



# WASHOE COUNTY

*Integrity Communication Service*

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## STAFF REPORT

**BOARD MEETING DATE: December 14, 2021**

**DATE:** Monday, November 15, 2021

**TO:** Board of County Commissioners

**FROM:** Roger Pelham, MPA, Senior Planner, Planning and Building Division,  
Community Services Department, 328-3622,  
[rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

**THROUGH:** Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of  
Planning and Building, 328-3619, [mhauenstein@washoecounty.gov](mailto:mhauenstein@washoecounty.gov)

**SUBJECT:** Public Hearing: Appeal of the denial, by the Washoe County Planning Commission of Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority) which sought to amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to further extend the expiration dates of these approvals from the current expiration date of December 4, 2021 to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height, approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

The proposed project is located at 10040 Timberwolf Drive, between Timberwolf Drive and West 4<sup>th</sup> Street, at the northern terminus of Tanager Court, approximately 400 feet west of Cliff View Drive. The proposed project is in the Verdi Area Plan, has a master plan designation of Suburban Residential and is within the Medium Density Suburban regulatory zone (Assessor's Parcel Number 038-461-06).

The Board may affirm, reverse, or modify the decision of the Planning Commission. In doing so, the Board may directly grant all or part of the amendment of conditions request. (Commission District 5.)

**AGENDA ITEM # \_\_\_\_\_**

## **SUMMARY**

The appellant, Truckee Meadows Water Authority (TMWA), applied for an amendment to condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021, to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height, approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height. The proposed amendment was denied by the Washoe County Planning Commission (PC). The appellant is appealing the PC's decision and asking the Washoe County Board of County Commissioners (BCC) to approve the amendment and overturn the PC's decision to deny the request, effectively extending the expiration of the approvals until December 4, 2023.

**Washoe County Strategic Objective supported by this item:** Stewardship of our Community

## **PREVIOUS ACTION**

In December of 2007 the PC approved Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station, with the typical expiration date of two years. The applicant did not begin construction of the facility within that 2-year time period.

In February of 2010 the PC approved Amendment of Conditions Case Number AC10-001 amending Condition number two (2) of the approved Special Use Permit (SW07-017) and Condition number one (1) of the approved Variance (VA07-021) to extend the time for issuance of building permits for the project. As a result of the approval, the new date for building permit submittal became December 4, 2014. Again, the applicant failed to begin construction or to obtain necessary permits within that 5-year time period.

In December of 2014 the PC approved another extension of the deadline to submit construction plans and obtain building permits for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 (TMWA-Mogul Booster Pumping Facility) from December 4, 2014 to December 4, 2021. Again, the applicant failed to begin construction or obtain necessary permits within that 7-year time period.

On November 2, 2021, the PC held a duly-noticed public hearing on Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority) which requested another extension of time for two years. The PC denied that request, being unable to make the findings that:

**Special Use Permit:**

(b) Improvements. 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.

**Variance:**

(a) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

(c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

**BACKGROUND**

The applicant is appealing the decision, made by the PC on November 2, 2021, denying the applicant's request to extend the expiration of the special use permit and variance. The minutes of that meeting are included as Attachment A to this report and a link to the video recording of the PC's public hearing is included as Attachment H to this staff report.

The requested amendment has been denied largely due to the significant changes that have occurred in the fourteen years since the project underwent a comprehensive review. As outlined in the staff report to the PC, several relevant provisions of the Development Code have changed. Some of these are standards within Article 438, Grading and Article 412, Landscaping. The changes that have been made to the Development Code have, generally speaking, been made to better mitigate the effects of projects (such as the one under consideration in this report) upon the residents in the surrounding area. Further, this type of application would no longer be heard by the same board, as this type of application would now be heard by the Washoe County Board of Adjustment rather than the Washoe County Planning Commission. Further, the nature of the surrounding area has changed substantially as there are many more residences in the surrounding area now, than there were when the project was approved in 2007. Further, significant development within the City of Reno may create additional traffic on West 4<sup>th</sup> Street that was not considered previously.

Because this case is an amendment of conditions case, which permits only a limited review, staff have not conducted a thorough evaluation of the project since 2007. Rather, staff has only reviewed and considered the specific conditions proposed for amendment by the appellant. It has been 14 years since the initial approval; and consequently, a new and comprehensive review of the proposed project, taking into consideration the relevant changes to the Development Code and changes in the surrounding area, is certainly warranted.

**FISCAL IMPACT**

No fiscal impact.

## **POSSIBLE OPTIONS**

Planning staff is presenting the PC's decision to the Board of County Commissioners. The PC's decision was to deny Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority), being unable to make required findings of fact "b" (Improvements) for the special use permit and required findings of fact "a" (Special Circumstances) and "c" (No Special Privileges) for the variance. *See* page 3 of this staff report.

## **POSSIBLE MOTIONS**

Should the Board **agree** with the PC's decision on Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority) a possible motion would be:

"Move that, after giving reasoned consideration to the information contained in the staff report, the attachments hereto, and information received during the public hearing, the Board of County Commissioners affirm the PC's decision, and deny Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority), being unable to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25, which are listed below:

Special Use Permit:

- (a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi area plan;
- (b) Improvements. 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. The site is physically suitable for the type of development and for the intensity of development;
- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (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.

Variance:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and

(d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

(e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.”

Should the Board **disagree** with the PC’s decision on Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority) a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report, the attachments hereto, and information received during the public hearing, the Board of County Commissioners reverse the PC’s decision, and approve Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority), amending only condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 to extend the expiration dates of those approvals from December 4, 2021 to December 4, 2023, and subject to all other existing conditions of approval, being able to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25, which are listed below:

Special Use Permit:

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

(b) Improvements. 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. The site is physically suitable for the type of development and for the intensity of development;

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

(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.

Variance:

(a) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

(b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

(c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and

(d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.  
(e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.”

Attachments:

- A: Record On Appeal: DRAFT PC Minutes of 11/2/2021
- B: Record On Appeal: PC Staff Report for WAC21-0005
- C: Record On Appeal: PC Signed Action Order for WAC21-0005
- D: Record On Appeal: Appeal Application Dated 11/8/2021
- E: Record On Appeal: Letter from Applicants Representative Dated 11/8/2021
- F: Record On Appeal: Letter from Applicant to PC in support of WAC21-0005
- G: Record On Appeal: County Staff PowerPoint Presentation to PC
- H: Video Recording of Planning Commission Meeting of November 2, 2021

cc:

Truckee Meadows Water Authority, attn: Juan Esparza, PO Box 30013 Reno, NV 89520,  
jesparza@tmwa.com

Michael A.T. Pagni, mpagni@mcdonaldcarano.com

Paul and Daphne Mullen, 10385 Mountain Dew Circle, Reno, NV 89523



# WASHOE COUNTY PLANNING COMMISSION Draft Meeting Minutes

## Planning Commission Members

Larry Chesney  
Sarah Chvilicek, Vice Chair  
Francine Donshick, Chair  
R. Michael Flick  
Kate S. Nelson  
Larry Peyton  
Pat Phillips

Tuesday, November 2, 2021  
6:00 p.m.

Washoe County Administrative Complex  
Commission Chambers  
1001 E 9<sup>th</sup> Street, Building A  
Reno, Nevada 89512

## Secretary

Trevor Lloyd, Secretary

and available via  
Zoom Teleconference

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The Washoe County Planning Commission met in a scheduled session on Tuesday, November 2, 2021, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

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## 1. Call to Order and Determination of Quorum [non-action item]

Chair Donshick called the meeting to order at 6:00 p.m. The following Commissioners and Staff were present:

Commissioners present: Larry Chesney (via Zoom)  
Sarah Chvilicek (via Zoom)  
Francine Donshick  
Michael Flick  
Kate Nelson  
Pat Phillips

Commissioners absent: Larry Peyton

Staff present: Trevor Lloyd, Secretary, Planning and Building  
Roger Pelham, Senior Planner, MPA, Planning and Building  
Chris Bronczyk, Planner, Planning and Building  
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office  
Lacey Kerfoot, Recording Secretary, Planning and Building  
Adriana Albarran, Office Support Specialist, Planning and Building  
Donna Fagan, Office Support Specialist, Planning and Building

## 2. Pledge of Allegiance [non-action item]

Commissioner Flick led the pledge to the flag.

**3. Ethics Law Announcement [non-action item]**

Deputy District Attorney Jennifer Gustafson provided the ethics procedure for disclosures.

**4. Appeal Procedure [non-action item]**

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

**5. Public Comment [non-action item]**

Chair Donshick opened the Public Comment period.

Public Comment:

Mark Neumann stated he received the notice regarding Highland Village. He stated he couldn't get through all the materials on the computer. He said he attend October 20<sup>th</sup> meeting and spoke with the developer and Marc. He said Sun Valley doesn't have a CAB meeting due to COVID. He said he would like this tabled and sent to the Sun Valley residents so it can be planned appropriately. He said he would like to see it medium density instead of high density.

Justin Norvick stated he is a long-time Reno local and graduated from UNR with an engineering degree. He said he was traveling out to Redrock, and a lot of people were speeding. He said the large trucks were struggling to stay in their lane and he's worries about pedestrians. He said Silver Knolls was just approved. It was acknowledged in the North Valleys/Spanish Springs traffic study that there will be a huge increase in population without adequate infrastructure for the pedestrians. The slopes are more than 2:1. It's not safe around Silver Lake. There are curves without 2 foot shoulders. The traffic studies focus on Moya Blvd to the south, but don't address the first five miles between Moya Blvd and the new subdivision. He said he is concerned it's going to be heavily traveled, and it's not adequate. He asked if we could increase the regional road impact fee. He stated he is afraid this will be put off for decades, and the infrastructure is not there.

There was no further response to the request for public comment.

**6. Approval of Agenda [For possible action]**

Chair Donshick indicated that Staff asked to move item 8C, Amendment of Conditions Case Number WAC21-0006 (A Dog's Life), up to the first agenda item, making the new order of items 8C, 8A, 8B.

Commissioner Nelson moved to approve the agenda for the November 2, 2021 meeting with the new item order C, A, B. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.

**7. Approval of the October 10, 2021 Draft Minutes [For possible action]**

Commissioner Chesney moved to approve the minutes for the October 10, 2021, Planning Commission meeting as written. Commissioner Phillips seconded the motion, which passed with a vote of five for, none against; Commissioner Flick – abstained and Commissioner Peyton – absent.

**8. Public Hearings [For possible action]**

**C. [Amendment of Conditions Case Number WAC21-0006 \(A Dog's Life – Extension\)](#) –**  
For hearing, discussion, and possible action to approve an amendment of conditions for WSUP19-0030 (A Dog's Life SUP) for an extension of time of 2 years for a proposed



Commercial Kennel. The project site will consist of a 20,000 square foot building, associated landscape, and parking. The building will contain 15,000 sf of space for boarding and doggie day care, 2,000 sf for retail use, and 3,000 sf for a contractor's office.

- Applicant: Richard and Christine Wilson
- Location: Corner of Ingenuity Avenue and Pyramid Highway
- APN: 530-492-01
- Parcel Size: 2.75 Acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 810, *Special Use Permit*
- Commission District: 4 – Commissioner Hartung
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building
  
- Phone: 775.328.3612
- E-mail: [cbronczyk@washoecounty.gov](mailto:cbronczyk@washoecounty.gov)

Planner Chris Bronczyk provided a presentation.

Discussion by Commission:

Commissioner Chvilicek asked why the County added additional conditions. Mr. Bronczyk stated one of the conditions was provided by Air Quality. An air quality permit is required when the applicant breaks ground. That might have been left out in the original review process. The conditions from the original SUP are applicable, and the applicant needs to submit an action order for the current amendment of conditions, as well as the original. The final condition that was amended was the timeframe, giving the applicant a two-year extension from today's date, if it's granted.

Ian Meyer with CFA, the consultant for the project, stated that they agree with Staff and the revised conditions.

Public Comment:

Rich Wilson, the applicant, said that they've been on this journey for quite some time. The pandemic hit at the worst possible time. He said it's been his dream for a long time and they've worked hard to make this dream a reality. With the way the Covid hit everyone, this extension would be exactly what is needed to move forward.

There was no further response to the request for public comment.

**Motion: Commissioner Flick moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number WAC21-0006 for A Dog's Life, with the amended conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30.**

**Commissioner Chesney seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.**

**Chair Donshick convened the Capital Improvements Advisory Committee (“CIAC”), with members of the Planning Commission and CIAC member Kenneth Krater, for this item only.**

**A. For possible action, pursuant to NRS 278B.150 and Washoe County Code (WCC) 110.706.05, to recommend approval to the Washoe County Board of County Commissioners to adopt the 7th Edition of the Regional Road Impact Fee (RRIF) General Administration Manual (GAM), RRIF Capital Improvement Program (CIP) and the revised fees for unincorporated Washoe County.** The RRIF is an NRS Chapter 278B impact fee designed to generate revenue for the construction of regional roads and associated improvements in the community and has been periodically amended upon the adoption by the Regional Transportation Commission (RTC) of updated versions of the GAM, CIP, and fees. The amount of the fees is based on the most recent version of the CIP in effect and is calculated according to the formula set forth in the GAM. If approved, authorize the Chair of the Planning Commission, on behalf of the CIAC, to sign a resolution to that effect that also recommends the adoption of any necessary ordinances to implement these amendments.

- Prepared by: Mitchell Fink, RRIF Administrator  
Washoe County Community Services Department  
Engineering and Capital Projects Division
- Phone: 775.328.2050
- E-mail: [mfink@washoecounty.gov](mailto:mfink@washoecounty.gov)

Dale Keller, Engineering Manager with RTC, provided a presentation.

Discussion by Commission:

Ken Krater stated the City of Reno hired him to develop the impact fee program, which morphed into the regional road impact fee. He spoke in regard to the administrative manual and land uses. He said a lot of fee has to do with the trip generation manual which was developed by the Institute of transportation engineers, which is the worldwide authority on traffic and transportation. He said when he started in traffic engineering, this was the trip generation manual single volume. It's morphed into three giant volumes. They found over the years that trip generation is dependent not just on land use, but the variables within land use – building square footage, number of employees, the number of acres; there is a lot to it. He spoke about the importance of the level of detail the ITE has put into the trip generation manual.

For residential uses, within the last several editions, townhouses and condos have been considered multi-family uses. They were called out as multi-family residential use but put in the single-family use. If it's three or more units, it's considered multi-family. If it's an attached townhome or condo, those uses generate the same as an apartment. He said he had brought this up with the City of Sparks and Reno, and they all agreed. He said he would like to clarify in the administrative manual that the townhouse or condominium with three or more units be considered a multi-family residential unit and not a single-family unit. If you are not generating that much traffic, you should be considered a multi-family residential unit. Secondly, dealing with industrial development, what has happened in the last several years is now there are these e-commerce fulfillment centers. There's now a land-use category in the trip generation manual: code 155, high cube fulfillment center warehouse. For example, the Amazon facility out on Lemmon Drive would fit within this category. And ITE has found that these types of fulfillment centers generate about 4.7 times more traffic than a normal warehouse and distribution facility. So, if an Amazon e-commerce facility moves into this community, they should pay the higher rate and not get the benefit of the typical warehouse distribution facility. All you have to do is look in the parking lot and see that they clearly generate far more traffic.

It should be added as an additional land use category within industrials to have that land-use code for 155 for the high cube fulfillment. It's a difference of 1.74 trips per thousand square feet versus 8.18 per thousand square feet; a marked difference. RTC has tried to simplify the land-use categories, and for good reason, because it's challenging for the layperson to look at all these land-use categories. Another land-use category that has to do with small businesses that would benefit is a veterinary clinic. Right now, veterinary clinics are grouped together with a medical-dental office. A veterinary clinic generates far less traffic than a medical office building to the tune of 21.5 trips per thousand square feet versus 34.8 for a medical office building. We want to help our small businesses. Mr. Krater said we want to be fair, and he would like RTC to look at adding a veterinary clinic to the land use category.

The last category to look at is student housing. The trip generation manual has also done a lot of research on student housing. We've had a lot of student housing coming in this community, and right now, it's just lumped in with multi-family housing. Student housing generates a lot more traffic than an apartment building. These student housing complexes are very lucrative. They make a lot of money in these projects, so they ought to pay our community for the impacts they create with the traffic they generate for those complexes.

The last question relates to traffic report guidelines. City of Sparks, City of Reno, Washoe County have similar guidelines, but they're not the same. There's also a requirement within the administrative manual for traffic studies, and it speaks to how many trips you generate. If you generate more than 100 peak hour trips, you have to look at an access and entry study for the project. If there are 200 or more, you have to do a full-blown study. It's time for the three different entities to require the same across the board. It just makes it easier for everybody knowing what the rules are. That way, there's no confusion. He said he would love to see RTC work with the three entities and create the same standards across the board that would help the developers and community as a whole.

Dale Keller addressed Mr. Krater's questions. With regard to the different types of land uses, he said Mr. Krater recommended a simpler way to administer the program, and that is what RTC has done. RTC has reviewed the categories and they understand that there will always be some type of exception, such as a veterinary hospital or one offs. In the administrative manual, there are ways to do your own traffic study to show less impact than the category you are in. This will help avoid the extensive lists; they idea came up and was vetted through the RRIF Technical Advisory Committee (TAC). We also talked about student housing and e-commerce, the additional trips generated by that use type. Mr. Keller stated he would take that comment back for the next update, as the goal is to make sure everyone is paying their fair share for their impacts. He said there are many ways to improve this program, but the main purpose of this update was to reflect what was done in the 2050 regional transportation plan (RTP) and to make sure that the fees reflect the program work that will be delivered in the next ten years.

Mr. Krater said he is familiar with the independent fee calculation study. However, until those changes are made, he said he would love to see more guidance from Staff to assist small businesses or developers and point them in the right direction. He said that unless they are told, they're just going to pay the fee and pay more than they should. Mr. Keller said he would be more than happy to work with Mr. Krater offline on improving that process and developing our independent fee calculation. Mr. Krater said he would appreciate that support.

Mr. Krater stated he would love to hear from the other members of the Commission.

Commissioner Flick said he was confused about the current traffic impact fees being collected. He asked whether they are supposed to pay for future expansion of roads or if there are there other funding sources to pay for this. Mr. Keller stated per NRS; RTC must consider other funding sources before implementing impact fees. All the other funding sources: federal, state, and local gas tax were accounted for in making the funding formula.

Commissioner Flick questioned whether they have to use matching funds, federal grant, or state bonds. Mr. Keller said that RTC must consider all of the other funding sources that are collected before creating a larger impact fee or share based on developers' impacts. Commissioner Flick agreed that people should pay their fair share and doesn't want to see small businesses trying to get off the ground having to pay disproportionate fees. Mr. Keller said he hasn't come across that issue, but that he is happy to look into it, should it come up. Commissioner Flick stated the County is experiencing a tremendous amount of growth and asked whether the plan gives any credence to when the money is going to be available.

Mr. Keller stated that we are fortunate, as a region, to have this as a funding source, and we can focus our attention on capacity-related issues on the roadways. It's a direct correlation. The fees collected go directly to design and construction. You will see big projects such as Sky Vista project next year. A lot of these major projects that we see are funded through the RRIF program. Commissioner Flick questioned whether these fees are collected in a timely manner, asking whether it's the other part of the money that isn't available. Mr. Keller stated that per NRS there is a time limitation to use the funds, approximately 10 years. As the funds come in, approximately five to seven million dollars per year, they are spent on projects.

Commissioner Phillips asked how often the process is revised. Mr. Keller stated that the process is updated every three years. Three year intervals allow for consistency, they also allow projects to come in with a clear understanding of their RRIF fees and it allows for long-term planning. Commissioner Phillips asked about the offset eligible improvements. Mr. Keller said if there is a project listed on the capital project improvement plan and the developers are conditioned to build part of a regional roadway, on RTC's behalf, they are eligible for waivers, so they're not being taxed twice. In this case, a developer can enter into an offset waiver agreement to be used on eligible regional road improvements for capacity.

Commissioner Chesney stated that Ken Krater has some really good points. As an engineer and consultant, it might be a good idea to consider adding Ken to the RRIF TAC committee as a representative from the industry, so he can provide more immediate input. He said infrastructure lags growth severely, historically. Nothing is immediate regarding these kinds of funds. They have to be spent within ten year period and they [RTC] are doing the best they can. For example, on Pyramid Highway, RTC funds cannot provide the funding to do necessary improvements and so they have to wait for State and Federal funds. We have to make sure the public understands it's not like turning on a light switch. There have been a lot of long meetings and controversy that has been settled. Commissioner Chesney stated that it's a good proposal and that he will support it.

Public Comment:

Shawn Wensley said it was his first time here. He said he owns his own little micro business doing home repair from a single wide mobile up to million and a half dollar estates. He said he works for real estate agents. He said he lives up on top of Sun Valley and moved up there over five years ago. He said it's a lot more stressful because there's so much traffic. He said going over Highland Ranch Parkway, the traffic is so bad in the morning it's unbelievable; our emergency personnel, police, firefighters, or ambulances can't get through there. It's got to be opened up from a two-lane to at least a six-lane, and then add a dirt path on each side so they can get by it. A lot of the counties and cities have the cameras in the intersections. Start looking at those cameras and look at the high traffic volume. Highland Parkway is so bad, people can't get through. If you watch Channel 2 news in the morning, they start about 6:00 a.m. and the traffic from the Spaghetti Bowl is backed up all the way.

There was no further response to the request for public comment.

Commissioner Chesney stated he would make the motion but wanted to make sure Ken Krater's comments are included in the minutes.

**Motion: Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Capital Improvement Advisory Committee (CIAC) recommends approval to adopt the 7<sup>th</sup> Edition of the Regional Road Impact Fee (RRIF) General Administrative Manual (GAM), Capital Improvement Plan (CIP) and revised fees for unincorporated Washoe County to the Washoe County Board of County Commissioners and authorizes the chair to sign the resolution on behalf of the CIAC.**

**Commissioner Nelson seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.**

***The Washoe County Planning Commission will reconvene solely as the Planning Commission for the remainder of the meeting. Commissioner Ken Krater exited the meeting at 7:00pm.***

**B. Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority)** – For hearing, discussion, and possible action to amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Paul & Daphne Mullen
- Location: 10200 Timberwolf Dr.
- APN: 038-461-06
- Parcel Size: ±0.793 acre (± 34,543 S.F.)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Verdi
- Development Code: Authorized in Article 810, *Special Use Permits*, and Article 804 *Variances*
- Commission District: 5 - Commissioner Herman
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3622
- E-mail: [rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

Senior Planner, Roger Pelham, gave a presentation.

Commissioner Phillips said on page 4 of the report, Washoe County Water Rights did not respond. She asked if there are domestic wells in the area that would be affected by this. Mr. Pelham stated that this is a pump station, not a municipal well, so they won't be taking water out of the ground there.

Chair Donshick reminded Commissioners that the only thing under consideration is the extension, not the other conditions.

Danny Rotter, Engineering Manager with Truckee Meadows Regional Water Authority (TMWA), addressed the Commission.

Discussion by Commission:

Commissioner Chesney asked Mr. Rotter that if this extension is granted, when will they take out a permit and build this thing. He said the conditions are antiquated and asked if they plan to break ground in the next six months. Mr. Rotter said the bulk of his work has been on this property in Verdi. He said he doesn't have plans to submit this in the next six months, but probably a year and certainly within two years. He said he doesn't plan on being here again in two years.

Commissioner Nelson commented on the litigations mentioned in Mr. Rotter's letter, asking whether the legal issues delayed the project. Mr. Rotter clarified that Commissioner Nelson was talking about the Meridian 120 South and the Lucas project. Commissioner Nelson confirmed that was correct. Mr. Rotter said he started with TMWA in late 2016, early 2017; at that time, Meridian North developers said they were 18 months away. TMWA started working on the Boomtown acquisition and tank. Those projects went back and forth between the appeal, litigation and back in front of the council, which did delay it. He said they were on the tails of the Boomtown acquisition, talking about needing the Verdi pump station, the US 40 tank, and the Lucas Tank. Here we are three years later with those two stalled and the other one is going. Add in a couple of RV parks that are ready to go, too. It's been a big part of getting ready for this, but still waiting.

Commissioner Nelson commented on the list of completed projects in the letter, asking if the bullet-pointed projects were done in preparation for this pump station or are they part of the Verdi backbone facility as a whole. Mr. Rotter said that up until this point he has been doing the groundwork for the backbone facility. In terms of roads, we have surface streets to Verdi right now. We need regional water infrastructure to get more water to Verdi to serve this growth. We need to put the pipes in place, get under the river, connecting to Boomtown, and having Boomtown as part of the portfolio. This has all been laying the groundwork to build tanks, pipes, pump stations for much more capacity. Commissioner Nelson asked if this pump station was put on the back burner because the other infrastructure needed to get done first. She asked if it was a situation where we think we are going in direction A, but then go in direction C. Mr. Rotter states that he wasn't there, but as he understands it, this was one of the key pieces to get secured in regard to a land standpoint and one of the first things to move forward for entitlements. The tank was the next piece; you have to be able to pump to a tank. The recession happened shortly after that.

Commissioner Chvilicek asked for clarification to make sure the Commission was applying the same set of rules to everyone. She said earlier the Commission heard an extension request for the doggy daycare. New conditions were added to that extension because the regulations had changed, including air quality. She said she understands it's a different type of project but questioned why the Commission would we not add additional conditions to bring the project to current code.

Mr. Pelham said it's a different type of situation. The previous project was essentially approved under the code we have now. The conditions were merely clarifications to code as it exists, more courtesy than substantive. The difference here is that there are substantial differences between the code that existed 14 years ago but the standards that were waived 14 years ago. It would be a large difference that would require a new set of plans. It's not the County's position to design a project for the applicant, but to evaluate what the applicant brings forward. Commissioner Chvilicek sought further clarification on whether the next set of code requirements would come into play once the project started to be developed, should the Commission recommend approval. Mr. Pelham stated that no, this would be compared with the plans that were submitted 14 years ago, not with the current code. Commissioner Chvilicek said she is concerned that codes from 14 years ago would be applied to a project being built in 2022. Mr. Pelham stated that the County cannot change the goal post once the game has started. The applicant obtained their approval in 2007, and if the Commission extends the approval, they are extending that approval based upon the application as it was evaluated in 2007, not based upon the standards that would be applied to a new project as submitted currently.

Commissioner Chvilicek asked about some of the zombie projects that have been languishing for much longer than this project. Commissioners have been told that once a project breaks ground, the new codes and requirements would be applied to that initial application. She asked for confirmation. Mr. Pelham replied that it's not exactly the case. Mr. Pelham pointed out that a "project" is not just one thing but can be one of many different types of applications and approvals. We have tentative subdivision maps, some of which are decades old and are still valid because they've done certain things over that 10 or 20 or 30 year time period; but the number of lots, the layout, the roadways, all of that was essentially approved when the subdivision was approved. On the other hand, when they get a building permit for an individual dwelling, you don't get to build to 1990 standard when you're building in 2020. The project currently under consideration is a different thing. It is a special use permit and essentially, the approval is for a facility, which has certain characteristics. This particular facility didn't meet code at the time it was approved, as they also got a variance to go along with it. Because that was approved, when this facility comes in it will be held to the standard of the application as it was submitted and evaluated in 2007.

Commissioner Chvilicek thanked Mr. Pelham for the clarification. Commission Chvilicek asked, when the request for an extension for this SUP came in, whether there was a conversation between the applicant and Staff to come to a consensus.

Commissioner Chvilicek said during the regional plan update, where she represented Washoe County as a Planning Commissioner to RPC, one of the things that was drilled into our heads regularly was that we need to be better at planning out. Meaning we are putting infrastructure in place at a specific dollar, rather than the inflated dollar when the project is being built. It seems we are penalizing an entity that is trying to plan forward. Mr. Pelham stated he could understand that position and can also understand some external situations affecting that. However, he contends that the County has accommodated that in with the prior extensions. He said he doesn't think the economic argument will come into play in this particular instance because the facility is being built and costs X dollars, regardless. He said he thinks the County's position is that this facility needs to be evaluated at the current standards. And to address the economic argument, the applicant isn't required to pay the application fees – not the original fees for the SUP, nor for the two extensions or tonight's hearing. This is all done as one governmental entity as a courtesy to another.

Commissioner Chvilicek said she is concerned with the level of grading accompanying this project and that it's not going to be done to current standards.

Mr. Pelham said he wanted to address what was asked by Commissioner Chvilicek about the conversation had between County and TMWA Staff. He said that Staff acknowledged the age

of the application and that it should be evaluated against current standards. Staff suggested coming back with a new application, which would have been done on the exact same timeline. Mr. Pelham said that it was unlikely for an approval to be recommended by staff and that his recommendation was to submit a new SUP.

Commissioner Flick asked whether the grading issue was the only violation of today's standards, the 2:1 versus 3:1. Mr. Pelham stated the issues are primarily related to grading and landscaping, but also an access issue as the driveway wasn't showing in the plans.

Mr. Rotter provided clarification that a pump station requires a Special Use Permit. The variance is the most significant thing at hand regarding grading, setbacks, and retaining walls. He said that TMWA acquired that easement with those constraints and under those circumstances. Mr. Rotter stated that TMWA couldn't meet those codes today and any application submitted would be constrained, that the easement is constrained. For your consideration, that is TMWA went forward with what they had. It's a tough, tight site with homes, drainage and a frontage road owned by NDOT.

Commissioner Nelson questioned why no access was shown on the plans, asking if that was an oversight by the designer. She asked how they planned to get into the site. Mr. Rotter said grading was considered; however, there were some issues to handle. She asked if he had gone through the encroachment right-of-way processes with NDOT. He stated we are currently doing that to include pipeline along 4<sup>th</sup> street, under the freeway, under Mogul church, further up to Somersett and along US 40. Commissioner Nelson asked if access to this site is included in the encroachment permit application. Mr. Rotter said it would be.

Public Comment:

Shawn Wensley came to the podium for public comment. Mr. Wensley began to speak about COVID. Chair Donshick pointed out that this public comment period is specifically related to the TMWA item. Chair Donshick indicated that general public comment would be heard at the end of the meeting.

There was no further response to the request for public comment.

Chair Donshick brought the discussion back to the Commission. Commissioner Chesney pointed out that if the Commission approves this extension, they are approving an extension for a non-conforming facility.

**Motion: Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, no longer being able to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25, specifically, the inability to make findings B, C and D\*.**

Commissioner Nelson stated that she believes the Commission should approve the item. Coming from a municipal background, she stated she understands the time it takes to move forward with these initiatives. The Commission needs to keep in mind that this is a regional system and that while a lot of the projects are not in the Washoe County area, they are benefiting the regional system. This property is in Washoe County and serves the area. In looking at the map from 2007 to 2019, you can tell that the development adjacent to the project has not changed. Commissioner Nelson stated that she is not concerned with the variance items, as municipalities are sometimes required to work on tight sites. She agrees with the comment from TMWA that if they are required to come back for another Special Use Permit, they will be coming back with the same drawings and maps.



Commissioner Chvilicek asked for clarification on a comment that Commissioners would be seeing this item again. Secretary Lloyd indicated that if the item is heard again, it would be heard by the Board of Adjustment.

**Commissioner Flick seconded the motion, which passed with a vote of four in favor – Commissioners Chesney, Donshick, Flick, and Phillips; two against – Commissioners Chvilicek and Nelson; Commissioner Peyton – absent.**

\* The Planning Commission Staff Report for this item misletters the required findings on Page 7 under “Staff Comments on Required Findings of Fact” – 110.804.25 *Variance* finding (a) Special Circumstances is mislettered as (c), and 110.804.25 *Variance* finding (c) No Special Privileges is mislettered as (d). After the Planning Commission meeting, Staff was unclear as to which findings the Planning Commissioners could not make. Motion maker, Commissioner Chesney, clarified to Staff that he could not make 110.810.30 *Special Use Permit* finding (b) Improvements and 110.804.25 *Variance* findings (a) Special Circumstances and (c) No Special Privileges.

**9. Chair and Commission Items [Non-action item]**

**A. Future agenda items**

Commissioner Chvilicek asked for a standing agenda item for the Washoe County Master Plan update. Secretary Lloyd asked for clarification on the timing of that request – monthly, bi-monthly, etc. Commissioner Chvilicek deferred to Staff on the timing.

**B. Requests for information from Staff**

Chair Donshick asked that all Planning Commissioners receive a meeting list and all agendas for the Board of County Commissioners’ meetings.

**10. Director’s and Legal Counsel’s Items [Non-action item]**

**A. Report on previous Planning Commission items**

Secretary Lloyd stated that the Village Green Master Plan Amendment went before the Board of County Commissioners last week. A modification was requested, which requires a report to be given to the Planning Commission before the item goes back to the County Commission.

**B. Legal information and updates - None**

**11. Public Comment [Non-action item]**

Public Comment:

Shawn Wensley provided a public comment about COVID. He stated he heard last week that Britain is testing before you get the shot. He asked why haven't we done that in the States. We could be the safest County in the state and maybe even the United States if we do things right. He said he has never had the shot and will never get the shot because of the lack of information we need to know. He said he heard someone die from the shot. Of course, they never told us where and when, but one person died here in the last month. He shared is perfectly healthy after having surgeries. He said he was around people who had covid, and they are perfectly fine. He spoke about taking vitamins and eating correctly to help prevent covid. He stated his doctor said he doesn't need a shot. He said he wanted to give out the correct information.

There was no further response to the request for public comment.

Trevor Lloyd introduced Adriana to the team.

**12. Adjournment** [Non-action item]

The meeting was adjourned at 7:55pm.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on December 7, 2021.

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Trevor Lloyd  
Secretary to the Planning Commission



# Planning Commission Staff Report

Meeting Date: November 2, 2021

Agenda Item: 8B

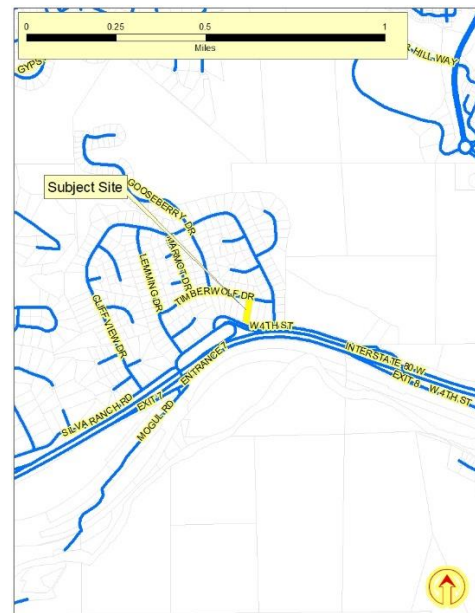
AMENDMENT OF CONDITIONS CASE NUMBER: WAC21-0005 (Truckee Meadows Water Authority) for Special Use Permit Case No. SW07-017 and Variance Case No. VA07-021

BRIEF SUMMARY OF REQUEST: Extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023

STAFF PLANNER: Planner's Name: Roger Pelham, MPA, Senior Planner  
 Phone Number: 775.328.3622  
 E-mail: [rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

## CASE DESCRIPTION

**Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority)** – For hearing, discussion, and possible action to amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height, approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.



**Vicinity Map**

Applicant: Truckee Meadows Water Authority  
 Property Owner: Paul & Daphne Mullen  
 Location: 10200 Timberwolf Dr.  
 APN: 038-461-06  
 Parcel Size: ±0.793 acre (± 34,543 S.F.)  
 Master Plan: Suburban Residential  
 Regulatory Zone: Medium Density Suburban  
 Area Plan: Verdi  
 Development Code: Authorized in Article 810, (Special Use Permits) and Article 804 (Variances)  
 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 Planning Commission **deny** Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, no longer being able to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25.

**Staff Report Contents**

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**Exhibits Contents**

Agency Comments ..... Exhibit A

Public Notice..... Exhibit B

Project Application ..... Exhibit C

**Amendment of Conditions**

An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The amendment of conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, a possible neighborhood meeting, agency review and analysis, and satisfying the required findings. If the Planning Commission grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

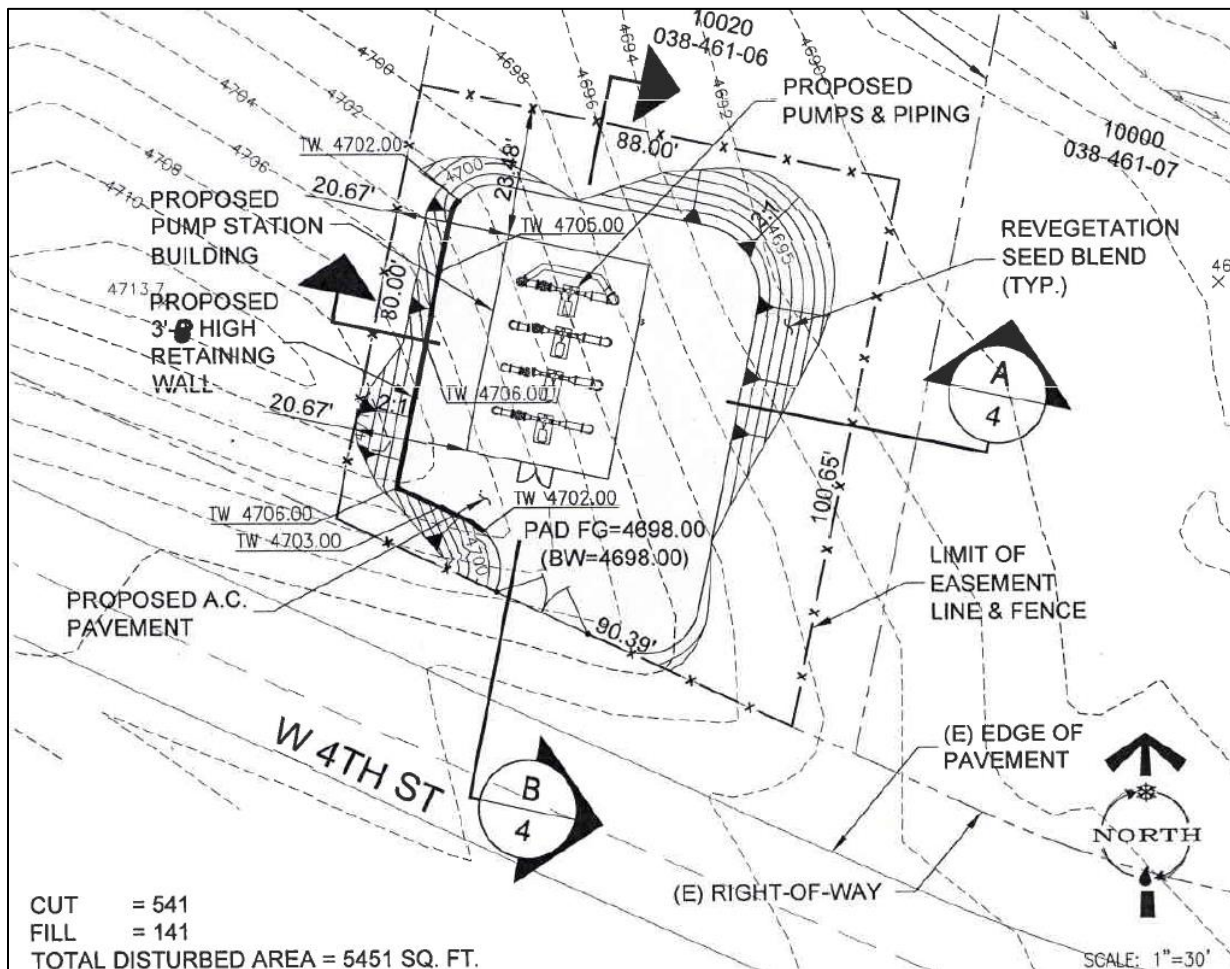
The subject property has a master plan designation of Suburban Residential (SR) and a regulatory zone of Medium Density Suburban (MDS). Utility Services use type is permissible in the MDS zone, subject to

the approval of a special use permit by Washoe County. Variances to required standards are permissible in the MDS zone subject to approval of a variance by Washoe County.

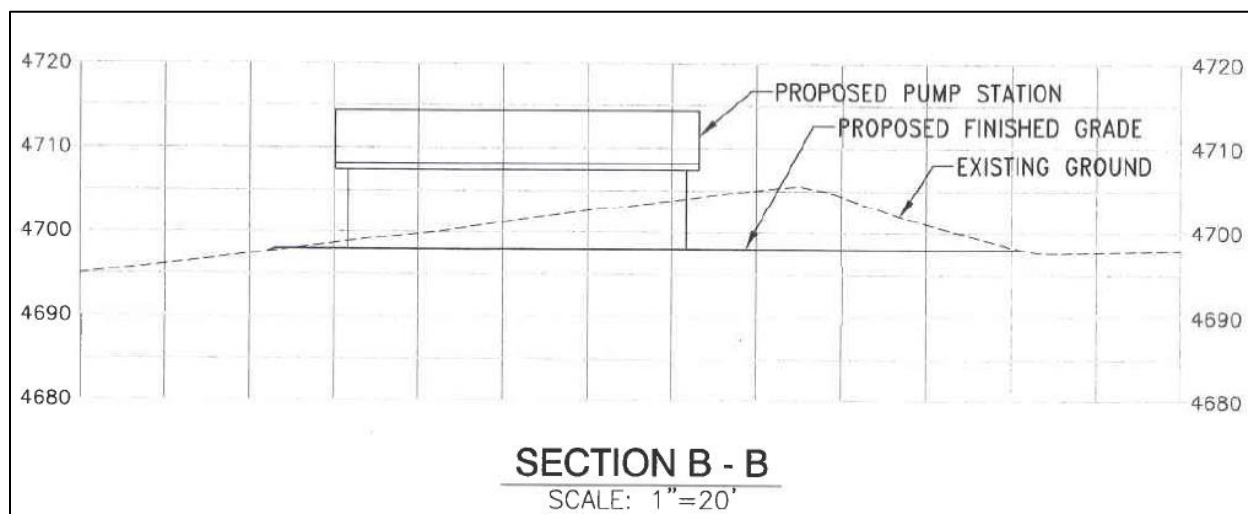
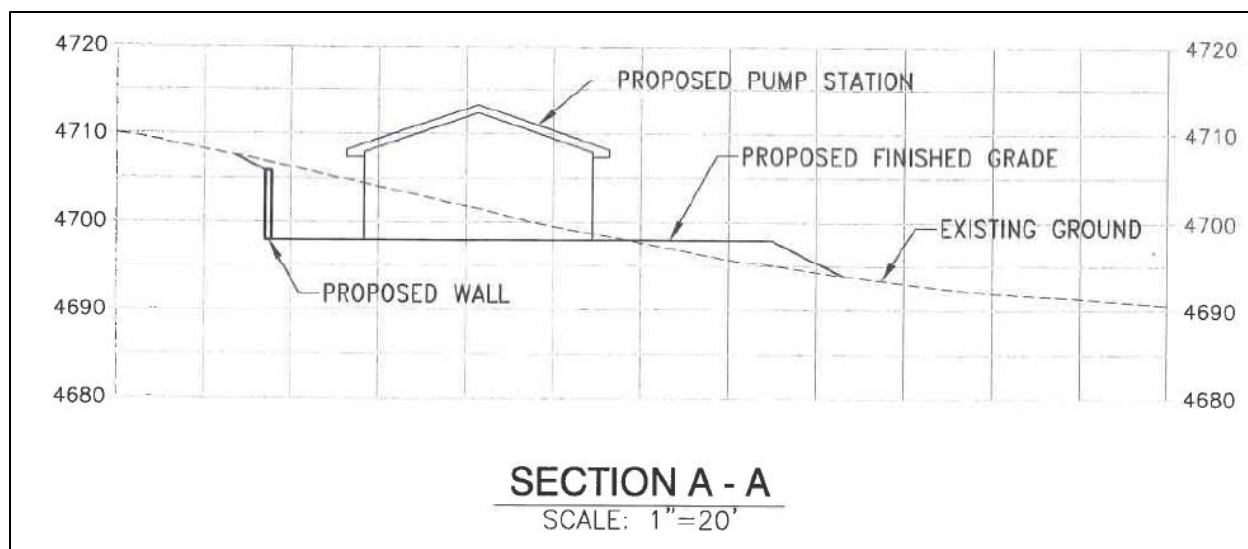
Staff is recommending that the Planning Commission deny the amendment request, for reasons described in the staff report analysis below. However, the amended conditions of approval for Amendment of Conditions Case Number WAC21-0005 are attached to this staff report and will be included with the amended action order, in the event that approval is granted.

**Background and Evaluation of Amendment Request**

The proposed site plan from the special use permit as submitted in 2007 follows:



**Site Plan**



The history surrounding this project is rather long. The Washoe County Planning Commission approved Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station in December of 2007. The applicant failed to begin construction or to obtain necessary permits within two years of the original date of approval of the special use permit.

In February of 2010 the Washoe County Planning Commission approved Amendment of Conditions Case Number AC10-001 amending Condition number two (2) of the approved Special Use Permit (SW07-017) and Condition number one (1) of the approved Variance (VA07-021) to extend the time for issuance of building permits for the project. As a result of the approval, the new date for building permit submittal became December 4, 2014. Again, the applicant failed to begin construction or to obtain necessary permits within that 5-year time period.

In December of 2014 the Washoe County Planning Commission approved another extension of the deadline to submit construction plans and obtain building permits for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 (TMWA-Mogul Booster Pumping Facility) from December 4, 2014 to December 4, 2021. Again, the applicant failed to begin construction or obtain necessary permits within that 7-year time period. It has now been 14 years since this project was

approved. Approval of an extension of a special use permit for 14 years without any work started nor building permits applied for, is unprecedented in the experience of staff.

Many things have changed, both in the standards, as required by the Washoe County Development Code and in the Mogul area in general. The situation is very different in the year 2021 than it was in 2007. While the following examples are illustrative of the changes to the applicable Development Code standards and to the nature of the surrounding area, they are not necessarily exhaustive.

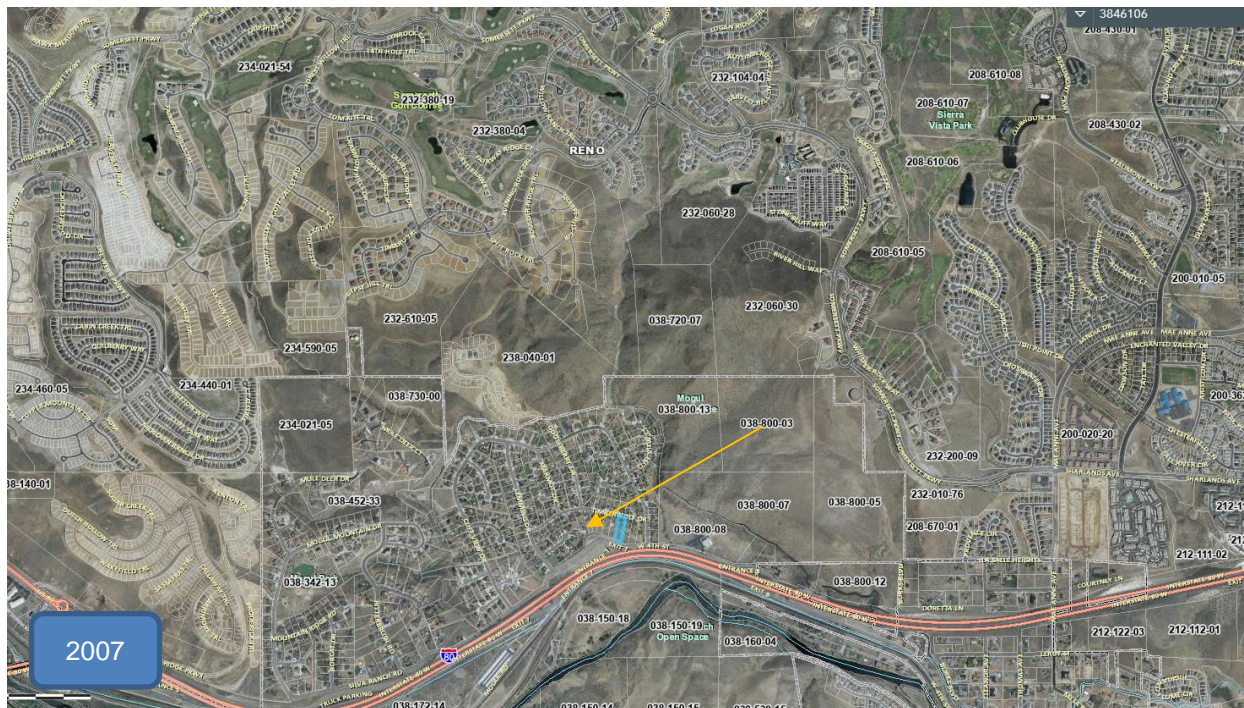
**Examples of Changes Which Warrant Submission of a New Special Use Permit/Variance Request:**

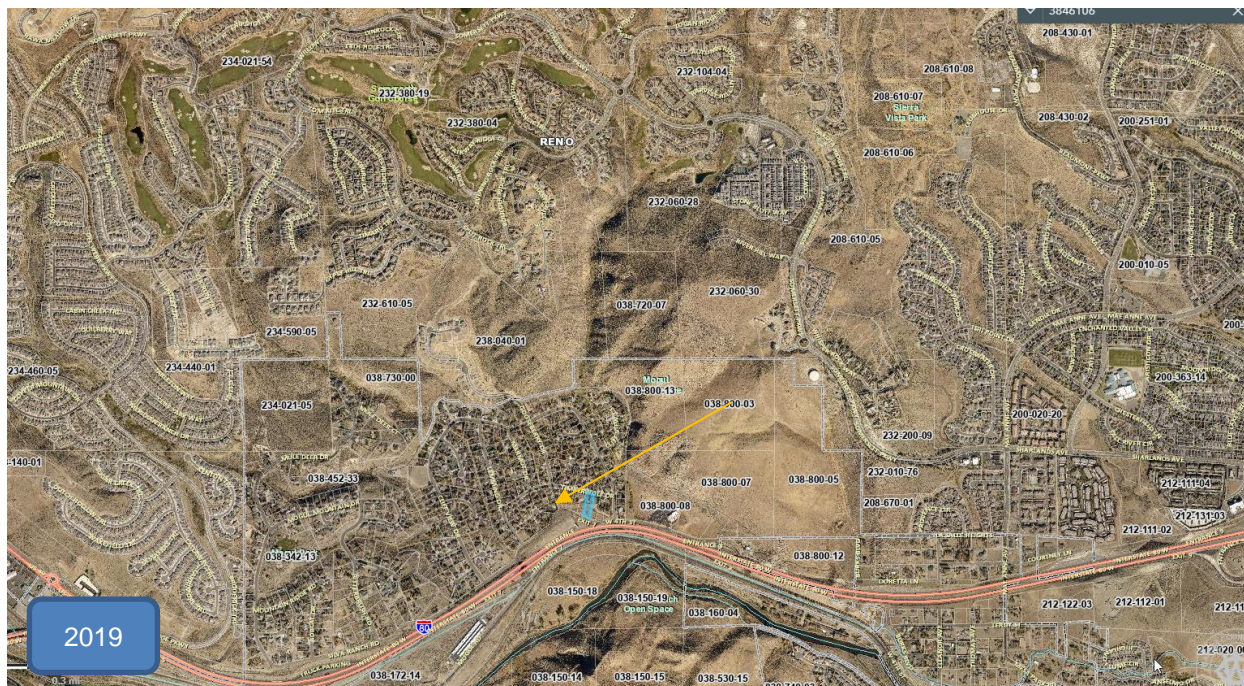
In 2007, this special use permit and variance requests were reviewed by the Planning Commission. Since that time Article 302 of the Development Code has been amended and now such requests would be reviewed by the Board of Adjustment.

The grading code (Article 438) has been substantially amended. A comprehensive revision to that article was approved in 2012. A quick review of the plans provided in 2007 show significant discrepancies between that plan and current code, including grading directly up to the property lines, rather than maintaining a setback, possible grading over the property line to create a new access to the proposed facility, slopes that are significantly steeper than currently allowed, and retaining walls higher than are currently allowed.

The variance related to this request removed all required landscaping, among several other modifications, to generally applicable code requirements. The landscaping code (Article 412) has been updated substantially within the last 2 years and now addresses the impacts of civic projects, such as this, and helps mitigate the visual impacts of such projects in a more comprehensive manner.

Further, generally speaking, the nature of the surrounding area has changed significantly since 2007. While the subject parcel itself, and the parcels that are directly adjacent to it have not changed, the population of the overall area has increased dramatically. The first photo below shows the surrounding area in 2007. As evidenced in this photo, while many parcels were recorded, many were unbuilt. The second photo shows the area in 2019. That photo clearly shows that dozens, if not hundreds, of additional dwellings have been constructed in the areas to the north, west and east of the subject site.





The changes to the Code and to the area are undeniable. Extension of the approval of a special use permit for 14 years is unprecedented, extension beyond that time is inappropriate. If and when the applicant is prepared to begin construction on this project or a similar project, review of a new special use permit, and possible variance to standards, according to the current code and evaluation of the project in context of the current surroundings is appropriate. For these reasons, staff recommends that the Planning Commission deny the request for another extension of time.

**Reviewing Agencies**

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

Agency	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Water Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robert Wimer, rwimer@washoecounty.gov
Washoe County Sherriff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
WCHD – Air Quality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Genine Rosa, groza@washoecounty.gov
WCHD – Environment Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Truckee Meadows Fire Protection District	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brittany Lemon, blemon@tmfpd.us
RTC Washoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe-Storey Conservation District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Recommendation**

Those agencies which reviewed the application provided no comments that compel a recommendation of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC21-0005 is being recommended for denial. Staff offers the following motion for the Commission’s consideration.



### **Staff Comments on Required Findings of Fact**

Staff believes that the Planning Commission cannot make the following required findings of fact for extension of the special use permit:

- (a) **Consistency.** 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 standards of the Washoe County Development Code, which is a part of the Master Plan are not met, most particularly Article 438, Grading, as noted in this report.

- (b) **Improvements.** 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:** Impact of access to the facility from public roadways has not undergone thorough evaluation in 14 years, the nature of the area has changed significantly, as shown in this report. Public facilities may, or may not, be adequate. Lacking thorough analysis, the findings cannot be made.

Staff believes that the Planning Commission cannot make the following required findings of fact for extension of the variance:

- (c) **Special Circumstances.** Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

**Staff Comment:** The subject site is of a regular shape, is consistent with the size of lot required for the regulatory zone and contains no extraordinary topographic conditions. The small hill area where the proposed facility was proposed to be located could easily be avoided by modifying the location of the proposed facility slightly.

- (d) **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

**Staff Comment:** Extension of a project beyond 14 years without any progress toward completion is unprecedented in the knowledge of staff. Extension beyond that time can be considered a special privilege inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

### **Motion for Denial**

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 Planning Commission deny Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, no longer being able to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25:

*Special Use Permit:*

- (a) **Consistency.** The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi area plan;
- (b) **Improvements.** 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. The site is physically suitable for the type of development and for the intensity of development;
- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (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.

*Variance:*

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

**Motion for Approval**

Should the Planning Commission disagree with the recommendation of staff and choose to grant an extension of time, a possible motion would be:

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 Planning Commission approve Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, extending the date to December 4, 2023, subject to the previously-approved conditions of approval as included in the project application at Exhibit C to the staff report, having made all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25, with the original conditions of approval included at Exhibit C to the staff report.

*Special Use Permit:*

- (a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi area plan;
- (b) Improvements. 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. The site is physically suitable for the type of development and for the intensity of development;
- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- (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.

*Variance:*

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

**Appeal Process**

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant(s), 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 Planning Commission and mailed to the applicant(s).

Applicant: Truckee Meadows Water Authority  
Attn: Juan Esparza  
PO Box 30013 Reno, NV 89520  
[jesparza@tmwa.com](mailto:jesparza@tmwa.com)

Property Owner: Paul and Daphne Mullen  
10385 Mountain Dew Circle  
Reno, NV 89523

From: [Rosa, Genine](#)  
To: [Pelham, Roger](#)  
Subject: First Review of Applications Submitted September 2021  
Date: Wednesday, September 22, 2021 4:49:05 PM

---

### Amendment of Conditions Case Number WAC21-0005 (TMWA-Verdi Booster Pump Station)

If there will be an emergency generator associated with this it may require permitting. They can contact me directly if this is the case.

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

#### Genine Rosa

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

\*My schedule is 4 x 10's M-Th 7-5:30 off on Fridays.

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



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



Washoe-Storey Conservation District

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

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

September 23, 2021

Washoe County Community Services Department

C/O Roger Pelham, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WAC21-0005 TMWA-Verdi Booster Pump Station

Dear Roger,

In reviewing to approve an amendment of conditions, the District supports the amendment if all previous conditions as agreed are adhered to.

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

Sincerely,

Shaffer-Tyler



**WASHOE COUNTY**  
COMMUNITY SERVICES DEPARTMENT  
Engineering and Capital Projects

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

Date: September 24, 2021

To: Roger Pelham, Planner

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

Re: **WAC21-0005 – TMWA-Verdi Booster Pump Station  
Amendment of Conditions**  
APN: 038-461-06

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of the tentative map/conditions case is to extend the expiration date from December 4, 2021 to December 4, 2023 to construct a potable water booster pumping facility to convey water to the Verdi area. The Engineering and Capital Projects Division recommends approval with no changes to our original conditions of approval.

**From:** [Lemon, Brittany](#)  
**To:** [Pelham, Roger](#)  
**Cc:** [Way, Dale](#)  
**Subject:** WAC21-0005 (TMWA-Verdi Booster Pump Station) Conditions of Approval  
**Date:** Monday, September 27, 2021 3:30:09 PM  
**Attachments:** [image001.png](#)

---

Hi Roger,

“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/>

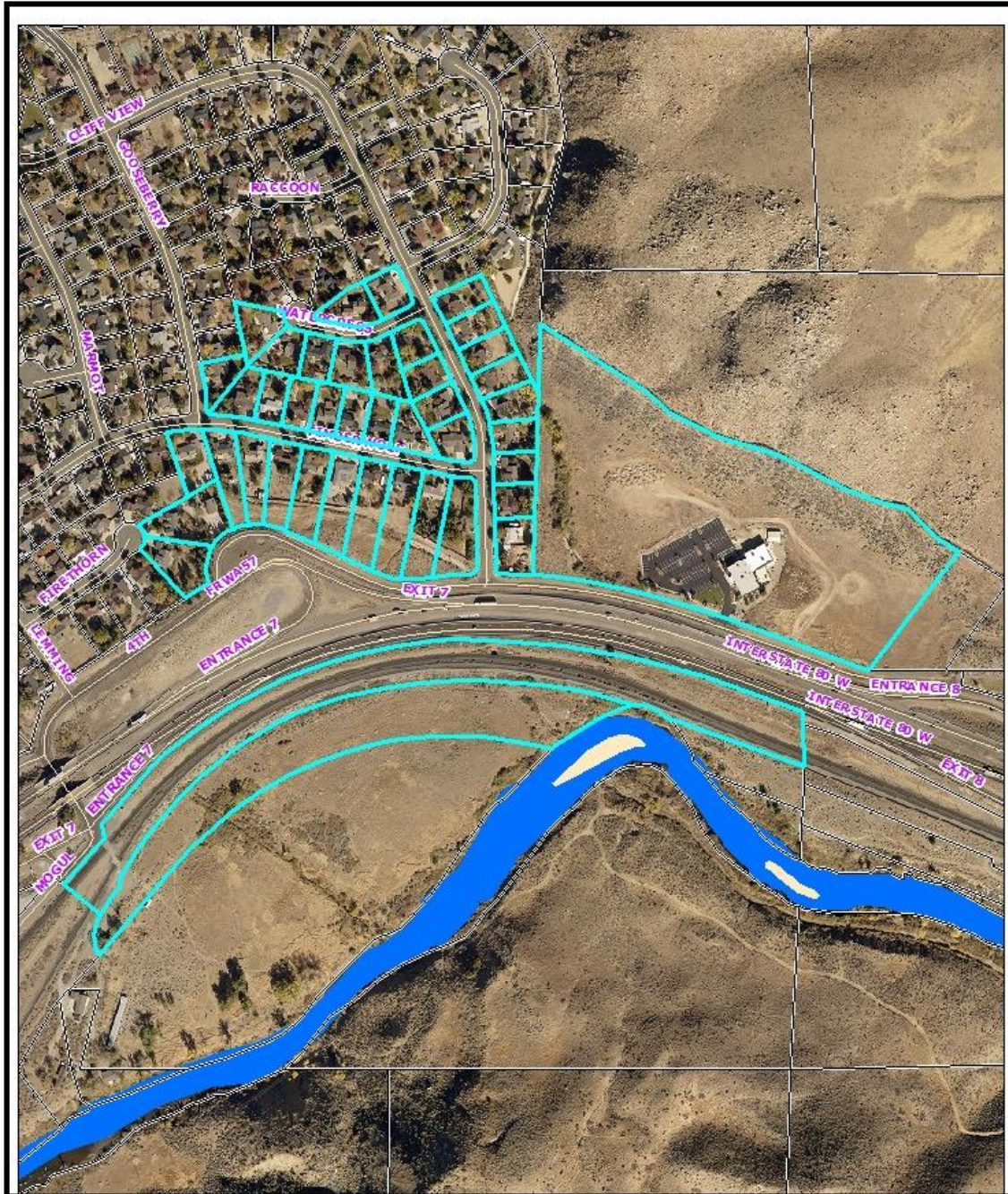
Thank you!

**Brittany Lemon**

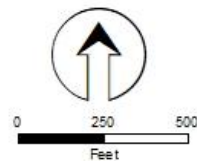
**Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue**

[blemon@tmfpd.us](mailto:blemon@tmfpd.us) | Office: 775.326.6079 | Cell: 775.379.0584

3663 Barron Way, Reno, NV 89511



WAC21-0005 TMWA -Verdi  
Noticing Map- 500 feet from site



Community Services  
Department



WA SHOE COUNTY  
NEVADA

1001 E Ninth St  
Reno, Nevada 89512 (775) 328-3600

Source: Planning and Building Division

Date: 9/13/2021



September 10, 2021

Mr. Trevor Lloyd, Planning Mngr, Planning & Bldg Division  
Washoe County Community Service Dept  
1001 East 9<sup>th</sup> Street  
Reno, NV 89512

**Subject:** Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 (TMWA-Mogul Booster Pumping Facility)

Dear Mr. Lloyd,

The Truckee Meadows Water Authority (TMWA) is requesting an extension of twenty-four (24) months to the above referenced Special Use Permit and Variance for our Verdi-Mogul Booster pump facility.

Development within the Verdi area has lagged behind other areas of Reno/Sparks since the downturn of 2008 and potential demands for the booster facility have not been firmly established until recently. This will necessitate the construction of this project and additional infrastructure to serve growth in the Verdi area.

While this SUP and Variance have already been extended previously, TMWA is confident that firm commitments for water service to this area will require this facility in the immediate future. This project was not controversial for the area during the original application process and it is TMWA's belief that it remains that way today. Granting the extension would serve to save time, effort and money for a project that is of regional importance and significant benefit to the already overburdened groundwater resources in this area of our community.

Thank you very much for your consideration

Sincerely,

Juan C. Esparza, P.E., Principal Engineer  
Truckee Meadows Water Authority

/je



## Washoe County Development Application

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

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name:			
Project Description:			
Project Address:			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets <b>AND</b> area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone:                      Fax:		Phone:                      Fax:	
Email:		Email:	
Cell:                              Other:		Cell:                              Other:	
Contact Person:		Contact Person:	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone:                      Fax:		Phone:                      Fax:	
Email:		Email:	
Cell:                              Other:		Cell:                              Other:	
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:                      Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	



## Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

### Required Information

1. The following information is required for an Amendment of Conditions:
  - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
  - b. Identify the specific Condition or Conditions that you are requesting to amend.
  - c. Provide the requested amendment language to each Condition or Conditions, and provide both the *existing* and *proposed condition(s)*.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

Washoe County Treasurer  
P.O. Box 30039, Reno, NV 89520-3039  
ph: (775) 328-2510 fax: (775) 328-2500  
Email: tax@washoecounty.us

Washoe County Treasurer  
Tammi Davis

Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information		
Parcel ID	Status	Last Update
03846106	Active	9/9/2021 1:39:17 AM
<b>Current Owner:</b> MULLEN, PAUL K & DAPHNE S 10385 MOUNTAIN DEW CIR RENO, NV 89523		<b>SITUS:</b> 10020 TIMBERWOLF DR
<b>Taxing District</b> 4011	<b>Geo CD:</b>	
Legal Description		
Range 18 Township 19 Section Lot 4 Block C SubdivisionName MOGUL MEADOWS 1		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/16/2021	2021	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/4/2021	2021	\$571.19	\$0.00	\$0.00	\$571.19
INST 3	1/3/2022	2021	\$571.18	\$0.00	\$0.00	\$571.18
INST 4	3/7/2022	2021	\$571.18	\$0.00	\$0.00	\$571.18
<b>Total Due:</b>			<b>\$1,713.55</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,713.55</b>

Tax Detail			
	Gross Tax	Credit	Net Tax
<u>Remediation</u>	\$6.08	\$0.00	\$6.08
<u>State of Nevada</u>	\$123.02	(\$3.36)	\$119.66
<u>Truckee Meadows Fire Dist</u>	\$390.78	(\$10.68)	\$380.10
<u>Washoe County</u>	\$1,007.13	(\$27.54)	\$979.59
<u>Washoe County Sc</u>	\$823.90	(\$22.51)	\$801.39
<u>Water District</u>	\$7.80	\$0.00	\$7.80
<u>TRUCKEE CANYON SEG WATER BASIN</u>	\$2.05	\$0.00	\$2.05
<u>RECLAMATION DAM SAFETY</u>	\$4.00	\$0.00	\$4.00
Total Tax	<b>\$2,364.76</b>	<b>(\$64.09)</b>	<b>\$2,300.67</b>

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2021	2021247960	B21.76408	\$587.12	8/12/2021

**Pay By Check**

Please make checks payable to:  
**WASHOE COUNTY TREASURER**

**Mailing Address:**  
P.O. Box 30039  
Reno, NV 89520-3039

**Overnight Address:**  
1001 E. Ninth St., Ste D140  
Reno, NV 89512-2845

**Change of Address**

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to:  
(775) 328-3642

Address change requests may also be mailed to:  
Washoe County Assessor  
1001 E 9th Street  
Reno, NV 89512-2845

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

# **ATTACHMENT A**

**ORIGINAL STAFF REPORT for EXTENSION REQUEST**

Verdi-Mogul Booster Pump Station

Subject: Extension of Time Request for  
Special Use Permit Case Number SW07-017  
And Variance Case Number VA07-021

Applicant: Truckee Meadows Water Authority (TMWA)

**Consent Item No.:** 7.A.

Project Summary: Extension of deadline to submit construction plans and obtain building permits on Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 (TMWA-Mogul Booster Pumping Facility) from December 4, 2014 to December 4, 2021.

**Recommendation:** Approval

Prepared by: Sandra Monsalvè, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division

Phone: 775.328.3608

E-Mail: [smonsalve@washoecounty.us](mailto:smonsalve@washoecounty.us)

---

**Description:**

**Extension of Time Request (TMWA – Mogul Booster Pumping Facility)** – To extend the deadline to submit construction plans and obtain building permits on Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021, TMWA-Mogul Booster Pumping Facility, from December 4, 2014 to December 4, 2021.

**Application Information:**

- Property Owner: Paul and Dahne Mullen  
10385 Mountain Dew Circle  
Reno, NV 89523
- Professional Consultant: Truckee Meadows Water Authority (TMWA)  
Attn: Juan Esparza  
P.O. Box 30013  
Reno, NV 89520-3013
- Location: 10020 Timberwolf Drive, Reno, NV, approximately  
300 feet west of its intersection with Cliff View Drive
- Assessor's Parcel Number: 038-461-06
- Parcel Size: ±.79
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Verdi
- Citizen Advisory Board: Verdi
- Development Code: Authorized in Article 302.05.2, Allowed Uses and  
Article 810, Special Use Permits
- Commission District: 5 – Commissioner Weber

**Staff Report Contents**

Description ..... Page 1

Vicinity Maps ..... Page 3

Review of Application Request ..... Page 4

Recommendation ..... Page 4

Motion ..... Page 5

**Exhibits Contents**

Applicant Request Letter for Extension ..... Exhibit A

Staff Report of Amendment of Conditions AC10-001 ..... Exhibit B

Original Final Action Order, dated December 10, 2007 ..... Exhibit C

VICINITY MAP





## **Review of Application Request/Background**

### **October 30, 2014:**

- The applicant, Truckee Meadows Water Authority (TMWA), submitted a letter requesting an additional extension of time to submit construction plans for building permits for the booster pump station project. This extension of time is for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station.
- The applicant has stated that due to the dramatic downturn in the economy affecting the building industry, the funding necessary to construct a booster pump station and all associated appurtenances was also greatly affected. The overall improvement to the economy has been slow, thus necessitating a request for additional time to construct this project.

### **February 3, 2010:**

- The Washoe County Planning Commission approved Amendment of Conditions Case Number AC10-001 amending Condition number two (2) of the approved Special Use Permit (SW07-017) and Condition number one (1) of the approved Variance (VA07-021) to extend the time for issuance of building permits for the project. As a result of the approval, the new dates for building permit submittal became December 4, 2014.

### **December 4, 2007:**

- The Washoe County Planning Commission approved Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station.

All other aspects of the original Conditions will remain as previously approved for both SW07-017 and VA07-021.

Because the project has not substantially changed, and the applicant submitted a timely request for an extension of time, staff is in full support of recommending that the Planning Commission agree to the extension of time request.

## **Recommendation**

It is recommended that after a review of the request to extend the deadline for an additional extension of time to submit construction plans for building permits for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul booster pump station, the Planning Commission agrees and approves the request. Staff offers the following motion for the Planning Commission's consideration:

**Motion**

“I move that, the Washoe County Planning Commission approve, per agreement under WCC 110.810.65 (a) and (b), the Extension of Time Request until December 4, 2021, for Special Use Permit Case Number SW07-017 and Variance Case Number VA07-021 for the construction and operation of the Mogul Booster Pump Station subject to the attached Amended Conditions of Approval from Amendment of Conditions Case Number AC10-001 having made the finding that the original findings remain valid, and that the circumstances have not appreciably changed since the project original approval, and subsequent Amendment of Conditions (AC10-001) approval. Counsel for the Planning Commission and the Planning Commission Secretary are hereby directed to prepare a written Action Order consistent with this motion”.

Property Owner: Paul and Dahne Mullen  
10385 Mountain Dew Circle  
Reno, NV 89523

Applicant: Truckee Meadows Water Authority (TMWA)  
Attn: Juan Esparza  
P.O. Box 30013  
Reno, NV 89520-3013



RECEIVED

NOV 13 2014

WASHOE COUNTY  
COMMUNITY DEVELOPMENT

*Quality. Delivered.*

---

1355 Capital Blvd. • P.O. Box 30013 • Reno, NV 89520-3013  
P 775.834.8080 • F 775.834.8003

30 October 2014

Ms. Sandra Monsalve, AICP, Sr. Planner  
Washoe County Community Development  
P.O. Box 11130  
Reno, NV 89520-0037

Re: Request for Extension for Special Use Permit SW07-017 and Variance VA07-021

Dear Ms. Monsalve,

The Truckee Meadows Water Authority (TMWA) would like to request a seven (7) year extension to the above-referenced Special Use Permit and Variance for our property in Mogul. When TMWA originally made application for the project, it was anticipated that the pump station facility would be constructed within the timeframes called for in the permits. The dramatic downturn in commercial and residential development, that occurred shortly thereafter, resulted in a lack of funding to construct the facility. During the ensuing years, economic conditions have not changed substantially and TWMA has been unable to move forward with the project due to funding shortfalls and lack of new customer demands. We cannot anticipate when the pump station will be required.

TMWA committed to the project and acquired the property, at a cost of approximately \$80,000, based upon issuance of the SUP and variance. Having to go through the permitting process again would add costs for a project that was never controversial for the neighborhood. For these reasons, we would ask the County to extend the SUP and associated variance.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Juan C. Esparza", is written over a horizontal line.

Juan C. Esparza, P.E.  
Truckee Meadows Water Authority

/je



# Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director



(February 3, 2010)  
Consent Item A

Staff Recommendation: **CONDITIONAL APPROVAL**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Planning Commission

**Re:** Amendment of Conditions Case Number AC10-001 (Amendment of Special Use Permit Case No. SW07-017 and Variance Case No. VA07-021 TMWA – Mogul Booster Pumping Facility)

**Date:** January 21, 2010

**Prepared By:** Sandra Monsalvè, AICP, Senior Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** Truckee Meadows Water Authority (TMWA)

**Requested Action:**

**(Truckee Meadows Water Authority, Amendment of Conditions Case Number AC10-001)** To amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021. The original request was to construct a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The grading for the project will include approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

**AND**

To vary the grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height approximately 8 feet from the front property line.

**The subject parcel is located at 10020 Timberwolf Drive, approximately 300 feet west of its intersection with Cliff View Drive. The booster pumping facility is located at the rear of the property and will be accessed off West 4<sup>th</sup> Street.** The ±0.793-acre parcel is designated Medium Density Suburban (MDS) in the Verdi Area Plan, and is situated in a portion of Section 14, T19N, R18E, MDM, Washoe County, Nevada. The property is located in the Verdi Township Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 038-461-06)

To: Washoe County Planning Commission  
Re: Amendment of Conditions Case Number AC10-001  
Date: February 3, 2010  
Page: 2

<b>RECOMMENDATION/FINDINGS</b>
--------------------------------

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Planning Commission approve with conditions Amendment of Conditions Case Number AC10-001 for Truckee Meadows Water Authority (TMWA) having made the following findings in accordance with Washoe County Development Code Section 110.810.30 :

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Verdi Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AND

I move that the Washoe County Planning Commission approve with conditions Variance Case No. VA07-021 for the Truckee Meadows Water Authority having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. That because of the special circumstances applicable to the property, including the narrowness of the property and exceptional topographic conditions, the strict application of the regulation results in exceptional and undue hardships upon the applicant and the community;

To: Washoe County Planning Commission  
Re: Amendment of Conditions Case Number AC10-001  
Date: February 3, 2010  
Page: 3

2. No Detriment. That the relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

<b>ANALYSIS</b>
-----------------

**Background:**

On December 4, 2007 the Washoe County Planning Commission approved a special use permit request for the construction and operation of a booster pump station, and a variance for the excess associated grading. This Amendment of Conditions request is for an amendment to condition number two (2) of the approved special use permit (SW07-017) and condition number one (1) of the approved variance (VA07-021).

Condition number 2 of the General Conditions of SW07-017, requires the applicant to apply for building permits for all structures within two (2) years from the date of approval by Washoe County. Additionally, condition number one (1) of the General Conditions for VA07-021 also stipulates that the applicant apply for building permits within two (2) years of the date of approval from Washoe County.

On October 14, 2009 the Washoe County Department of Community Development received a letter (Attached) from the applicant requesting a time extension. Specifically, the applicant is requesting an indefinite period of time extension for both approved discretionary permits for building permit issuance. The reasons stated by the applicant are the dramatic downturn in the economy, affecting the building industry which has subsequently affected the required necessary funding to construct a booster pump station all associated appurtenances.

Although this is a very significant reason for the time extension request, staff has concerns about an indefinite period of time. There could be a plethora of unforeseen

To: Washoe County Planning Commission  
Re: Amendment of Conditions Case Number AC10-001  
Date: February 3, 2010  
Page: 4

circumstances that could arise over such a long period. Therefore, staff has recommended, with approval from the Planning Commission, a five (5) year time extension related to building permit issuance for both permits. Staff believes five (5) years is a reasonable time extension, thereby giving new expiration dates of December 4, 2014 for both SW07-017 and VA07-021. All other aspects of the original conditions will remain as previously approved for both SW07-017 and VA07-021.

<b>APPLICABLE REGULATIONS</b>
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments: Letter from the Applicant dated, October 14, 2009.

xc: Applicant: Truckee Meadows Water Authority (TMWA), Attn: Juan Esparza,  
P.O. Box 30013, Reno, NV 89520-3013.

Property Owner: Michael & Carrie Farquhar, 10020 Timberwolf Drive, Reno, NV  
89439.

Agencies: Verdi Township Citizen Advisory Board, Chair.

To: Washoe County Planning Commission  
Re: Amendment of Conditions Case Number AC10-001  
Date: February 3, 2010  
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**CONDITIONS FOR  
AMENDMENT OF CONDITIONS CASE NUMBER AC10-001**

(Amendment of Special Use Permit Case No. SW07-017 and Variance Case No. VA07-021 for the Mogul Booster Pumping Facility)

(As recommended by Department of Community Development and attached to Staff Report dated January 21, 2010)

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS AMENDMENT OF CONDITIONS IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE 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 THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.



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### GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall apply for building permits for all structures used to further the operation within ~~two~~ **seven (7)** years from the **original** date of approval (**December 4, 2007**) by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
4. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
5. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits issued by Washoe County.
6. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
7. A note shall be placed on all construction drawings and grading plans stating:

#### NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Saturday only. Allowable construction hours shall be extended to 7 p.m., May 1 through November 30 only. Machinery and construction vehicles shall not be started, or arrive on the site, prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.

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### LANDSCAPING AND DESIGN CONDITIONS

9. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
  - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
  - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
  - d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 9(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
  - e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
  - f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.

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- g. The architectural design, color palette, and roofing materials of the proposed structure shall complement existing residential structures in the immediate vicinity. All exterior materials and colors shall be non-reflective.
- h. Any chain-link fencing surrounding the facility shall be of non-reflective, vinyl-coated chain link. The color of the chain link shall be a tan or dark brown to blend with surrounding environment.
- i. All proposed lighting at this facility shall be down-shielded to prevent spillover onto adjacent properties.
- j. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

#### **SOUND CONDITIONS**

10. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Sound emissions, as measured from the closest property line external to the project, from any source or operations on the property shall not exceed any of the following noise levels. Noise levels shall be measured as A-weighted sound pressure levels, using fast response setting on a Type 1 or a Type 2 sound level meter:
    - i. 65 dB  $L_{eq(10)}$  during the hours of 7:00 a.m. to 7:00 p.m.
    - ii. 55 dB  $L_{eq(10)}$  during the hours of 7:01 p.m. to 6:59 a.m.
    - iii. 85 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period.
    - iv. 75 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period, during the hours of 10:01 p.m. to 6:59 a.m.
    - v. 120 dB instantaneous peak measures at any time.
  - b. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code and those listed in Condition 10(a). Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the County within 30 days of presentation of the

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contract fee shall render the special use permit null and void. Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

### ENGINEERING CONDITIONS

11. The following conditions are requirements of the County Engineer and it shall be responsible for determining compliance with these conditions:
  - 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 (BMPs) 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 by BMPs.
  - b. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

AND

### SPECIFIC CONDITIONS FOR VARIANCE CASE NO. VA07-021

1. The applicant shall apply for building permits for all structures used to further the operation within ~~two~~ **seven (7)** years from the **original** date of approval (**December 4, 2007**) by Washoe County.. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached. The

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Department of Community Development shall determine compliance with this condition.

4. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

5. Construction hours shall be limited to 7 a.m. to 6 p.m., Monday through Saturday only. Allowable construction hours shall be extended to 7 p.m., May 1 through November 30 only. Machinery and construction vehicles shall not be started, or arrive on the site, prior to 7 a.m. Compliance with this condition shall be determined by the Department of Community Development.

**LANDSCAPING AND DESIGN CONDITIONS**

6. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
  - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
  - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada

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to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.

- d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 6(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
- e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
- f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.
- g. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

**\*\*\* END OF CONDITIONS \*\*\***



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1355 Capital Blvd. • PO Box 30013 • Reno, NV 89520-3013  
☎ 775.834.8080 • 📠 775.834.8003

14 October 2009

Mr. Paul Kelly  
Washoe County Community Development  
P.O. Box 11130  
Reno, NV 89520-0037

Re: Request for Extension for Special Use Permit SW07-017 and Variance VA07-021

Dear Mr. Kelly,

The Truckee Meadows Water Authority (TMWA) would like to request an indefinite extension of the above-referenced Special Use Permit and Variance. When TMWA made application for the project, it was anticipated that the pump station facility would be constructed within the timeframes called for in the permits. The dramatic downturn in commercial and residential development that occurred shortly thereafter resulted in a lack of funding to construct the facility. As economic conditions have not changed substantially during the past two years, TWMA has been unable to move forward with the project and cannot anticipate when the pump station will be required.

TMWA committed to the project and acquired the property, at a cost of approximately \$80,000, based upon issuance of the SUP and variance. Having to go through the permitting process again would add costs for a project that was not controversial for the neighborhood.

Thank you very much for your consideration.

Sincerely,

Juan C. Esparza, P.E.  
Truckee Meadows Water Authority

/je



# Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



## ACTION ORDER

December 10, 2007

Truckee Meadows Water Authority  
Attn: Juan Esparza and Heather Edmunson  
P.O. Box 30013  
Reno, NV 89520

Michael and Carrie Farquhar  
10020 Timberwolf Drive  
Reno, NV 89439

Dear Applicant and Property Owner:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of December 4, 2007, approved the following with eleven (11) conditions.

SPECIAL USE PERMIT CASE NO. SW07-017 (MOGUL BOOSTER PUMPING FACILITY) – To construct a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The grading for the project will include approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height. The subject parcel is located at 10020 Timberwolf Drive, approximately 300 feet west of its intersection with Cliff View Drive. The booster pumping facility is located at the rear of the property and will be accessed off West 4<sup>th</sup> Street. The ±.793-acre parcel is designated Medium Density Suburban (MDS) in the Verdi Area Plan, and is situated in a portion of Section 14, T19N, R18E, MDM, Washoe County, Nevada. The property is located in the Verdi Township Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 038-461-06)

The approval of the special use permit was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan, the land use of Public Semi-Public Facilities, the Verdi Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided for the construction and operation of the water storage tank; the operations improvements are properly related to existing and proposed roadways; and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. After an extensive analysis of potential site, it was determined that the proposed site is most suitable for the water tank as conditioned;

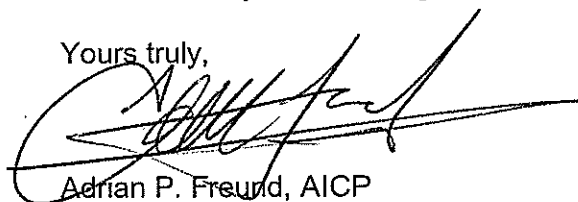


Letter to: TMWA/Michael and Carrie Farquhar  
Subject: Special Use Permit No. SW07-017  
Date: December 10, 2007  
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4. Issuance Not Detrimental. That the continuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; injurious to surrounding land uses and the environment in general; or detrimental to the character of the surrounding area as conditioned;
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP  
Director and Secretary to the Planning Commission

APF/KM/cm (SW07-017F1)

xc: Blaine Cartlidge, Esq. District Attorney's Office; Marge Clausen, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; David Lindsey, Utility Division; Engineering Division; Sierra Fire Protection District; District Health; Gene Gardella, Chair, Verdi Township Citizen Advisory Board; Commissioner Bonnie Weber.

Letter to: TMWA/Michael and Carrie Farquhar  
Subject: Special Use Permit No. SW07-017  
Date: December 10, 2007  
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**CONDITIONS FOR  
SPECIAL USE PERMIT CASE NUMBER SW07-017  
TRUCKEE MEADOWS WATER AUTHORITY  
(As Approved by the Washoe County Planning Commission on December 4, 2007)**

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

Letter to: TMWA/Michael and Carrie Farquhar  
Subject: Special Use Permit No. SW07-017  
Date: December 10, 2007  
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### GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall apply for building permits for all structures used to further the operation within two years from the date of approval by Washoe County. The Department of Community Development shall determine compliance with this condition.
3. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
4. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
5. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building and grading permits issued by Washoe County.
6. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
7. A note shall be placed on all construction drawings and grading plans stating:

#### NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

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Subject: Special Use Permit No. SW07-017  
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### LANDSCAPING AND DESIGN CONDITIONS

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  - b. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the Code that the Director of Community Development has waived.
  - c. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
  - d. Prior to the issuance of any building or grading permit, all landscaping information indicated in Condition 9(a) shall be submitted to the Department of Community Development for review and approval by the Design Review Committee. Landscaping material shall also be reviewed for its resistance to fire.
  - e. Prior to the issuance of any building or grading permit, the landscaping plan approved by the Design Review Committee shall be deemed acceptable by the Washoe County Fire Services Coordinator.
  - f. Prior to being issued a Certificate of Occupancy or Final Inspection, the applicant shall revegetate all disturbed areas on the subject site, including cut and fill slopes, with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.
  - g. The architectural design, color palette, and roofing materials of the proposed structure shall complement existing residential structures in the immediate vicinity. All exterior materials and colors shall be non-reflective.

Letter to: TMWA/Michael and Carrie Farquhar  
Subject: Special Use Permit No. SW07-017  
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- h. Any chain-link fencing surrounding the facility shall be of non-reflective, vinyl-coated chain link. The color of the chain link shall be a tan or dark brown to blend with surrounding environment.
- i. All proposed lighting at this facility shall be down-shielded to prevent spillover onto adjacent properties.
- j. Retaining walls shall be treated with "Permeon" simulated desert varnish or an equivalent product to ensure that the walls match the color of the surrounding hillside as closely as practicable. Final construction drawings shall include a note indicating compliance with this condition.

### SOUND CONDITIONS

10. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. Sound emissions, as measured from the closest property line external to the project, from any source or operations on the property shall not exceed any of the following noise levels. Noise levels shall be measured as A-weighted sound pressure levels, using fast response setting on a Type I or a Type 2 sound level meter:
    - i. 65 dB  $l_{eq(10)}$  during the hours of 7:00 a.m. to 7:00 p.m.
    - ii. 55 dB  $l_{eq(10)}$  during the hours of 7:01 p.m. to 6:59 a.m.
    - iii. 85 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period.
    - iv. 75 dB instantaneous maximum noise levels, measured at least three (3) times over any 10-minute period, during the hours of 10:01 p.m. to 6:59 a.m.
    - v. 120 dB instantaneous peak measures at any time.
  - b. Construction noise and on-going operational noise associated with the project shall meet all noise standards of the Development Code and those listed in Condition 10(a). Upon verifiable unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be responsible for reimbursing the County for all costs incurred to complete two 24-hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the County within 30 days of presentation of the contract fee shall render the special use permit null and void. Should the noise monitoring report substantiate non-compliance with noise standards, within one (1) week, the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately

Letter to: TMWA/Michael and Carrie Farquhar  
Subject: Special Use Permit No. SW07-017  
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implemented and continuing monitoring shall be established. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.

**ENGINEERING CONDITIONS**

11. The following conditions are requirements of the County Engineer and it shall be responsible for determining compliance with these conditions:
  - 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 (BMPs) 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 by BMPs.
  - b. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.

**\*\*\* END OF CONDITIONS \*\*\***



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

### Planning and Building Division

### Planning Program

1001 EAST 9<sup>TH</sup> STREET  
RENO, NEVADA 89512  
PHONE (775) 328-6100  
FAX (775) 328.6133

## Planning Commission Action Order

### Amendment of Conditions Case Number WAC21-0005

Decision: **Denial**

Decision Date: November 2, 2021

Mailing/Filing Date: November 3, 2021

Property Owner: Paul and Daphne Mullen  
10385 Mountain Dew Circle  
Reno, NV 89523

Assigned Planner: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division  
Phone: 775.328.3622  
E-Mail: [rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

#### **Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority)**

– For hearing, discussion, and possible action to amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height, approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Paul & Daphne Mullen
- Location: 10200 Timberwolf Dr.
- APN: 038-461-06
- Parcel Size: ±0.793 acre (± 34,543 S.F.)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Verdi
- Development Code: Authorized in Article 810, (Special Use Permits) and Article 804 (Variances)



To: Truckee Meadows Water Authority; Paul and Daphne Mullen  
Subject: WAC21-0005 (Truckee Meadows Water Authority)  
Date: November 3, 2021  
Page: Page 2 of 3

- Commission District: 5 - Commissioner Herman

Notice is hereby given that the Washoe County Planning Commission denied the above referenced case number based on the inability to make all the findings required by Washoe County Code Section 110.810.30, **specifically, the inability to find that (b) Improvements had been met\***:

- Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi area plan;
- Improvements. 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;**
- Site Suitability. The site is physically suitable for the type of development and for the intensity of development;
- Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- 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.

And the inability to make all the findings required by Washoe County Code Section 110.804.25, **specifically, the inability to find that (c) Special Circumstances, and (d) No Special Privileges, as listed on page 7 of the Planning Commission Staff Report had been met\***:

- Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;**
- No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and**
- Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
- Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.



INTEGRITY



EFFECTIVE  
COMMUNICATION



QUALITY  
PUBLIC SERVICE



To: Truckee Meadows Water Authority; Paul and Daphne Mullen  
Subject: WAC21-0005 (Truckee Meadows Water Authority)  
Date: November 3, 2021  
Page: Page 3 of 3

- The Planning Commission Staff Report for this item, misletters the required findings on Page 7 under “Staff Comments on Required Findings of Fact” – 110.804.25 *Variance* finding (a) Special Circumstances is mislettered as (c), and 110.804.25 *Variance* finding (c) No Special Privileges is mislettered as (d). After the Planning Commission meeting, Staff was unclear as to which findings the Planning Commissioners could not make. Motion maker, Commissioner Chesney, clarified to staff that he could not make 110.810.30 *Special Use Permit* finding (b) Improvements and 110.804.25 *Variance* findings (a) Special Circumstances and (c) No Special Privileges.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days after the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Washoe County Community Services Department  
Planning and Building Division

  
\_\_\_\_\_  
Trevor Lloyd  
Secretary to the Planning Commission

TL/RP/lk

Applicant: Truckee Meadows Water Authority  
Attn: Juan Esparza  
PO Box 30013 Reno, NV 89520  
[jesparza@tmwa.com](mailto:jesparza@tmwa.com)

Property Owner: Paul and Daphne Mullen  
10385 Mountain Dew Circle  
Reno, NV 89523

Action Order xc: Jennifer Gustafson, District Attorney’s Office; Keirsten Beck, Assessor’s Office; Rigo Lopez, Assessor’s Office; Tim Simpson, Utilities; Walter West, Rob Wimer, Engineering and Capital Projects; Genine Rose, WCHD – Air Quality; Dale Way, Brittany Lemon, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection; Regional Transportation Commission.



Community Services Department  
Planning and Building  
APPEAL TO BOARD OF COUNTY  
COMMISSIONERS (BCC)  
APPLICATION



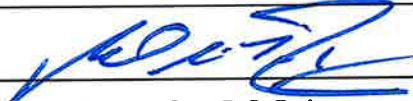
Community Services Department  
Planning and Building  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512-2845

Telephone: 775.328.6100

## 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 checked="" type="checkbox"/> Planning Commission	<input 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>November 8, 2021</u>	
Date of action by County: <u>November 2, 2021</u>	
Date Decision filed with Secretary: <u>November 3, 2021</u>	
<b>Appellant Information</b>	
Name: <u>Truckee Meadows Water Authority</u>	Phone: _____
Address: <u>P.O Box 30013</u>	Fax: _____
	Email: <u>jesparza@tmwa.com</u>
City: <u>Reno</u> State: <u>Nevada</u> Zip: <u>89520</u>	Cell: _____
Describe your basis as a person aggrieved by the decision: <u>TMWA is the applicant and current holder of the special use permit and variance entitlements.</u>	
<b>Appealed Decision Information</b>	
Application Number: <u>WAC21-0005 (Truckee Meadows Water Authority)</u>	
Project Name: <u>Verdi Booster Pump Station: Special Use Permit and Variance Extension</u>	
State the specific action(s) and related finding(s) you are appealing: <u>The Truckee Meadows Water Authority appeals the Planning Commission's denial of the extension of the expiration dates of Special Use Permit (SW07-017) and Variance (VA07-021) which allow construction of the Verdi Booster Pump Station #1, a critical component of the regionally approved Verdi Backbone Water Facilities improvements. The Planning Commission, without reference to any facts or evidence, was unable to make finding (b)(Improvements) in WCC 110.810.30 and findings (a)(Special Circumstance) and (c)(No Special Privileges) in WCC 110.804.25.</u>	

<b>Appealed Decision Information (continued)</b>	
Describe why the decision should or should not have been made: The denial was arbitrary and capricious, not supported by substantial evidence, contrary to fact and law, contrary to public health and safety, and lacking in any specific articulable fact in support. The Planning Commission overlooked or ignored significant evidence and legal requirements, including that the exact same findings had been previously made under the exact same facts and site conditions. TMWA is the sole municipal purveyor responsible for water service to Verdi and planning, entitlement and construction of this booster pump station is necessary to sustain potable water and fire service to the Verdi area. Additional information regarding the Planning Commission's error and reasons for reversal are attached.	
Cite the specific outcome you are requesting with this appeal: Reverse the Planning Commission decision, and approve a two year extension of the expiration dates of the Special Use Permit and Variance.	
Did you speak at the public hearing when this item was considered?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appellant Signature</b>	
Printed Name: <b>Michael Pagni, Attorney representative</b>	
Signature:	
Date:	<b>November 8, 2021</b>

**DEVELOPMENT CODE (Washoe County Code Chapter 110)**  
**MASTER FEE SCHEDULE**  
 Applications accepted by CSD, Planning and Building

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES											HEALTH FEES		
	Planning			Engineering				Parks			Health District			
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIOR.	VECTOR	TOTAL			
<b>ABANDONMENT</b>														
Not Tahoe	\$1,111	\$200	\$52.44	\$195	\$26	\$8.84	-		\$187	-	\$1,780.28			
Tahoe	\$1,111	\$200	\$52.44	\$195	-	\$7.80	-		\$187	-	\$1,753.24			
<b>ADMINISTRATIVE PERMIT</b>														
Not Tahoe	\$1,265	\$200	\$58.60	\$65	\$38	\$4.12	-		\$187	\$322	\$2,139.72			
Tahoe	\$1,265	\$200	\$58.60	\$65	-	\$2.60	-		\$187	\$322	\$2,100.20			
<b>ADMINISTRATIVE REVIEW PERMIT (See Note 0)</b>														
Not Tahoe	\$1,000	\$200	\$48.00	\$65	\$203	\$10.72	-		\$617	-	\$2,143.72			
Tahoe	\$1,000	\$200	\$48.00	\$121	-	\$4.84	-		\$617	-	\$1,990.84			
<b>AGRICULTURAL EXEMPTION LAND DIVISION</b>														
	\$250	-	\$10.00	\$500	-	\$20.00	-		\$1,943	-	\$2,723.00			
<b>AMENDMENT OF CONDITIONS</b>														
	\$700	\$200	\$36.00	\$390	-	\$15.60	-		-	-	\$1,341.60			
<b>APPEALS/INITIATION OF REVOCATION</b>														
No Map	\$803	\$200	\$40.12	-	-	-	-		-	-	\$1,043.12			
With Map	\$803	\$200	\$40.12	\$390	-	\$15.60	-		-	-	\$1,448.72			
Administrative/Code Enforcement Decision	-	-	-	-	-	-	-		-	-	\$0.00			
<b>BOUNDARY LINE ADJUSTMENT</b>														
Not Tahoe	\$51	-	\$2.04	\$268	\$38	\$12.24	-		\$187	-	\$558.28			
Tahoe	\$51	-	\$2.04	\$268	-	\$10.72	-		\$187	-	\$518.76			
<b>COOPERATIVE PLANNING</b>														
	\$1,230	-	\$49.20	-	-	-	-		-	-	\$1,279.20			
<b>DEVELOPMENT AGREEMENT</b>														
Less Than 5 Parcels	\$3,500	\$200	\$148.00	-	-	-	-		\$617	\$243	\$4,708.00			
5 or More Parcels (See Note 1)	\$5,000	\$200	\$208.00	-	-	-	-		\$617	\$243	\$6,268.00			
<b>DEVELOPMENT CODE AMENDMENT</b>														
	\$2,242	\$200	\$97.68	\$1,299	-	\$51.96	-		-	-	\$3,890.64			
<b>DIRECTOR'S MODIFICATION OF STANDARDS</b>														
	\$338	-	\$13.52	-	-	-	-		-	-	\$351.52			
<b>DISPLAY VEHICLES</b>														
	\$65	-	\$2.60	-	-	-	-		\$187	-	\$254.60			
<b>DIVISION OF LAND INTO LARGE PARCELS (See Note 2)</b>														
	\$252	-	\$10.08	\$416	\$35	\$18.04	-		\$47	-	\$778.12			

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES										HEALTH FEES		
	Planning			Engineering			Parks		Health District		ENVIRON.	VECTOR	TOTAL
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR			
<b>EXTENSION OF TIME REQUESTS</b>													
Subdivision	\$340	-	\$13.60	-	-	-	-	-	-	-	-	-	\$353.60
Not Subdivision	\$546	-	\$21.84	-	-	-	-	-	-	-	-	-	\$567.84
<b>MASTER PLAN AMENDMENT</b>													
Not Tahoe	\$3,576	\$400	\$159.04	\$54	\$2,549	\$104.12	-	-	-	-	\$457	-	\$7,299.16
Tahoe	\$3,576	\$400	\$159.04	\$54	-	\$2.16	-	-	-	-	\$457	-	\$4,648.20
<b>NOTICING, ADDITIONAL OR RE-NOTICING AT APPLICANT'S REQUEST</b>													
	\$52	-	-	-	-	-	-	-	-	-	-	-	\$52.00
<b>REGULATORY ZONE AMENDMENT</b>													
Not Tahoe	\$2,481	\$200	\$107.24	\$54	\$2,549	\$104.12	-	-	-	-	\$617	-	\$6,112.36
Tahoe	\$2,481	\$200	\$107.24	\$54	-	\$2.16	-	-	-	-	\$617	-	\$3,461.40
<b>REGULATORY ZONE AMENDMENT (Article 442, Specific Plan)</b>													
Not Tahoe	\$3,449	\$200	\$145.96	\$1,039	\$1,274	\$92.52	\$65	\$2.60	-	-	\$617	-	\$6,885.08
Tahoe	\$3,449	\$200	\$145.96	\$1,039	-	\$41.56	\$65	\$2.60	-	-	\$617	-	\$5,560.12
<b>REINSPECTION FEE</b>													
	-	-	-	-	-	-	-	-	-	-	-	-	\$50/hr.
<b>RESEARCH/COPIES</b>													
	-	-	-	-	-	-	-	-	-	-	-	-	Note 3
<b>REVERSION TO ACREAGE</b>													
Not Tahoe	\$51	-	\$2.04	\$215	\$26	\$9.64	-	-	-	-	\$187	-	\$490.68
Tahoe	\$51	-	\$2.04	\$215	-	\$8.60	-	-	-	-	\$187	-	\$463.64
<b>SIGN PERMIT INSPECTION - (Permanent or Temporary)</b>													
<b>SPECIAL USE PERMIT</b>													
<b>Residential</b>													
Not Tahoe	\$1,162	\$200	\$54.48	\$65	\$203	\$10.72	-	-	-	-	\$617	-	\$2,312.20
Tahoe	\$1,162	\$200	\$54.48	\$65	-	\$2.60	-	-	-	-	\$617	-	\$2,101.08
With Environmental Impact Statement	\$1,162	-	\$46.48	-	-	-	-	-	-	-	-	-	\$1,208.48
<b>Commercial, Industrial, Civic</b>													
Minor (See Note 6)	\$2,165	\$200	\$94.60	\$130	\$203	\$13.32	-	-	-	-	\$617	\$243	\$3,665.92
Major (See Note 6)	\$2,165	\$200	\$94.60	\$520	\$203	\$28.92	-	-	-	-	\$617	\$243	\$4,071.52
Tahoe Minor (See Note 6)	\$2,165	\$200	\$94.60	\$130	-	\$5.20	-	-	-	-	\$617	\$243	\$3,454.80
Tahoe Major (See Note 6)	\$2,165	\$200	\$94.60	\$520	-	\$20.80	-	-	-	-	\$617	\$243	\$3,860.40
With Environmental Impact Statement	\$2,240	-	\$89.60	-	-	-	-	-	-	-	-	-	\$2,329.60

To Be Determined

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES										HEALTH FEES	
	Planning			Engineering			Parks			Health District		TOTAL
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR		
<b>TENTATIVE PARCEL MAP/PARCEL MAP WAIVER</b>												
No System	\$803	\$200	\$40.12	\$345	\$68	\$16.52	-		\$1,943	-		\$3,415.64
1 System (Sewer)	\$803	\$200	\$40.12	\$345	\$153	\$19.92	-		\$832	-		\$2,393.04
1 System (Water)	\$803	\$200	\$40.12	\$345	\$153	\$19.92	-		\$1,943	-		\$3,504.04
2 Systems (Water and Sewer)	\$803	\$200	\$40.12	\$345	\$203	\$21.92	-		\$832	-		\$2,445.04
Tahoe (Sewer)	\$803	\$200	\$40.12	\$345	-	\$13.80	-		\$832	-		\$2,233.92
Sun Valley (No WC Utilities)	\$803	\$200	\$40.12	\$345	\$51	\$15.84	-		\$832	-		\$2,286.96
<b>TENTATIVE SUBDIVISION MAP (See Note 5)</b>												
No System	\$2,422	\$200	\$104.88	\$1,299	-	\$51.96	\$129	\$5.16	\$2,552	\$400		\$7,164.00
1 System (Sewer)	\$2,422	\$200	\$104.88	\$1,299	\$2,039	\$133.52	\$129	\$5.16	\$939	\$400		\$7,671.56
1 System (Water)	\$2,422	\$200	\$104.88	\$1,299	\$1,019	\$92.72	\$129	\$5.16	\$2,552	\$400		\$8,223.76
2 Systems (Water and Sewer)	\$2,422	\$200	\$104.88	\$1,299	\$3,059	\$174.32	\$129	\$5.16	\$939	\$400		\$8,732.36
Tahoe (Sewer)	\$2,422	\$200	\$104.88	\$1,299	-	\$51.96	\$129	\$5.16	\$939	\$400		\$5,551.00
With Hillside Ordinance - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-		\$2,518.88
With Significant Hydrologic Resource - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-		\$2,518.88
With Common Open Space - ADD	\$2,422	-	\$96.88	-	-	-	-	-	-	-		\$2,518.88
<b>TRUCKEE MEADOWS REGIONAL PLANNING AGENCY</b>												
NOTICING FEE												
See Note 4												
<b>VARIANCE - RESIDENTIAL/COMMERCIAL/INDUSTRIAL</b>												
Not Tahoe	\$1,060	\$200	\$50.40	\$65	\$26	\$3.64	-		\$187	-		\$1,592.04
Tahoe	\$1,060	\$200	\$50.40	\$65	-	\$2.60	-		\$187	-		\$1,565.00

NOTE 1: \$5,000 deposit on time and materials. Additional \$5,000 increments may be required.

NOTE 2: \$750 fee capped by NRS for Division of Land into Large Parcels only. (Excludes RTF)

NOTE 3: \$50 per hour after first 1/2 hour for Planner, \$20 per hour after first 1/2 hour for Clerk, Public Records Research/Copying.

NOTE 4: Fee to be established by Truckee Meadows Regional Planning Agency.

NOTE 5: Separate checks are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.

NOTE 6: The following are major permit applications: bed and breakfast inns; commercial animal slaughtering; convention and meeting facilities; destination resorts; eating and drinking establishments; gasoline sales and service stations - convenience and full service; gaming facilities; limited and unlimited; hostels; hotels and motels; liquor sales on premises; lodging services; major public facilities; recycling centers; full service and remote collection and residential hazardous substances; vacation time shares. All other uses constitute minor permits.

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.

**DEVELOPMENT CODE (Washoe County Code Chapter 110)**  
**MASTER FEE SCHEDULE**  
Applications accepted by CSD, Engineering and Capital Projects

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES											HEALTH FEES		
	Planning			Engineering			Parks			Health District		TOTAL		
	PLANNING	NOTICING	RTF	ENGINEERING	UTILITIES	RTF	PARKS	RTF	ENVIRON.	VECTOR				
<b>AMENDMENT OF MAP (MINOR) (NRS 278.473)</b>	-	-	-	\$70	-	\$2.80	-	-	-	-	-	-	-	\$72.80
<b>AMENDMENT OF MAP (MAJOR) (NRS 278.480) (See Note 7)</b>														
With Sewer	\$520	-	-	\$429	-	-	-	-	-	-	-	-	\$939	\$2,288.00
No Sewer	\$520	-	-	\$429	-	-	-	-	-	-	-	-	\$2,552	\$3,901.00
<b>CONSTRUCTION PLAN REVIEW (See Note 7)</b>														
With Catch Basin	\$308	-	-	\$1,949	-	-	-	-	-	-	-	-	\$294	\$3,265.00
Without Catch Basin	\$308	-	-	\$1,949	-	-	-	-	-	-	-	-	\$294	\$3,107.00
<b>FINAL SUBDIVISION MAP (See Note 8)</b>														
Not Tahoe without Construction Plan	\$520	-	\$20.80	\$780	\$102	\$35.28	-	-	-	-	-	-	\$617	\$2,075.08
Not Tahoe with Construction Plan with Catch Basin	\$828	-	\$33.12	\$2,729	\$102	\$113.24	-	-	-	-	-	-	\$617	\$4,422.36
Not Tahoe with Construction Plan without Catch Basin	\$828	-	\$33.12	\$2,729	\$102	\$113.24	-	-	-	-	-	-	\$617	\$4,422.36
Tahoe without Construction Plan	\$520	-	\$20.80	\$780	-	\$31.20	-	-	-	-	-	-	\$617	\$1,969.00
Tahoe with Construction Plan with Catch Basin	\$828	-	\$33.12	\$2,729	-	\$109.16	-	-	-	-	-	-	\$617	\$4,316.28
Tahoe with Construction Plan without Catch Basin	\$828	-	\$33.12	\$2,729	-	\$109.16	-	-	-	-	-	-	\$617	\$4,316.28
With Hillside Ordinance - ADD	\$520	-	\$20.80	-	-	-	-	-	-	-	-	-	-	\$540.80
With a Significant Hydrologic Resource - ADD	\$520	-	\$20.80	-	-	-	-	-	-	-	-	-	-	\$540.80
With CC&Rs - ADD	\$520	-	\$20.80	-	-	-	-	-	-	-	-	-	-	\$540.80

NOTE 7: This application applies to construction plans that are not submitted as part of a Final Subdivision Map. The stand-alone Construction Plan Review application is not currently available through the Regional License and Permit Platform (Accela), so no regional technology fees (RTF) are charged. The RTF will be added once the application is available through the Platform (Accela).

NOTE 8: Contact the Engineering and Capital Projects Division for Technical Map Check fees. In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.



**MASTER STORM WATER INSPECTION FEE SCHEDULE (Article 421)**  
**Inspection of Storm Water Quality Controls**

<b>INSPECTION FEES</b>	
<b>CHARGES FOR PROJECT DURATION AND/OR LOCATION</b> (See Note 9)	<b>CHARGES PER ACRE</b>
0 - 6 Months Construction	\$30
7 - 12 Months Construction	\$60
13 - 18 Months Construction	\$90
19 - 24 Months Construction	\$120
Over 24 Months Construction	\$190
Project within 1,000 feet of a FEMA Flood Zone A, AO, or AE	Additional \$30
Projects of less than one acre but are deemed sensitive/permitted by NDEP	Additional \$30
<b>ADMINISTRATIVE SERVICE FEE</b> (See Note 9)	<b>FOR EACH APPLICATION</b>
Per Site	\$30

NOTE 9: The above listed fees shall be doubled if the construction activity is commenced prior to the issuance of the required permit and/or installation of the storm water controls. Payment of the double fee shall not preclude the County from taking any other enforcement actions within its authority. This application is not currently available through the Regional License and Permit Platform (Accela), so no regional technology fees (RTF) are charged. The RTF will be added once the application is available through the Platform (Accela).

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete.

## DEVELOPMENT CODE (Washoe County Code Chapter 110) Short-Term Rental (STR) Applications

APPLICATIONS	COMMUNITY SERVICES DEPT. FEES			FIRE FEES		Tech Fees	
	Base Fee	Planning	Building	Fire District	RTF	TOTAL	
<b>SHORT-TERM RENTAL (Article 319)</b> (See Notes 10 & 11)							
Initial Permit (See Note 12)	\$384	\$90	\$180	\$90	\$14.40		\$758.40
Initial Permit (with licensed property manager as local responsible party)	\$346	\$81	\$180	\$90	\$14.04		\$711.04
Renewal with Inspection	\$384	\$45	\$90	\$90	\$9.00		\$618.00
Renewal with Inspection (with licensed property manager as local responsible party)	\$346	\$40.50	\$90	\$81	\$8.46		\$565.96
Renewal with Self-Certification (See Note 13)	\$384	\$45	\$45	\$45	\$5.40		\$524.40
Renewal with Self-Certification (with licensed property manager as local responsible party)	\$346	\$40.50	\$45	\$40.50	\$5.04		\$477.04
<b>APPEAL OF STR ADMINISTRATIVE HEARING ORDER/DECISION</b> to Board of County Commissioners (See Note 14)	-	\$250	-	-			\$250
<b>INVESTIGATIVE FEE</b> (per hour for relevant agencies)	-	-	-	-			\$90/hr.

NOTE 10: These fees are for a standard short-term rental (STR) permit only. Tier 2 and Tier 3 STRs require a supplemental Administrative Review Permit or Administrative Permit as identified in Article 302.

NOTE 11: Planning, Building and Fire District fees are based on a standardized rate of \$90/hour; final Fire District fees subject to adoption by each district's governing board and may vary.

Note 12: The Fire fee is charged for STR properties located in Extreme and/or High IWUI Fire Risk Ratings (per adopted Fire Code/Amendments and GIS mapping) only. This fee does not include repeated fire inspections. Final Fire District fees subject to adoption by each district's governing board and may vary.

Note 13: Renewals in which self-certification of building inspections are applicable the Building fee shall be reduced to 1/2 hour or \$45.

Note 14: This appeal fee is for Tier 1 permits only. Appeals related to planning applications required by Tier 2 and Tier 3 STRs will pay the appeal fees applicable to all planning applications.

*In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt. This does not guarantee the application is complete or that a permit will be issued.*



Michael A.T. Pagni, Partner  
[mpagni@mcdonaldcarano.com](mailto:mpagni@mcdonaldcarano.com)

Reply to: Reno

November 8, 2021

**Via Email [jgalassini@washoecounty.gov](mailto:jgalassini@washoecounty.gov); [ClerkAdmin@washoecounty.gov](mailto:ClerkAdmin@washoecounty.gov)**

Board of County Commissioners  
Washoe County  
c/o Washoe County Clerk  
1001 E. Ninth St., Building A  
Reno, Nevada 895012

**Re: *Truckee Meadows Water Authority: WAC21-0005  
Appeal of Planning Commission Decision***

Dear Commissioners:

Our firm represents the Truckee Meadows Water Authority (“TMWA” or “Applicant”), a non-profit political subdivision of the State of Nevada and the regional municipal water purveyor in Washoe County. This letter is written in connection with TMWA’s appeal of the Planning Commission’s 4-2 denial of a two-year extension of a Special Use Permit and Variance<sup>1</sup> authorizing construction of a booster pump station (the “Verdi Pump Station”) as part of the extension of regional surface water system facilities to the Verdi area (the “Verdi Backbone Water Facilities”).

Extending TMWA’s surface water system into Verdi has been planned for decades and is vital to regional public health and safety. The Verdi Backbone Water Facilities are identified in the 2016-2035 Regional Water Management Plan and the Truckee Meadows Regional Plan as critical regional water improvements needed to ensure delivery of sustainable water and fire service. While construction has been delayed by the great recession, litigation over developer entitlements, COVID-19 and other factors beyond TMWA’s control, TMWA remains legally obligated to develop these water facilities and has spent over \$6 million planning and securing rights of way and approvals to ensure construction can proceed. For the reasons below, TMWA requests the Planning Commission decision be reversed and the Special Use Permit and Variance be extended two years.

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<sup>1</sup> Special Use Permit SW07-017 and Variance VA07-021

## A. BACKGROUND

### 1. TMWA's Unique Role as Regional Purveyor

Pursuant to the Cooperative Agreement creating TMWA, TMWA is obligated to provide retail water service to users in its service area. To carry out these duties, TMWA must identify and plan for water service needs within its service areas. TMWA's integrated planning processes ensure the long-term resource, facility, and funding mechanisms are in place to meet current and future water demand. When and how growth occurs is solely within the land use entitlement and planning functions of cities, counties, and regional planning agencies. By contrast, TMWA must engage in long-term water supply planning to ensure it can deliver safe and reliable water supplies when growth occurs. TMWA's water system is large and complex, and comprehensive water planning must occur years, and often decades, in advance of anticipated growth. It is a long-term process that requires TMWA to acquire rights of way, easements, and fee parcels and to secure entitlements for water facilities far in advance of actual demand.

While TMWA must be prepared to provide water service when growth occurs, it has no control over the timing of that growth. As growth must pay for growth, that puts TMWA in the difficult position of having to plan for and be fully entitled to construct water facility improvements years in advance, while having no definitive control over when construction of such improvements will begin.

### 2. Necessity of Verdi Backbone Water Facilities and Verdi Pump Station

The Verdi Pump Station is a critical component of the regional water supply infrastructure that has been planned for over a decade. Currently, the Verdi area relies solely on groundwater for potable supply. Extending TMWA's surface water system into Verdi will protect the viability of groundwater supplies and ensure reliable water and fire service in Verdi for new and existing customers by allowing conjunctive use of surface water and groundwater resources. The Verdi Pump Station is a critical component of that expansion and is recognized and incorporated into multiple regional plans. In fact, both the Verdi Backbone Water Facilities generally, and the Verdi Pump Station specifically, are identified in the 2016-2035 Regional Water Management Plan and the Truckee Meadows Regional Plan. *2016-2035 Regional Water Management Plan, Sec. 9.1.7 pp. 339-41; See p. 9-14, Table 9-1.* Additionally, TMWA's water resource plan recognizes the critical need for these facilities, estimating roughly \$17.0 million of new backbone water facilities, including booster pump stations, storage tanks and main extensions are required to extend surface water supplies to Verdi.

The Verdi Booster Pump is, in many ways, a lynchpin of these regional facilities. Acquiring a site for the Verdi Booster Pump was one of the first actions to occur as engineering constraints and the need for proximity to TMWA mains left TMWA with little to no flexibility on the Verdi Booster Pump location. The lack of location flexibility also meant TMWA was forced to acquire a site not otherwise ideal for development. Given the unique size and topography of the site identified, the Verdi Booster Pump could only be built if variances from design standards were secured so TMWA required the Special Use Permit and Variance be secured prior to expending public funds to purchase the site. Thus, the reason the site acquisition and original Special Use Permit and Variance approval date back to 2006 is due to responsible long-term municipal water planning.

### 3. Unforeseeable Delays Beyond TMWA's Control

Following the initial approval and the Special Use Permit and Variance, the region was hit with a nearly 10-year recession which halted new development. The COVID-19 global pandemic further impacted not only the economy, but governmental processes required for development to secure necessary approvals. Additionally, since the previous extension, anticipated growth has been delayed by unforeseeable litigation over municipal development entitlements. The Meridian 120 South project (which will require the Verdi Booster Pump) applied for tentative maps in 2017, was heard, appealed, settled, re-heard by the City, appealed again, litigated, appealed again, and is now being litigated in the Nevada Supreme Court. The Lucas project (which will also require the Verdi Booster Pump) applied for tentative maps in 2018, was heard, appealed, remanded to the City, re-heard, appealed again and is currently being litigated in the Second Judicial District Court. While TMWA is not to blame for these delays, it must nonetheless continue to plan for and be prepared to implement construction of the Verdi Backbone Water Facilities.

Despite third party delays, TMWA has not sat idle for 14 years. TMWA has spent over \$6 million on planning, right of way acquisition, entitlements and other efforts to develop the Verdi Backbone Water Facilities, including:

- In December 2014, TMWA acquired Washoe County's Water Utility, becoming the sole municipal purveyor responsible for water service in west Reno and the Verdi area and furthering the critical need for the Verdi Backbone Water Facilities.
- In June 2018, TMWA acquired permits from State Lands to construct a 30" pipe casing under the Truckee River necessary to extend the Verdi Backbone Water Facilities.

- In March 2019, TMWA acquired the West Reno (Boomtown) water system, a system dependent on groundwater and further accelerating the critical need to extend redundant and conjunctive surface water supply to Verdi.
- In June 2019, TMWA completed the Verdi Water Main Extension with nearly a mile of 18" pipe to extend the system west and across the Truckee River to the Riverbelle Mobile Home Park.
- In October 2019, TMWA held public hearings and adopted changes to its Water System Facility rate tariffs, modifying the area facility charges for Area 7 (Verdi) to enable TMWA to recapture costs for the Verdi Backbone Water Facilities from new development.
- In March 2020, TMWA contributed to the oversizing of the Verdi Elementary Water Main extension and brought surface water further west into the Verdi Community.
- In March 2021, the City of Reno approved a tentative map for the development of 1,000 homes in the Santerra/Quilici project, a project that required TMWA act as the water purveyor and which will require construction of the Verdi Backbone Water Facilities.
- In April 2021, TMWA completed the Boomtown to TMWA Intertie with 1,800 feet of 16" water main and a new pump station to bring limited amounts of surface water to the Boomtown system.
- In September 2021, TMWA secured a special use permit from the City of Reno to construct the US 40 Tank, another component of the Verdi Backbone Water Facilities.
- In October 2021, TMWA secured easements on the Lucas property for water mains and a second tank which are additional components of the Verdi Backbone Water Facilities.

TMWA has taken significant, diligent, and responsible steps in moving forward with these facilities. These public investments have been substantial and have been made in reliance on the ongoing viability of the Special Use Permit and Variance.

#### B. PLANNING COMMISSION DECISION

The Planning Commission denied the extension request by a 4-2 vote on November 2, 2021. Notwithstanding TMWA's explanation of the unforeseeable delays and significant actions to date, Staff expressed concern that "no work of any kind has begun on the project" and opined it "had no expectation anything will be done." Staff expressed a preference that TMWA file a new application, noting changed circumstances, concerns traffic impacts from the Verdi Booster Pump had not been fully evaluated and that the grading code had changed since the original approval, such that the proposed development on this constrained site was

no longer allowed without a variance<sup>2</sup>. The Planning Commission denied the extension on the grounds Findings “b, c and d” could not be made. Little to no discussion occurred on the inability to make these findings. Notably, *after* the meeting Staff met with the member who made the motion and retroactively revised the ground for denial as an inability to make Special Use Permit finding (b) (*Adequate Improvements*) and Variance finding (a) (*Special Circumstances*) and (c) (*No Special Privileges*). See November 3, 2021 Decision Letter. Procedural irregularities aside, TMWA believes the grounds cited for the Planning Commission decision are erroneous and unsupportable.

### C. ARGUMENT

TMWA respectfully requests the Commission reverse the Planning Commission and extend the Special Use Permit and Variance for two years, as all findings relevant to the extension can be made.

With respect to the Special Use Permit, Finding (b) requires a finding 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.” While the Planning Commission did not identify any public facilities that are not in place, it is clear this finding can be made. First, this is a booster pump station, so it needs no facilities or improvements other than a roadway. W. 4<sup>th</sup> Street is that roadway, and it is in the same place, and has not changed in any material manner since the Special Use Permit was first approved. Second, only TMWA personnel will access the site, which will occur infrequently, rarely more than once or twice a week. No “thorough analysis” is needed to recognize 1-2 vehicle trips a week will have no traffic impacts on W. 4<sup>th</sup> Street. Third, the booster pump itself is the only public facility required for the use. It makes no sense to deny an application to construct a public facility on the ground that the public facility sought to be approved hasn’t been constructed. Finally, any concerns that the “development changes” in Somersett

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<sup>2</sup> Staff opined that Special Use Permit Finding (b)(Consistency with Master Plan) could not be made because the Special Use Permit was issued under prior grading code and the updated grading ordinances were part of the Master Plan. The opinion is incorrect for several reasons. First, the grading code is not part of the master plan – it is a zoning ordinance adopted pursuant to NRS 278.250. Second, the Special Use Permit was not issued for nor is it relevant to grading. The Special Use Permit was required for the use (a booster pump station in a residential zone), not the design or grading. Matters related to grading are properly addressed in the Variance. Finally, review under Finding (b) is limited to whether development and operation of a booster pump is consistent with the master plan. The booster pump clearly conforms to the County master plan, as i) it is identified in the Comprehensive Regional Water Plan and Regional Plan, and County Master Plan policy PSF.0.1 requires compliance with the Regional Plan; ii) Master Plan Goal 9 (Verdi Area Plan) states that water supply in Verdi should be provided “according to the best principles/practices of sustainable resource development”; iii) Master Plan policy PSF.0.1.3 requires promotion of regional utility corridors; and iv) Master Plan water supply management policies encourage coordination of regional water management and avoiding over-appropriation of groundwater sources.

and Mogul West somehow affect this location is unsupportable. It is clear from the nature and location of the on and off-ramps to Interstate 80 that traffic to those developments do not use this stretch of W. 4<sup>th</sup> Street, evidenced by, among other things, the fact no improvements to this roadway were required by jurisdictional agencies in connection with those developments. Moreover, those developments came after this entitlement, and thus would have been required to accommodate TMWA's pre-existing use, not vice-versa.

The County has made Finding (b) three times before, and nothing has changed with respect to the status of public improvements or the location of or access to W. 4<sup>th</sup> Street that remotely suggests additional improvements are required. As the mere *extension* of the Special Use Permit does not trigger any additional public improvements, Finding (b) can easily be made.

With respect to the Variance, Finding (c) requires a determination that special circumstances exist to warrant a variance, including without limitation exceptional topography, exceptional lot size or shape, or other extraordinary conditions. This site and these circumstances clearly satisfy this finding. The nature of the Verdi Backbone Water Facilities is unique and exceptional, as is the site. TMWA only holds an easement on a portion of the lot, and the easement area is tight and oddly configured. TMWA has little to no flexibility on where this booster pump can be installed, so it must fit this square peg in a round hole by implementing unique grading modifications to make the site work. The same special circumstances which warranted approving a variance to grading standards in 2006 still exist today. The site is still encumbered by a substantial elevated hill that necessitates the combination of retaining walls and slope modification. Moving the facility on the site provides no relief, as it would result in more grading and more cuts and likely increase wall height to confine the work to the narrow easement area. Notably, even if current code were applied the same variances secured in 2006 would still be required as that is the only way to make the site work, so nothing is gained by filing a new application. In short, strict application of the code (whether 2006 or 2021) continues to result in an exceptional and undue hardship justifying the Variance and its extension.

Variance Finding (d) requires a determination that granting the variance will not constitute a special privilege inconsistent with limitations on other properties in identical regulatory zones in the vicinity. First, absolutely no evidence exists to indicate granting the extension would be inconsistent with limitations on other identically zoned properties in the vicinity. TMWA would know, as it is the only entity that would seek a variance for water facilities in the area. Second, any concern that an additional extension would be an "unprecedented" and inconsistent special privilege is clearly rebutted by the facts. Regional water facilities take decades to develop, plan and complete, and TMWA has made substantial progress and expended significant time, money and effort diligently pursuing the Verdi



Backbone Water Facilities. The public health and safety benefits provided by these facilities are clearly unique – a fact recognized three times before by the County. Third, nothing in Finding (d) prohibits or restricts multiple extensions, especially in the circumstances presented here. Fourth, this is not private development – these are municipal water facilities proposed by a municipal water purveyor, of which the County is a member, which are included in multiple regional plans. The unique and limited circumstances involved in this case do not set a precedent for decisions related to private commercial or residential development.

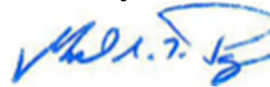
TMWA believes the Planning Commission erred in not making Special Use Permit Finding (b) and Variance Finding (c) and (d) and believes these as well as all other applicable findings can be made to support the extension.

### CONCLUSION

TMWA appreciates the request for an extension 14 years after the original approval is unique. However, so are the regional water supply facilities authorized by the Special Use Permit and Variance. Unlike typical applicants, TMWA is a governmental entity whose mission and legal obligation is to develop water system facilities and provide water to the public. The very nature of regional water system design, planning and construction does not march to the same clock as private development and requires acquisition of lands and entitlements decades in advance to ensure TMWA can meet its legal obligations to make water supply available when growth occurs. The lag in development in Verdi over the past 14 years was due to factors unforeseeable and beyond TMWA's control; however, recent approvals demonstrate the demand for these facilities is imminent and delay and uncertainty with starting the approval process anew can only harm the public. We respectfully submit that flexibility in granting additional extensions is clearly warranted where, as here, the water infrastructure at issue furthers the public health, safety, and welfare.

For the foregoing reasons, we request the Commission reverse the Planning Commission denial and approve a two-year extension of the Special Use Permit and Variance. We appreciate your consideration of this information and welcome the opportunity to respond to any questions you may have at the hearing.

Sincerely,



Michael A. T. Pagni

MATP:ma

cc: Client (*via email*)

David Solaro (*via email* [dsolaro@washoecounty.gov](mailto:dsolaro@washoecounty.gov))

4822-9622-9074.3





Via Email [jglassini@washoecounty.us](mailto:jglassini@washoecounty.us); [ClerkAdmin@washoecounty.us](mailto:ClerkAdmin@washoecounty.us)  
Washoe County Planning Commission  
c/o Washoe County Clerk  
1001 E. Ninth St., Building A  
Reno, Nevada 895012

Re: Truckee Meadows Water Authority: WAC21-0005  
Hearing Date: November 2, 2021

Dear Commissioners:

This letter is submitted by the Truckee Meadows Water Authority (“TMWA” or “Applicant”), a political subdivision of the State of Nevada and joint powers authority, and the regional municipal water purveyor in Washoe County and successor of the Washoe County Water Utility. This letter is about TMWA’s request for a two-year extension of time for an existing Special Use Permit (SW07-017) and Variance (VA07-021) authorizing construction of a booster pump station (the “Verdi #1 PS”) as part of the extension of regional surface water system facilities to West Reno and the Verdi area (the “Verdi Backbone Water Facilities”).

TMWA appreciates the request for an extension 14 years after the original approval is unique. However, so are the critical regional water supply facilities authorized by the Special Use Permit and Variance. Unlike typical applicants, TMWA is a governmental entity whose mission is to provide water to the public, and TMWA is legally obligated to develop the water system facilities at issue in these approvals. As described below, we believe the extension for the Special Use Permit and Variance are warranted and in the best interest of the public.

A. TMWA’s Role As Regional Water Purveyor

Pursuant to the Cooperative Agreement creating TMWA, to which the County is a party, TMWA is obligated to provide retail water service to users in its service area. To carry out these duties, TMWA must identify and plan for water service needs within its service areas. TMWA’s integrated planning processes ensures the long-term resource, facility, and funding mechanisms are in place to meet current and future water demand. When and how growth occurs is solely within the land use entitlement and planning functions of cities, counties, and regional planning agencies. By contrast, TMWA must engage in long-term water supply planning to ensure its ability to deliver safe and reliable water supplies when growth occurs. TMWA’s water system is large and complex, and comprehensive water planning must occur years, if not decades, in advance of anticipated growth. It is a long-term process that requires TMWA to acquire rights of way, easements, and fee parcels and to secure entitlements for water facilities far in advance of actual demand.

While TMWA must be prepared to provide water service when growth occurs, it has no control over the timing of that growth. As growth must pay for growth, that puts TMWA in the difficult position of having to plan for and be fully entitled to construct water facility improvements with no definitive control over when such improvements will be needed. While Staff notes “many changes have occurred” since the original application, TMWA would like to outline additional significant factors and changes relevant to the delay in construction of the Verdi #1 PS.

Following the initial approval, the region was hit with a nearly 10-year recession which halted new development. The COVID-19 global pandemic further impacted not only the economy, but governmental processes required for development to secure necessary approvals. Additionally, since the time of the previous extension, anticipated growth has been delayed by unforeseeable litigation over development entitlements, which is outside of TMWA’s control. The Meridian 120 South project (which will require the Verdi #1 PS) applied for tentative maps in 2017, was heard, appealed, settled, re-heard by the City, appealed again, litigated, appealed again, and is now being litigated in the Nevada Supreme Court. The Lucas project (which will also require the Verdi #1 PS) applied for tentative maps in 2018, was heard, appealed, remanded to the City, re-heard, appealed again and is currently being litigated in the Second Judicial District Court. It appears Staff was not aware of these underlying delays which provide additional context for why construction did not commence sooner.

While TMWA is not to blame for these delays, it must nonetheless continue to plan for and be prepared to implement construction of the Verdi Backbone Water Facilities. As such, it remains critical to maintain the SUP and Variance in good standing.

#### B. Necessity of Verdi Backbone Water Facilities

Currently, the Verdi area relies solely on groundwater for potable supply. Extension of TMWA’s surface water system into Verdi is critical to ensure reliable water service and protect groundwater resources by allowing conjunctive use of surface water and groundwater resources. As such, TMWA’s water resource plan has contemplated future expansion of the surface water system into the Verdi area for years, and construction of the Verdi #1 PS is a critical component of that expansion. In fact, both the Verdi Backbone Water Facilities generally, and the Verdi #1 PS specifically, are identified as critical and necessary regional water facilities in the 2016-2035 Regional Water Management Plan and the Truckee Meadows Regional Plan. 2016-2035 Regional Water Management Plan, Sec. 9.1.7 pp. 339-41; See p. 9-14, Table 9-1. Additionally, TMWA’s water resource plan recognizes the critical need for these facilities, estimating roughly \$17.0 million of new backbone water facilities, including booster pump stations, storage tanks and main extensions, required to provide full capacity water service for the entire Verdi area. In short, the Verdi #1PS is a critical component of the regional water supply infrastructure that has been planned for over a decade, is recognized and incorporated into multiple regional plans, and which will protect the viability of groundwater supplies and ensure reliable water service in Verdi for new and existing customers.

Despite third party delays, TMWA has not sat idle for 14 years. To the contrary, significant actions have been taken to further develop the Verdi Backbone Water Facilities. These actions are detailed below.

- In December 2014, TMWA acquired Washoe County's Water Utility, becoming the sole municipal purveyor responsible for water service in west Reno and the Verdi area and furthering the critical need for the Verdi Backbone Water Facilities.
- In June 2018, TMWA acquired permits from State Lands to construct a 30" pipe casing under the Truckee River necessary to extend the Verdi Backbone Water Facilities. In March 2019, TMWA acquired the West Reno (Boomtown) water system, a system dependent on groundwater and further accelerating the critical need to extend redundant and conjunctive surface water supply for the benefit of both existing customers and future growth.
- In June 2019, TMWA completed the Verdi Water Main Extension with nearly a mile of 18" pipe to extend the system west and across the Truckee River to the Riverbelle Mobile Home Park.
- In October 2019, TMWA held public hearings and adopted changes to its Water System Facility rate tariffs, modifying the area facility charges for Area 7 (Verdi) to enable TMWA to recapture construction costs for the Verdi Backbone Water Facilities from new development.
- In March 2020, TMWA contributed to the oversizing of the Verdi Elementary Water Main extension and brought surface water further west into the Verdi Community.
- In March 2021, the City of Reno approved a tentative map for the development of 1,000 homes in the Santerra/Quilici project, a project that will require construction of the Verdi Backbone Water Facilities.
- In April 2021, TMWA completed the Boomtown to TMWA Intertie with 1,800 feet of 16" water main and a new pump station to bring limited amounts of surface water to the Boomtown system.
- In September 2021, TMWA secured a special use permit from the City of Reno to construct the US 40 Tank, another component of the Verdi Backbone Water Facilities from which, the Verdi #1 Pump Station draws water to send west.
- Last week TMWA secured easements on the Lucas property for water mains and a tank which are additional components of the Verdi Backbone Water Facilities to which, the Verdi #1 Pump station sends water west to.

As shown above, TMWA has taken significant, diligent, and responsible steps in moving forward with these needed facilities. These investments have been substantial and have been made in reliance on the ongoing viability of the Special Use Permit and Variance, among other entitlements. Again, to protect the public interest it is critical to maintain these approvals.

#### C. The Findings To Approve An Extension Can Be Made

Staff recommended denying TMWA's request to extend the Special Use Permit and Variance for Verdi #1 PS, because of changed circumstances since the original approval. Respectfully, we believe the extension is necessary, and that the changes which have occurred justify, rather than contradict, the need for the extension.

With respect to the Special Use Permit, Staff expressed concern with the ability to make Finding (a) (Consistency) and Finding (B). Finding (a) provides that the “proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi area plan”. Staff believes the finding cannot be made because of intervening changes in the County grading code, which Staff incorrectly asserts are “part of the Master Plan.” First, changes in the grading code cannot legally be considered, as NRS 278.02333 prohibits the County from considering or imposing requirements, limitations, or conditions on the use of property which were not in effect at the time of application. Nothing in Finding (a) requires consideration of changes in law nor should it, as to find otherwise would preclude the ability to obtain any extension in the first place. Second, Staff incorrectly asserted the grading code is part of the Master Plan. A master plan is not an ordinance, it is a long-term general plan for physical development adopted as policy pursuant to NRS 278.150 and which must conform to the regional plan. (NRS 278.0282.) It is not “legislative mandates from which no leave can be taken.” *Sustainable Growth Initiative v. Jumpers*, 122 Nev. 53 (2006). By contrast, the grading code is a zoning ordinance codified in County code pursuant to NRS 278.250. Nowhere is it incorporated into nor part of the Master Plan. Third, Staff’s belief that compliance with current grading code will benefit adjacent properties is subjective and appears unsupported by actual development potential. The rear areas of these lots have remained undeveloped for 30 years because, among other constraints, topography and the existence of a drainage channel running through them. Any other development would necessitate extensive culverts and bridges, which are not feasible. The suggestion that TMWA should employ modified grading to better blend with development which has not and is physically precluded from occurring has no foundational basis. Finding (a) merely requires consistency with the Master Plan. TMWA’s use has twice been found as consistent, and there have been no changes in the County’s Master Plan which change this conclusion. Moreover, as the Verdi #1 PS and the Verdi Backbone Water Facilities are adopted in the Regional Plan to which the County Master Plan must by law conform, there is no question the proposed water infrastructure, which will provide significant benefits to public health, safety, and welfare, is consistent with the County Master Plan.

Finding (b) states 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.” Staff contends the finding cannot be made because the “impact of access to the facility from public roadways has not undergone thorough evaluation in 14 years.” First, this is a booster pump station, so it needs no facilities or improvements other than a roadway. W. 4th Street is that roadway, and it is in the same place, and has not changed in any material manner since the SUP was first approved. Second, only TMWA personnel will access the site, which will occur infrequently, rarely more than once or twice a week. No “thorough analysis” is needed to recognize there will be no impacts on W. 4th Street by adding 2-3 vehicle trips a week. Third, the “development changes” referenced by Staff are further to the west and north in Somerset and Mogul West. It is clear from the nature and location of the on and off-ramps to Interstate 80 that traffic to these developments do not use this stretch of W. 4th Street, evidenced by, among other things, the fact no improvements to this roadway were required by jurisdictional agencies in connection with those developments. Not to mention that those developments came after this entitlement, and thus would have been required to accommodate TMWA’s pre-existing use, not vice-versa.

Finding (b) has been made two times before, and nothing has changed with respect to the location of or access to W. 4th Street in that time that remotely suggests, let alone demonstrates, additional improvements are required. No additional improvements are required by these extensions of time, and as such Finding (b) can easily be made.

With respect to the Variance, Staff expressed concern with the ability to make Finding (c)(Special Circumstances) and Finding (d)(No Special Privileges). Finding (c) recognizes the special circumstances which should exist to warrant a variance, including without limitation exceptional topography, exceptional lot size or shape, or other extraordinary conditions. Staff appears to have evaluated the parcel itself, rather than recognizing TMWA only holds an easement on a portion of the lot. TMWA has little to no flexibility on where this booster pump can be installed, as it must have proximity to the water main in W. 4th Street and be appropriately located to maintain water pressure. TMWA purchased this easement on the condition that these approvals were secured, and as the original approval recognized grading modifications were necessary to avoid exceptional and undue hardships. Those same hardships exist today, and nothing in the passage of time has changed that. There is a substantial elevated hill on this site that necessitates the combination of retaining walls and grading. Moving the facility to the east, as suggested, would require more grading and more cuts, and would likely increase wall height to confine the work to the narrow easement area. In other words, strict application of the code (whether 2007 or 2021) continues to result in an exceptional and undue hardship justifying the Variance.

Finding (d) recognizes that the granting of the variance will not constitute a special privilege inconsistent with limitations on other properties in identical regulatory zones in the vicinity. Staff expressed concern that extending the water infrastructure project beyond 14 years “without any progress toward completion is unprecedented.” First, as stated above regional water facilities take decades to develop, plan and complete, and TMWA has made substantial progress and expended significant time and resources diligently pursuing the Verdi Backbone Water Facilities. Any delays that have occurred were wholly unforeseeable and completely out of TMWA’s control. Second, Staff cites no other limitation on any property in the vicinity to which granting this extension would be inconsistent. Third, nothing in Finding (d) prohibits or restricts multiple extensions, especially in the circumstances presented here. Fourth, this is not private development – these are municipal water facilities proposed by a municipal water purveyor, of which the County is a member, which are included in adopted in multiple regional plans. The unique and limited circumstances involved in this case do not set a precedent for decisions related to private commercial or residential development.

In conclusion, we appreciate Staff’s hesitation in granting an extension for what on its face, and in typical circumstances, may appear to be an extended period. However, the very nature of regional water system design, planning and construction does not march to the same clock as private development. Lands and entitlements must be secured decades in advance so that TMWA can meet its legal obligations to stand ready to make water supply available when growth occurs. The lag in development in Verdi, which has occurred over the past 14 years, was due to factors unforeseeable and beyond TMWA’s control. The obligations to secure lands for future water facilities decades in advance, and the lack of control over when construction of those facilities will be triggered, may from time to time requires unique flexibility among our regional partners. We respectfully submit that flexibility is clearly warranted where, as here, the water infrastructure at issue furthers the public health, safety, and welfare.

We request the extensions be approved so TMWA may continue with the development of these critical, regionally approved water system improvements.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Rotter', with a long horizontal flourish extending to the right.

Danny Rotter, P.E.  
Engineering Manager  
[drotter@tmwa.com](mailto:drotter@tmwa.com)





# **AMENDMENT OF CONDITIONS CASE No. WAC21-0005**

**(Truckee Meadows Water Authority)  
Special Use Permit Case No. SW07-017 &  
Variance Case No. VA07-021**

**Washoe County Planning Commission**

**November 2, 2021**



# Request

Amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023.



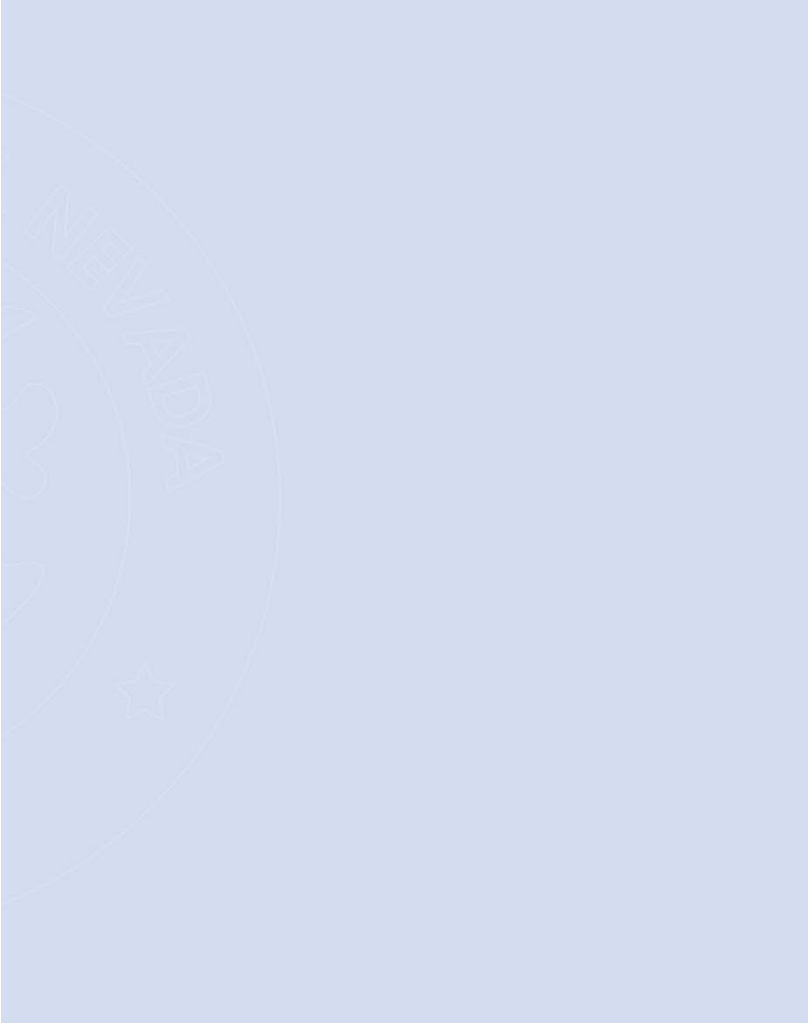
# Previous Approvals

The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2. and for grading of 540 cubic yards of excavation and 400 cubic yards of exported material.

The approved variance allowed for varied grading standards as otherwise required by Code in 2007, including:

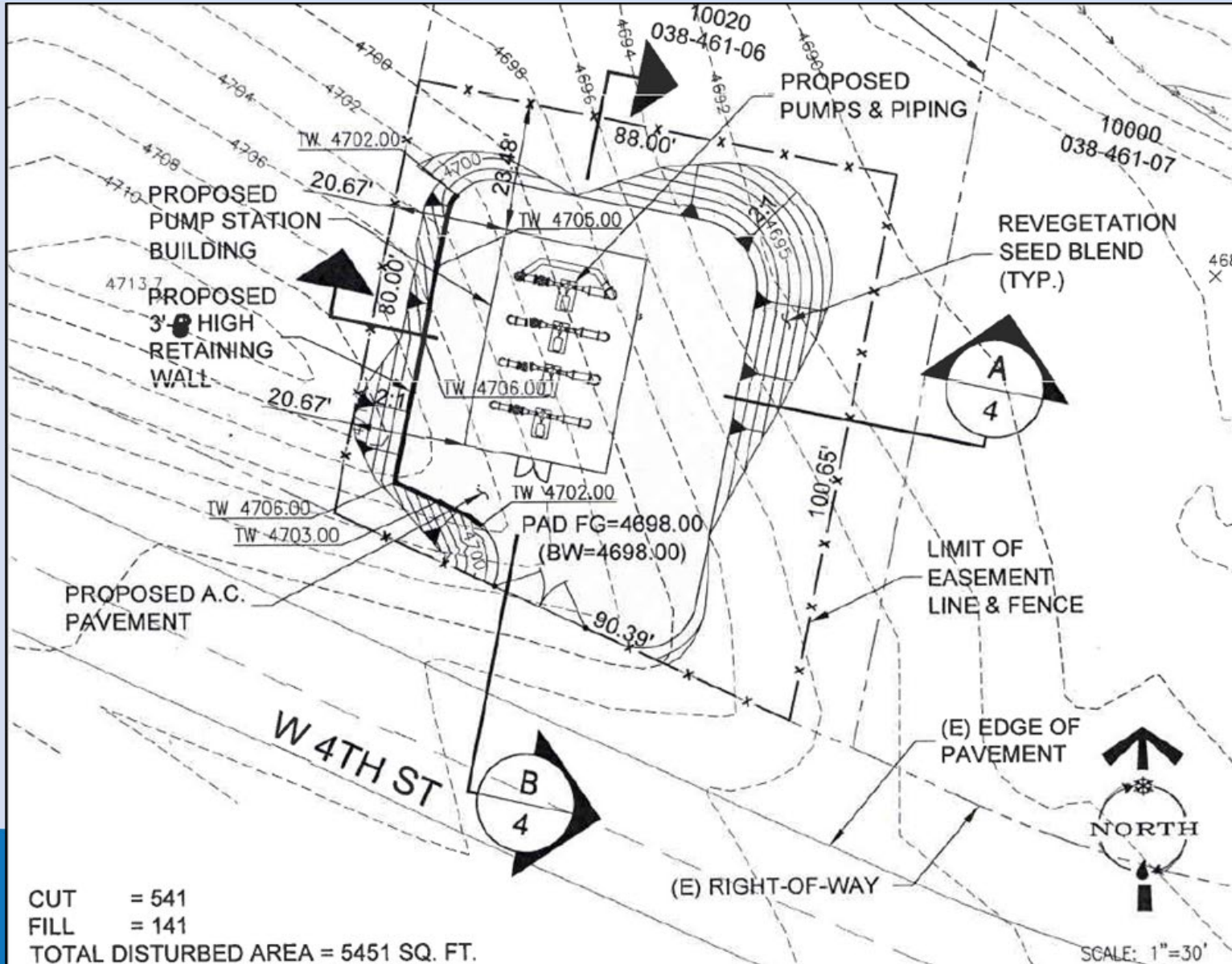
- Allowing for 2:1 slopes instead of 3:1 slopes
- Allowing fills higher than 48 inches within fifty (50) feet of a shared property line
- Allowing a retaining wall of up to 8 feet in height within the front yard setback area

# Vicinity Map



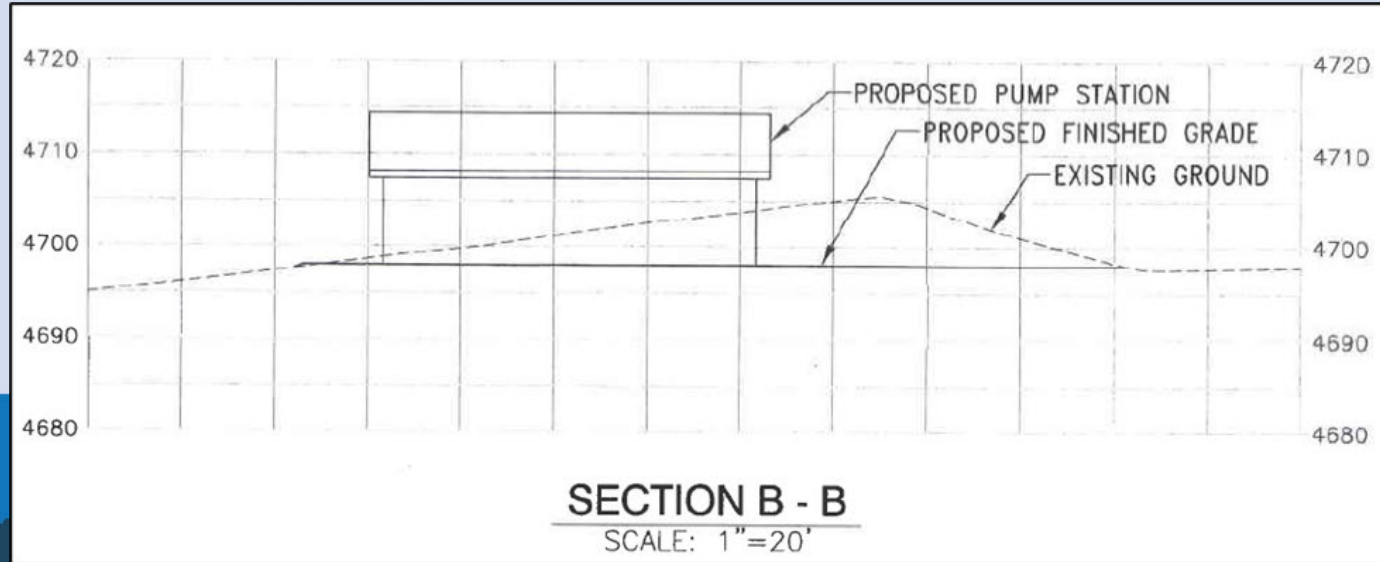
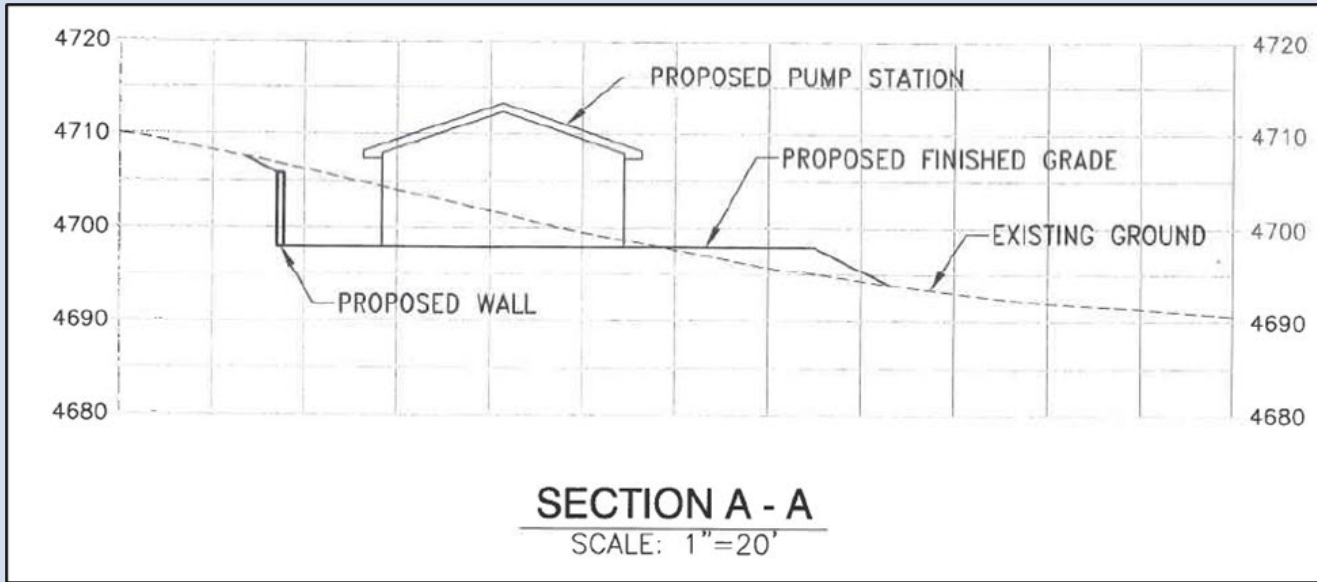


# Site Plan (2007)





# Cross Sections (2007)





# Overview – History

- **Approved in 2007 with 2-year expiration (typical).**
- **4-year extension approved in 2010 (unusual).**
- **7-year extension approved in 2014 (unprecedented).**

**No work of any kind has yet begun on the project.**

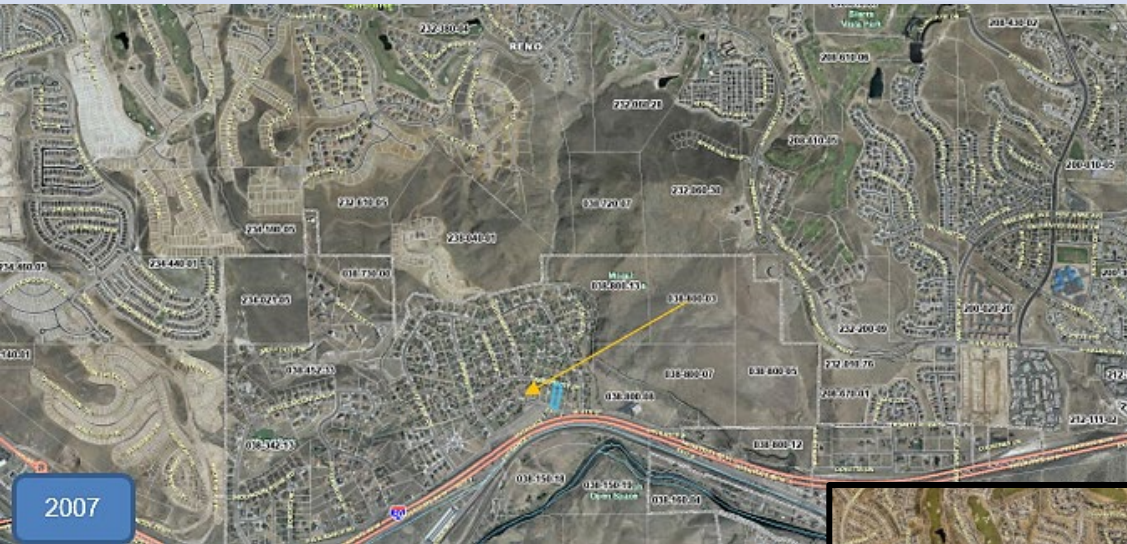


# Overview – Development Code

- This type of project would now be heard by the Board of Adjustment rather than the Planning Commission (Article 302)
- Grading up to property line is no longer allowed (Article 438)
- Slopes steeper than 3:1 (Horizontal to Vertical) are not allowed (Article 438)
- Retaining walls within the Front Yard Setback higher than 4.5 feet are not allowed (Article 438)
- Landscaping (Article 412) has been extensively revised (IN 2019) to help mitigate the visual impact of projects of this type.



- There are many more dwellings in the surrounding area in 2021 than existed in 2007.







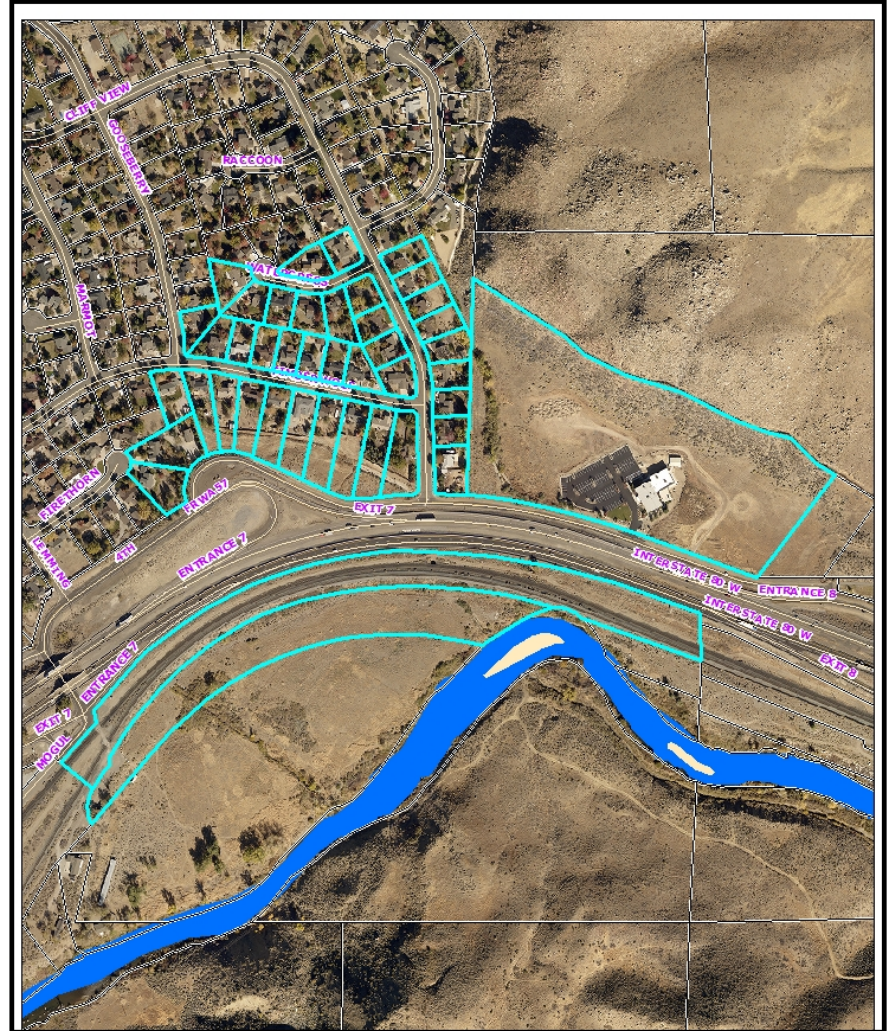
# Overall Evaluation

The changes to the Code and to the area are undeniable. Extension of the approval of a special use permit for 14 years is unprecedented, extension beyond that time is inappropriate. If and when the applicant is prepared to begin construction on this project or a similar project, review of a new special use permit, and possible variance to standards, according to the **current** code and evaluation of the project in context of the **current** surroundings is appropriate. For these reasons, staff recommends that the Planning Commission deny the request for another extension of time.

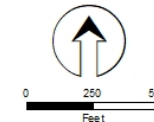


# Public Notice

- Notice sent to 43 affected property owners



WAC21-0005 TMWA -Verdi  
Noticing Map- 500 feet from site



Community Services  
Department

1001 E Ninth St  
Reno, Nevada 89512 (775) 328-3600



# Reviewing Agencies

Agency	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Water Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe County Engineering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robert Wimer, rwimer@washoecounty.gov
WCHD – Air Quality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Genine Rosa, grosa@washoecounty.gov
WCHD – Environment Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Truckee Meadows Fire Protection District	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brittany Lemon blemon@tmfpd.us
RTC Washoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Washoe-Storey Conservation District	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



# Staff Comments on Special Use Permit Findings

- (a) Consistency. 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 standards of the Washoe County Development Code, which is a part of the Master Plan are not met, most particularly Article 438, Grading, as noted in this report.

- (b) Improvements. 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:** Impact of access to the facility from public roadways has not undergone thorough evaluation in 14 years, the nature of the area has changed significantly, as shown in this report. Public facilities may, or may not, be adequate. Lacking thorough analysis, the findings cannot be made.



# Staff Comments on Variance Findings

- (c) Special Circumstances. Because of the special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

**Staff Comment:** The subject site is of a regular shape, is consistent with the size of lot required for the regulatory zone and contains no extraordinary topographic conditions. The small hill area where the proposed facility was proposed to be located could easily be avoided by modifying the location of the proposed facility slightly.

- (d) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

**Staff Comment:** Extension of a project beyond 14 years without any progress toward completion is unprecedented in the knowledge of staff. Extension beyond that time can be considered a special privilege inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.



# Recommendation

Those agencies which reviewed the application provided no comments that compel a recommendation of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC21 0005 is being recommended for denial.





# 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 Planning Commission deny Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, **no longer being able to make** all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25.

Video recording of Planning Commission hearing is available here: [https://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=3632](https://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=3632)

The hearing on WAC21-0005 begins at approximately 58 minutes into the recording.