

# Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

<b>Appeal of Decision by (Check one)</b>	
<b>Note:</b> Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
<b>Appeal Date Information</b>	
<b>Note:</b> This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
<b>Note:</b> The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>December 19, 2024</u>	
Date of action by County: <u>December 5, 2024</u>	
Date Decision filed with Secretary: <u>December 11, 2024</u>	
<b>Appellant Information</b>	
Name: <b>SC Advisors, LLP</b>	Phone:
Address: <b>P.O. Box 3390</b>	Fax:
	Email: <b>john@johnhurry.com</b>
City: <b>Stateline</b> State: <b>NV</b> Zip: <b>89449</b>	Cell: <b>775-770-4322</b>
Describe your basis as a person aggrieved by the decision: <b>I am the managing partner of SC Advisors and am the person that manages the subject property.</b>	
<b>Appealed Decision Information</b>	
Application Number: <b>WSUP24-0015</b>	
Project Name: <b>Bryan Canyon Road Pond and Restoration</b>	
State the specific action(s) and related finding(s) you are appealing: The Denial Letter states that "the Board was not able to make findings (a) (Consistency) through (e) (Effect on a Military Installation)". There was no Board discussion pertaining to any of these findings. The Board was focused on the pond itself and did not consider that this SUP application was for a Major Grading Permit. The SUP application as well as the Staff Report found that there was indeed consistency with code and therefore adequately met the 5 findings.  The Chair more than once had to redirect the Board back to the discussion that this application was for grading. While for grading, Washoe County Engineering even placed numerous conditions on the project, that were acceptable to the Applicant, to ensure safe construction and operation of this small pond. State of Nevada Dam Safety is involved and confirmed that the proposed pond is not jurisdictional. Please see attached document that discusses the findings and summarizes applicant's response and Washoe County's analysis.	

**Appealed Decision Information (continued)**

Describe why the decision should or should not have been made:

Based on the staff recommendation for approval which among other reasons, stated the applicant met all required findings, The Board of Adjustments denied the application for the findings not being met, but they did not state why they felt they were not met. Since each finding was addressed and the applicant, as well as County staff, feels each was adequately addressed per County requirements, we contend that the application should be approved unless the Board specifies what findings were not met, why they feel they were not met, and what level of detail they would have needed to be satisfied.

Cite the specific outcome you are requesting with this appeal:

This Appeal respectfully requests that the Special Use Permit for a Major Grading Project be approved so the client can proceed with engineered Grading Plans as well as the other documents that were conditioned by staff.

Did you speak at the public hearing when this item was considered?

- Yes
- No

Did you submit written comments prior to the action on the item being appealed?

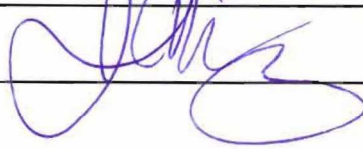
- Yes
- No

**Appellant Signature**

Printed Name:

*Sam Hurrell*

Signature:



Date:

*12/17/24*

**BRYAN CANYON ROAD  
POND AND RESTORATION**

FINDING	DEFINITION	APPLICATION RESPONSE	PLANNING STAFF RESPONSE	PLANNING STAFF MOTION	BOARD OF ADJUSTMENT COMMENTS
Consistency	The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan.	The proposed SUP for grading improvements has been prepared to meet the design requirements set forth under the Washoe County Master Plan and Development Code. The subject property is contained within the South Valleys Area Plan Suburban Character Management Area. These measures will be met with the proposed grading and drainage improvements.	The proposed use of major grading is consistent with the action programs, policies, standards, and maps of the Master Plan with the conditions recommended in Exhibit A.	That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Planning Area.	No discussion
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.	Improvements were addressed throughout the narrative of the application.	There are no required utilities, roadway improvements, or sanitation improvements required. Engineering staff have required a detailed drainage study as part of the conditions of approval outlined in Exhibit A. The applicant has identified appurtenant water rights they intend to utilize for this pond. Water right change applications must be approved by the Nevada Division of Water Resources for these water rights to be usable for	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.	Limited discussion. Mostly having to do with the proposed pond operation, not grading. This project was conditioned to provide an Operations and Maintenance Plan for the pond. Any additional items for the operation of the pond will be addressed in the manual as well as the improvement plans.
Site Suitability	The site is physically suitable for the type of development and for the intensity of development.	The pond is suitable within the area in which it is located and with slightly different topography at the northwest corner of the pond, could be naturally occurring. The pond, as proposed with this application, will have less of an impact on the surroundings and with the restoration grading and landscaping, will be more suitable to the surroundings.	The site is physically suitable for major grading. Specifically, the grading is located in areas considered most suitable for development in the South Valleys Area Plan map.	That the site is physically suitable for major grading and for the intensity of such a development.	Limited discussion. Mostly having to do with the proposed pond, not grading. The SUP was for a Major Grading Permit. There was discussion regarding downstream impacts. The project was conditioned to
Issuance Not Detrimental	Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.	This request would compliment the surrounding area and will not be detrimental to the character of the surrounding area.	The site is vacant, and the proposed grading shall have a minimal overall impact to the surrounding parcels. Conditions of approval have been included to mitigate any negative potential impacts and there will not be any significant 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.	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.	Limited discussion
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.	The closest military installation would be the Nevada Air National Guard at Reno-Tahoe Airport. No detrimental effect would be realized.	The proposed grading will have no 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.	No discussion