RIGHTS OF WAY OF WASHOE COUNTY OR ANY OTHER PUBLIC RIGHTS OF WAY OR ACTIVITIES ASSOCIATED WITH THIS SITE DEVELOPMENT OR CONSTRUCTION PROJECT. SUCH MATERIALS SHALL BE PREVENTED FROM ENTERING THE STORM SEWER SYSTEM.
2. ADDITIONAL CONSTRUCTION SITE DISCHARGE BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE INSTALLED BY THE OWNER AND HIS OR HER AGENTS PRIOR TO UNCOVERING EROSION PROBLEMS OR IF THE SUBMITTED PLAN DOES NOT MEET THE PERFORMANCE STANDARDS SPECIFIED IN WASHOE COUNTY ORDINANCE NO. 1223 AND THE TRUCOEE MEADOWS WASHOE COUNTY SITE BEST MANAGEMENT PRACTICES HANDBOOK.
3. TEMPORARY OR PERMANENT STABILIZATION PRACTICES WILL BE INSTALLED ON DISTURBED AREAS AS SOON AS PRACTICABLE AND NO LATER THAN 7 DAYS AFTER THE COMPLETION OF THE DISTURBED AREA. THE CONTRACTOR HAS TEMPORARILY OR PERMANENTLY CAUSED, SOME EXCEPTIONS MAY APPLY; REFER TO STORMWATER GENERAL PERMIT NWR10000, SECTION 1.B.1.B.2).
4. AT A MINIMUM, THE CONTRACTOR OR HIS AGENT SHALL INSPECT ALL DISTURBED AREAS, AREAS USED FOR STORAGE OF MATERIALS, AND AREAS USED FOR STORAGE OF FUELS, OILS, GREASES, AND OTHER LIQUIDS, AND ALL BMP'S WEEKLY PRIOR TO A FORECASTED RAIN EVENT AND WITHIN 24 HOURS AFTER ANY ACTUAL RAIN EVENT. THE CONTRACTOR OR HIS AGENT SHALL UPDATE OR REPAIR BMP'S AS NECESSARY TO WEAKLY INSPECTIONS AS NECESSARY, SUCH AS FROZEN GROUND CONDITIONS OR SUSPENSION OF LAND DISTURBANCE ACTIVITIES. REFER TO WASHOE COUNTY WATER GENERAL PERMIT NWR10000, SECTION 1.B.1.C.
5. ACCUMULATED SEDIMENT IN BMP'S SHALL BE REMOVED WITHIN SEVEN DAYS AFTER A STORMWATER RUNOFF EVENT OR PRIOR TO THE NEXT ANTICIPATED STORM EVENT WHOEVER IS EARLIER. SEDIMENT MUST BE REMOVED TO THE EXTENT THAT THE BMP'S CAPACITY HAS BEEN REDUCED BY 50 PERCENT OR MORE.

SHOULD ANY CAIRN OR GRAVE OF ANATIVE AMERICAN BE DISCOVERED DURING SITE DEVELOPMENT, WORK SHALL STOP IMMEDIATELY AND THE COUNTY SHERIFF, THE COUNTY SHERIFF'S OFFICE AS WELL AS THE STATE HISTORIC PRESERVATION OFFICE OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES SHALL BE IMMEDIATELY NOTIFIED PER WWS 381.170.

ALL IMPROVEMENTS WITHIN THE COUNTY RIGHT-OF-WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST COUNTY CODES AND THE SPECIFICATIONS AND DETAILS.

A STREET OCCUPATION PERMIT IS REQUIRED FOR ANY WORK TO BE PERFORMED WITHIN THE WASHOE COUNTY RIGHT-OF-WAY.

THE WASHOE COUNTY ROAD DEPARTMENT (202-2126) MUST BE NOTIFIED PRIOR TO APPROACH INSTALLATION PRIOR TO PERMIT CERTIFICATE OF OCCUPANCY.

WELLESSEPTIC INFORMATION

UNLESS NOTED OTHERWISE

- No Private Well Within 100' of P.L.
- No Public Sewer Within 400' of P.L.
- No 100 Year Flood Plain Within 100' of P.L.
- No Surface Water Within 1 Mile
- No Easements Through Property

APN: 038-720-00
OWNERS OF RURAL HIGHLANDS

APN: 038-720-00
LOANN BERNARDO TRUST

APN: 038-720-39
BRIAN W. GROOM

APN: 038-720-41
JULIUS W. AND WENDY W. GROOM

APN: 038-720-44
PHILIP AND CAROL GUARDINO

APN: 038-720-45
PHILIP AND CAROL GUARDINO

APN: 038-720-46
PHILIP AND CAROL GUARDINO

APN: 038-720-47
PHILIP AND CAROL GUARDINO

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PHILIP AND CAROL GUARDINO

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APN: 038-720-00
PHILIP AND CAROL GUARDINO

Attachment 2
Cut/Fill Map

Attachment 4
Site Analysis



53 MULE DEER CT.
RENO, NEVADA 89523

A GRADING PLAN FOR:
GRAHAM RESIDENCE
SPECIAL USE PERMIT APPLICATION

SCALE:
DRAWN: FH
CHECKED: FH
DATE: 01/24/23

REVISIONS

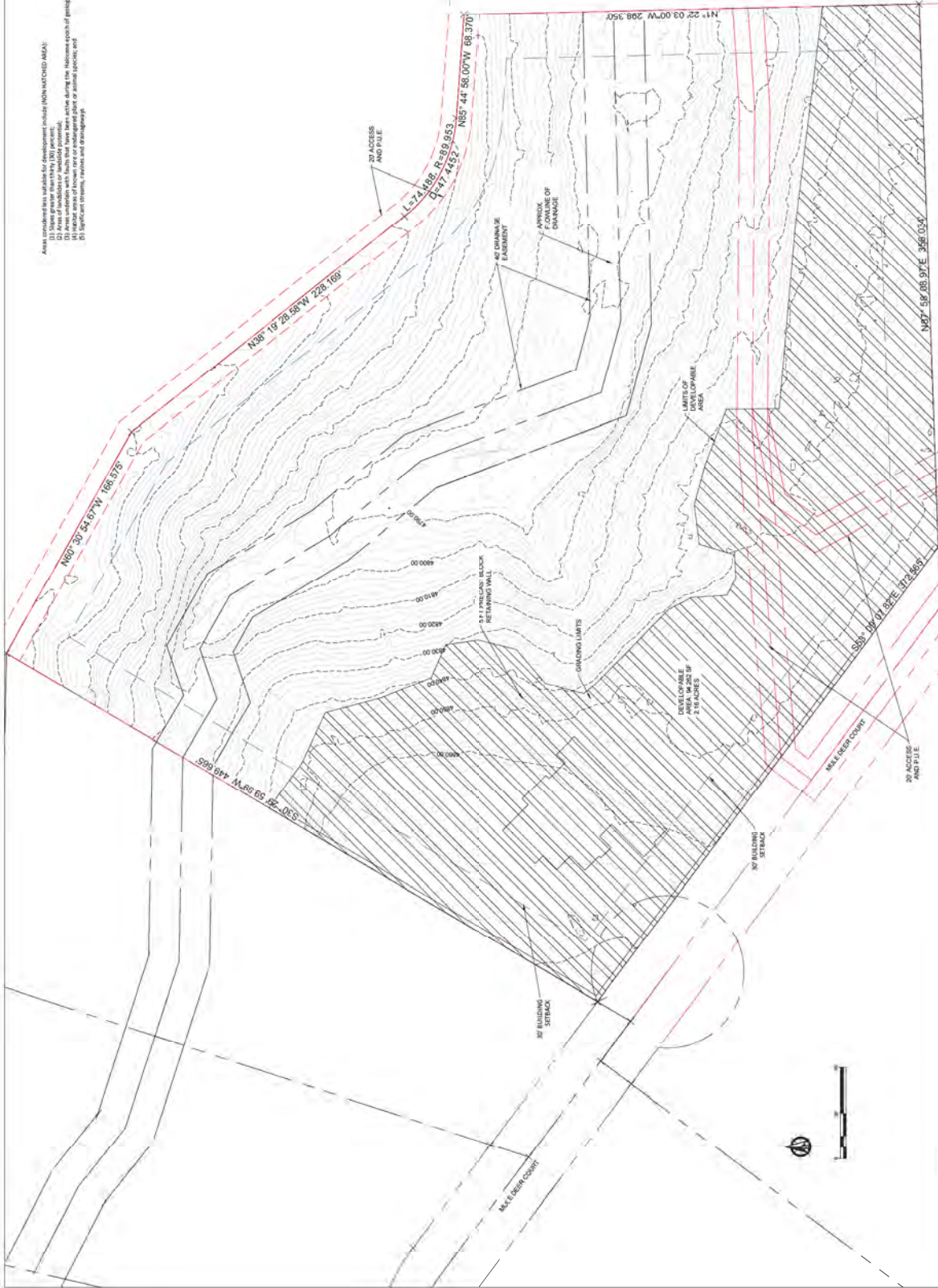
ENGINEER OF RECORD:
FEDORICHES, P. E.



SHEET
DEVELOPABLE AREA MAP

G.2

Assumptions for this plan include, but are not limited to, the following (NON-WATCHED AREA):
(1) Slopes greater than 1:1 (33% percent).
(2) Areas of instability or unstable potential.
(3) Areas of erosion or potential erosion during the National Storm of precipitation.
(4) Natural areas of known rare or endangered plant or animal species, and
(5) Significant streams, rivers and drainages.



From: Chris Lyngstad
Sent: Tuesday, March 21, 2023 8:49 AM
To: Bronczyk, Christopher <CBronczyk@washoecounty.gov>
Subject: SUP / 53 Mule Deer Ct / Case Number WSUP23-0006

Dear Mr. Chris Bronczyk,

I would like to voice my serious concerns about case number WSUP23-0006 being approved.

Special Use Permit Findings

Page 12 - Line 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 proper es or be detrimental to the character of the surrounding area.**

Mule Deer Drive is a private road that the members of the Highlands Road Associa on pay monthly assessments for road repair.

There are a couple of ques ons that I need to ask, because I don't see the answer to it anywhere within this SUP applica on:

How will four years of heavy equipment opera on impact the private road, traffic, and the poten al for the members' assessments to increase due to road degrada on, caused by heavy equipment and addi onal contractor traffic for four years?

Is this private easement going to be overburdened by this project?

I do not feel it is right that I would need to pay for overburdening of our private easement through increased member assessments. The owner of this project should be assessed daily to account for any addi onal long term costs.

There is a par cularly weak spot on Mule Deer Drive, located at APN 038-730-33 that I am concerned about. The red circled area below does not have proper drainage and has a constant build up of water after rain storms, or significant snow melt:



This location is the only way in or out of my residence, which causes me great stress and is a grave concern for my family's safety, when reviewing this SUP application. The requested duration of this SUP is an outright lengthy and unwarranted four years.

I live on the adjacent property to APN 038-730-33 (APN 038-730-16). I have extensively witnessed, over the past 10 years, that this circled location of Mule Deer Dr. is in no condition to accept heavy equipment on a daily basis.

Any subsoil failure at this location, due to heavy equipment, could lead to an eminent collapse and destroy my only available entrance and exit and lead to increased assessments, or cause significant emergency assessments to be levied against all members of the Highlands Road Association.

In addition, this neighborhood endured documented illegal grading/dumping by commercial dump trucks and trailers at 53 Mule Deer Dr. since at least 2014, which is noted in the Geotechnical report. There is also a complaint going back to 2016 in your Accela database (AE-16-0075).

Illegal grading/dumping was brought to the attention of Washoe County multiple times since 2016, yet the county dropped the ball during a software transition, and then did nothing to stop the illegal grading/dumping at 53 Mule Deer Dr. for many years.

This illegal grading/dumping took place well after the stop work order was issued and is also documented through additional data in the Accela database. I'd like to know why requests to stop this illegal grading/dumping were overlooked for many years.

Now, the neighborhood is expected to endure another four years of heavy equipment passing by our houses daily, accelerating degradation to our private road, disturbing our traffic flow and infringes greatly on our peace and quiet.

All of this work is now supposedly necessary to fix something that was compounded by the lack of action from Washoe County Enforcement. If the Enforcement division had acted promptly and efficiently, the amount of work required would have been greatly mitigated.

I don't see how the approval of application WSUP23-0006 is in any way safe. It significantly affects my welfare and health to approve this SUP application. It is neither fair nor reasonable to me or my family, based on the facts I am presenting to you.

If you have any questions, or would like to discuss my concerns, please reach out at your earliest convenience.

Thank you,

Chris Lyngstad