

# Board of Adjustment Staff Report

Meeting Date: December 5, 2019

Agenda Item: 8B

SPECIAL USE PERMIT CASE NUMBER: WSUP19-0022 (Rosakranse Wall)

BRIEF SUMMARY OF REQUEST: To approve the construction of a 9 foot permanent earthen structure at 3100 Cantlon Drive.

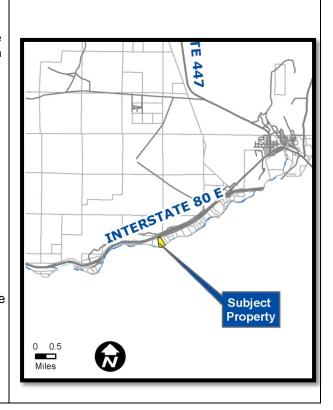
STAFF PLANNER:

Planner's Name: Julee Olander Phone Number: 775.328.3627 E-mail: jolander@washoecounty.us

#### CASE DESCRIPTION

For possible action, hearing, and discussion to approve the construction of a 9-foot permanent earthen structure at 3100 Cantlon Drive.

Applicant/Property Owner:	Christine Rosakranse
Location:	3100 Cantlon Drive
APN:	084-282-28
Parcel Size:	18.437 acres
Master Plan:	Rural Residential (RR)
Regulatory Zone:	Medium Density Rural (MDR- 1 unit per 5 acres)
Area Plan:	Truckee Canyon
Citizen Advisory Board:	East Truckee Canyon
Development Code:	Authorized in Article 438, Grading and Article 810, Special Use Permits
Commission District:	4 – Commissioner Hartung



#### **STAFF RECOMMENDATION**

APPROVE

**APPROVE WITH CONDITIONS** 

DENY

#### POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0022 for Christine Rosakranse, having made all four findings in accordance with Washoe County Code Section 110. 810. 30.

(Motion with Findings on Page 7)

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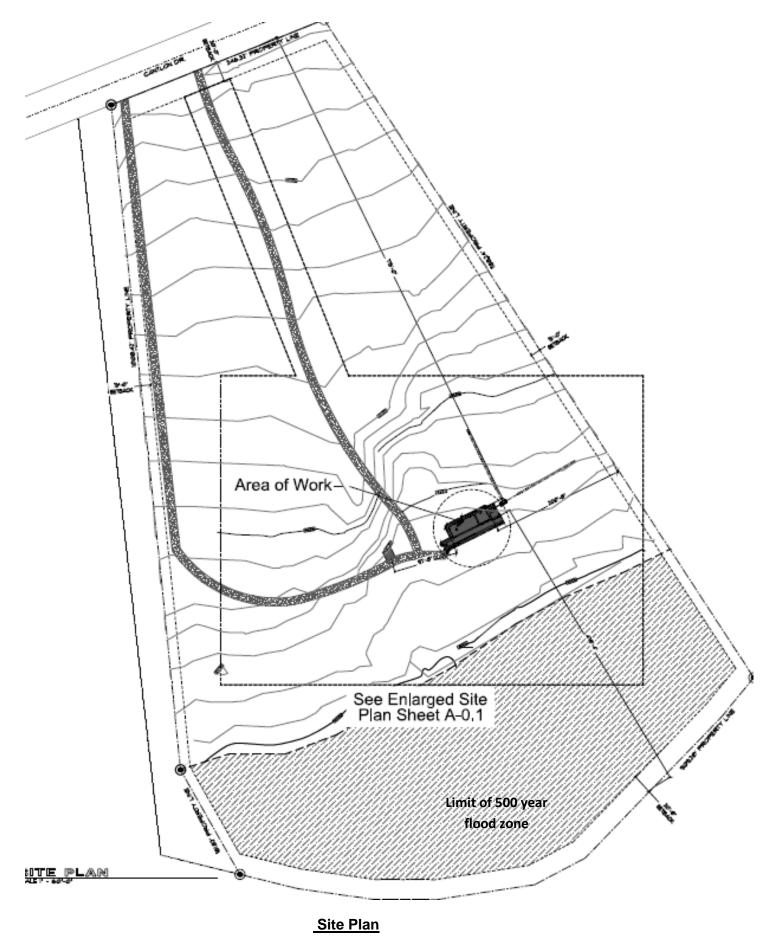
#### Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e. a grading permit, a building permit, etc.)
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure
- Prior to the issuance of a business license or other permits/licenses
- Some conditions of approval are referred to as "operational conditions." These conditions must be continually complied with for the life of the business or project.

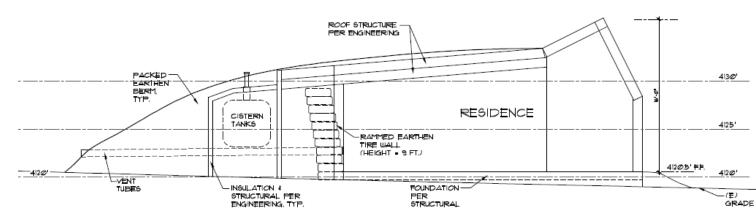
The conditions of approval for Special Use Permit Case Number WSUP19-0022 are attached to this staff report and will be included with the action order, if approved.

The subject property is designated as Medium Density Rural (MDR). The proposed grading is permitted with a special use permit per WCC 110.438.35. The applicant is seeking approval of this SUP from the Board of Adjustment.

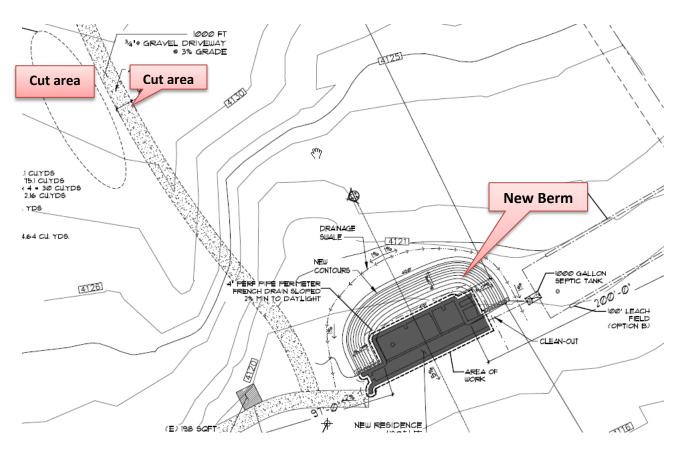


#### Project Evaluation

The applicant is requesting to construct a 9-foot high berm behind a retaining wall. Washoe County code 110.438.35(4) requires a special use permit when a permanent earthen structure is over six (6) feet in height. The proposed berm is a permanent earthen structure under Washoe County Code. The construction of the residence is planned as a low impact environmental design. The berm is an integral part of the sustainable design and will assist in the insulation factor, energy usage and regulation of the internal temperature of the home (See house design below). The berm will be landscaped with native vegetation that will blend into the surrounding site.



The applicant states that 20,800 sq. ft. of the 18.4 acres site will be disturbed to construct the berm and 1,414.46 cubic yards will be excavated from two sites to fill the area around the residence to construct the berm (see site plan below).



#### East Truckee Canyon Citizen Advisory Board (ETC CAB)

The CAB did not meet during the month of November and the applicant was not able to present to the CAB. However, the CAB was notified of the application and no comments were received.

#### **Reviewing Agencies**

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

- Washoe County Community Services Department
  - Planning and Building Division
  - Engineering and Capital Projects Division
- Washoe County Health District
  - Environmental Health Services Division
  - o Air Quality
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe-Storey Conservation District

The following agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application (see Exhibits A and B)<u>Washoe</u> County Planning and Building Division address establishing the grading of the site.

#### Contact: Julee Olander, 775.328.3627, jolander@washoecounty.us

• <u>Washoe County Engineering and Capital Projects Division</u> address the requirement for grading and obtaining permits.

#### Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us

#### Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan.

<u>Staff Comment:</u> Staff has reviewed the Master Plan and the Truckee Canyon Area Plan and the project is consistent with these plans.

2. <u>Improvements.</u> 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.

<u>Staff Comment:</u> The grading will allow for the establishment of a residence. There is an existing roadway Cantlon Drive to the property and the property owners will establish the required utilities, including a well for water supply and septic for sanitation.

3. <u>Site Suitability.</u> That the site is physically suitable for the proposed grading and for the intensity of such a development.

<u>Staff Comment:</u> The proposed grading will make the site suitable to construct a residential house.

4. <u>Issuance Not Detrimental.</u> 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.

<u>Staff Comment</u>: The site is currently vacant and the proposed project is anticipated to have minimal impact to the surrounding area and conditions of approval have been included to mitigate any negative potential impacts.

5. <u>Effect on a Military Installation</u>. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

<u>Staff Comment:</u> There is no military installation within the area of required notice for this special use permit; therefore, the project will have no effect on a military installation.

#### **Recommendation**

After a thorough analysis and review, Special Use Permit Case Number WSUP19-0022 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

#### <u>Motion</u>

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve, with conditions, Special Use Permit Case Number WSUP19-0022 for Christine Rosakranse, having made all five findings in accordance with Washoe County Code Section 110.810.30.

- 1. <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon;
- 2. <u>Improvements.</u> 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. <u>Site Suitability.</u> That the site is physically suitable for the proposed grading and for the intensity of such a development;
- 4. <u>Issuance Not Detrimental.</u> 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. <u>Effect on a Military Installation</u>. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### Appeal Process

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

Applicant/ Owner:	Christine Rosakranse
	3935 Belmore Way
	Reno, NV 89503
Email:	Christine@beehernowfarm.com



# Conditions of Approval

Special Use Permit Case Number WSUP19-0022

The project approved under Special Use Permit Case Number WSUP19-0022 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on December 5, 2019. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

<u>Unless otherwise specified</u>, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this special use permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "conditions of approval" are referred to as "operational conditions." These conditions must be continually complied with for the life of the project or business.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

#### Washoe County Planning and Building Division

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

Contact: Julee Olander, (775)-328-3627, jolander@washoecounty.us

- a. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- d. A note shall be placed on all construction drawings and grading plans stating:

#### NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. The following **Operational Conditions** shall be required for the life of the special use permit:
  - i. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by Planning and Building.
  - ii. Grading shall take place during daylight hours only.

#### Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

#### Contact: Leo Vesely, 775.328.2041, lvesely@washoecounty.us

- 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 and not allowed onto adjacent property.
- b. All grading shall be in accordance with Article 110.438 Grading Standards.

\*\*\* End of Conditions \*\*\*



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: October 30, 2019

- To: Julee Olander, Planner
- From: Leo Vesely, P.E., Licensed Engineer
- Re: Special Use Permit Case WSUP19-0022 Rosakranse Wall APN 084-282-28

#### **GENERAL PROJECT DISCUSSION**

Washoe County Engineering staff has reviewed the above referenced application. The Special Use Permit is for the construction of a 9 foot retaining wall associated with a single family residence. The Engineering Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by K2 Engineering. The County Engineer shall determine compliance with the following conditions of approval.

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

#### **GENERAL CONDITIONS**

Contact Information: Leo Vesely, P.E. (775) 328-2041

- 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 and not allowed onto adjacent property.
- 2. All grading shall be in accordance with Article 110.438 Grading Standards.

#### **TRAFFIC AND ROADWAY (COUNTY CODE 110.436)**

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

1. No comments.

### UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Tim Simpson, P.E. (775) 954-4648

1. No comments.

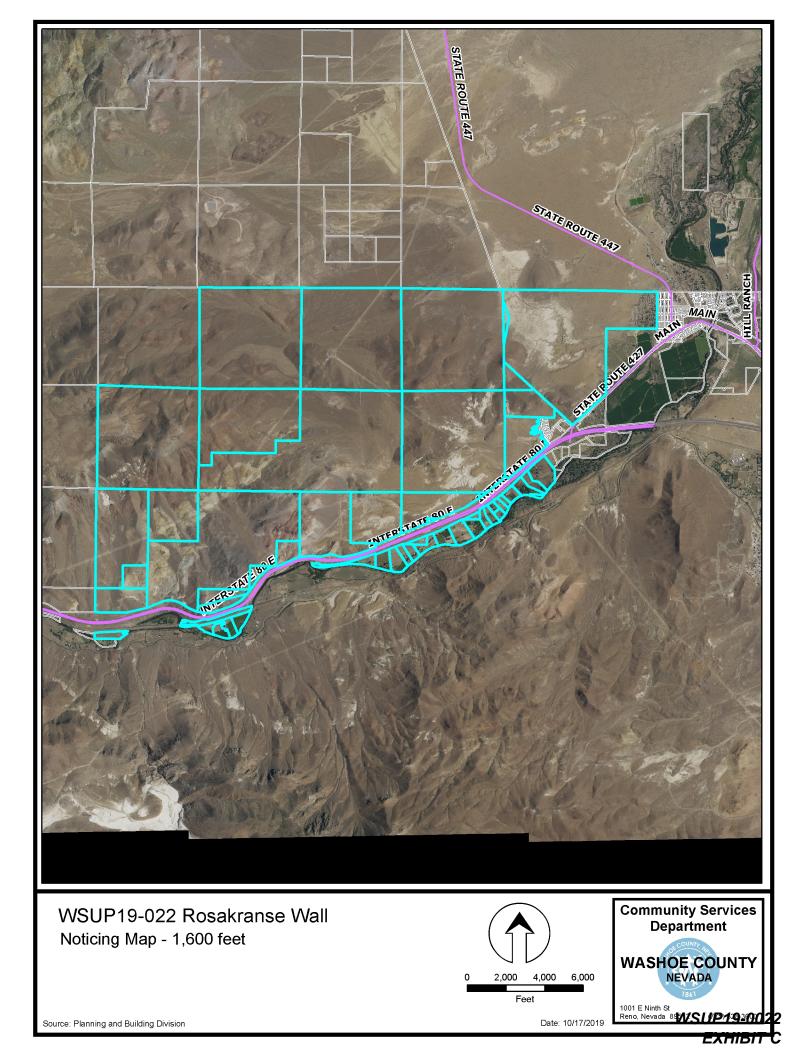




WWW WASHOFCOUNTY US



WSUP19-0022 EXHIBIT B



## Washoe County Development Application

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

Project Information Staff Assigned Case No.:				
Project Name: Hill-Rosakranse Residence				
Project Description: Single Family Residence, with retaining wall				
Project Address: 31000 Carton Dr	, Wadsworth, NV 89442			
Project Area (acres or square feet): 2084 92	.61.			
Project Location (with point of reference to major cross Cantlon Drive, South of I-80	s streets AND area locator): on the Tructure River			
Assessor's Parcel No.(s): Parcel Acreage:	Assessor's Parcel No.(s): Parcel Acreage:			
084-282-28 18.437 ac				
Indicate any previous Washoe County approva	Is associated with this application:			
Case No.(s).				
Applicant Information (attac	h additional sheets if necessary)			
Property Owner:	Professional Consultant:			
Name: Christine Rosakranse	Name: Mike Reynolds			
Address: 3935 Belmore Way	Address: 2 Earthship Way			
Reno, NV Zip: 89503	Address: 2 Earthship Way Tres Piedras, NM Zip: 87577			
Phone: 775-622-294 ) Fax:	Phone: 575-613-0224 Fax:			
Email: christine @ beeherenow farm	Email: michael@earthship.com			
Cell: 775-622-294 Other: 'Con	Cell: Other:			
Contact Person: Christine Rosakranse	Contact Person: Mike Reynolds			
Applicant/Developer:	Other Persons to be Contacted:			
Name: Christine Rosakranse	Name: Nicholas Hill			
Address: 3935 Belmore Way	Address: 3935 Belmore Way			
Reno, NV Zip: 89503	Reno NV Zip: 89'503			
Phone: 775-622-2941 Fax: Phone: 775-622-2837 Fax:				
Email: chistre@beeherenowform.com Email: nick@beeherenowform.com				
Cell: 775-622-294/ Other: Cell: 775-622-2837 Other:				
Contact Person: Christine Rosatron & Contact Person: Nick Hill				
For Office Use Only				
Date Received: Initial:	Planning Area:			
County Commission District:	Master Plan Designation(s):			
CAB(s):	Regulatory Zoning(s):			

December 2018

## Special Use Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the project being requested?

We are building a single family home with a 9 ft. retaining wall and soil berm. This application only refers to the retaining wall and berm. However, we have included the full extent of the grading (1,674.64 cubic yards) so that the committee can see that we are below the 5,000 cubic yards threshold.

2. Provide a site plan with all existing and proposed structures (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.)

The site plan is attached to each packet as page A-0. An enlarged version is shown on A-0.1.

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

Construction will be begin at the end of March 2020 with the foundation pour. May-July 2020 will constitute work for the systems (solar, septic) and shell (walls, roof) of the home. August 2020 will be used for finishing work (cabinetry, tilework, painting).

4. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The home was designed to be low environmental impact, both during the building phase and over the long term.

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

We hope that this will be an example of sustainable home design for the larger Washoe community.

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

None.

7. Provide specific information on landscaping, parking, type of signs and lighting, and all other code requirements pertinent to the type of use being purposed. Show and indicate these requirements on submitted drawings with the application.

The non-attached garage and setbacks are shown on the site plan (A-0 and A-0.1).

8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

No

9. Utilities:

a. Sewer Service	
b. Electrical Service	
c. Telephone Service	·
d. LPG or Natural Gas Service	
e. Solid Waste Disposal Service	Waste Management
f. Cable Television Service	
g. Water Service	

For most uses, Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required.

h. Permit #	App 60410	acre-feet per year	4
i. Certificate #		acre-feet per year	
j. Surface Claim #		acre-feet per year	
k. Other #		acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources).

# Attached to original packet.

10	Community	/ Services	(provided	and	nearest facility):
	Communic	, 00, 1000	(providou)	unu	nour oot raomty).

a. Fire Station	Truckee Meadows FPD
b. Health Care Facility	Renown Medical Group - Fernley
c. Elementary School	Natchez
d. Middle School	Mendive
e. High School	Reed
f. Parks	Fernley Out of Town Park
g. Library	Fernley Branch Library
h. Citifare Bus Stop	N/A

## Special Use Permit Application for Grading Supplemental Information

(All required information may be separately attached)

1. What is the purpose of the grading?

We are grading to create a berm behind the retaining wall (9 ft tall) at the north side of the house. Additional calculations for the total grading have been included. However, the grading totals 1,674.64 cubic yards and is therefore below the threshold of 5,000 cu. yds. So, this application is solely for the berm (cut and fill related to that) and retaining wall.

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

# We will excavate 1,414.64 cubic yards.

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

20, 800 sq.ft (Calculations listed under Total Disturbed Area located on page A-0.1)

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

None. We have demarcated our cut area as Area #1 and Area #2 on page A-0.1. This area will be graded to not greater than 3:1. Area #2 will be at 3% grade.

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

The use of a berm and retaining wall are integral to the sustainable design of the home. They provide an insulative factor and thermal mass that help to regulate the internal termpature of the home, allowing for less energy consumption.

6. Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances, the year the work was done, and who completed the work.)

No.

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

Yes and the calculations are listed on page A-0.1. Area #1 is the primary cut area (excavated area). Area #2 is a planned driveway. The berm (fill area) is shown around the north side of the home.

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

No.

9. Could neighboring properties also be served by the proposed access/grading requested (i.e. if you are creating a driveway, would it be used for access to additional neighboring properties)?

No.

10. What is the slope (horizontal/vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

Slope = 12 " x 6.5" with standard BMP's with swaddles as required.

11. Are you planning any berms?

Yes X No	If yes, how tall is the berm at its highest? 9 ft.

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e. rockery, concrete, timber, manufactured block)?

Retaining wall not required. However, 9 ft rammed earth tire wall is part of design.

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

# The home will blend into the landscape by design.

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

No.

15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Native plant mix from Comstock Seed, 15 lbs/acre. Light mulch, cottonwood.

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

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Hand watering from well water.

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



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

Yes No X If yes, please attach a copy.	
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No payment due for this acco Washoe County Parcel Info					<ul> <li>For your convenience, online payment is available on this site.</li> <li>E-check payments are</li> </ul>		
Parcel ID	series and a second			Last Update	accepted without a fe However, a service		
08428228		Active	10	0/14/2019 2:07:24 AM	fee does apply for online credit card		
Current Owner: ROSAKRANSE, CHRISTINE 3935 BELMORE WAY	SITUS: 31000 CANTLON DR WASHOE COUNTY NV				payments. See Payment Information for detail		
RENO, NV 89503 Taxing District		Geo CD:			Pay By Check		
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Section 13 Section 18 Lot 2A Ra _UNSPECIFIED SubdivisionNam			Subdivision	Name	Mailing Address: P.O. Box 30039 Reno, NV 89520-3039		
Tax Bill (Click on desired ta	x vear for due	dates and furt	her details		Overnight Address: 1001 E, Ninth St., Ste D140 Reno, NV 89512-2845		
Tax Year Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due			
2010 \$1,124.31	\$1,135.75	\$0.00	\$0.00	\$0.00			

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due	
2019	\$1,124.31	\$1,135.75	\$0.00	\$0.00	\$0.00	
2018	\$1,071.46	\$1,082.11	\$0.00	\$0.00	\$0.00	مراقباتها بالمالية
2017	\$1,028.57	\$1,028.57	\$0.00	\$0.00	\$0.00	
2016	\$999.07	\$997.61	\$0.00	\$0.00	\$0.00	
Total \$0.00						A DESCRIPTION OF A

## WSUP19-0022 EXHIBIT D

23 Payment Information

**Special Assessment** 

District

Installment Date Information

Assessment Information

[...]

		of Water Re Repo	말 수 없는 것이다. 것 같아요. 같아요.				
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App	Report Rcvd	Basin	New Owner	Sender	Rcpt #	Rpt Reject	Confirm Date
64010	07/21/2017	083	ROSAKRANSE, CHRISTIN	ROSAKRANSE, CHRISTIN	33140		08/27/2018

WSUP19-0022 EXHIBIT D

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