

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 4:00 P.M. NOVEMBER 7, 1995

PRESENT:

Jim Shaw, Chairman  
Steve Bradhurst, Vice Chairman  
Joanne Bond, Commissioner  
Grant Sims, Commissioner

Judi Bailey, County Clerk  
John MacIntyre, County Manager  
Madelyn Shipman Legal Counsel

ABSENT:

Mike Mouliot, Commissioner

The Board met in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the agenda for the November 7, 1995 meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

95-981 SPECIAL USE PERMIT CASE NO. SPW6-18-95 - GOLD RANCH SEWAGE TREATMENT PLANT (APN: 038-230-07 AND 15) - APPEAL

4:00 p.m. This was the time set for continuation of public hearing from October 17, 1995 to consider the appeal of the Stremmel Family from the decision of the Washoe County Planning Commission to deny Special Use Permit Case No. SPW6-18-95 for Gold Ranch Sewage Treatment Plant to develop a wastewater treatment plant for sewage disposal to provide service for a previously approved R-V park and associated golf driving range which would be a self-contained system with a 50,000 gallon per day capacity, located on the east side of I-80 across the freeway from the existing Gold Ranch Casino, the +6.76 acres designated General Commercial (GC) in the Verdi Area Plan within a portion of Section 19, T19N, R18E, MDM, Washoe County, Nevada.

Commissioner Mouliot was not present due to an on-going business relationship with the Stremmel Family resulting in a conflict of interest.

Don Young, Department of Development Review, reviewed background information concerning the appeal advising that expansion of the Gold Ranch and the R-V Park had been previously approved in 1994; that following the approval process, it was determined that the existing septic system would not satisfy the needs of the expanded facilities; that the applicants were advised by the District Health Department that a package treatment plant would be required to treat their effluent; and that they would be required to remove the existing facilities off the current septic system and provide treatment for those as well. He then explained that the Stremmels submitted a special use permit which was approved by the Board of Adjustment; that it had been appealed by the applicant due to a billboard condition; and that the Washoe County Commission ultimately approved the treatment plant for a location on the West side of the freeway.

Mr. Young further stated that construction of the plant had commenced when it was discovered that the water table was inordinately high; that as a result, the applicant has submitted a new special use permit for a location on the the East side of I-80. He then reviewed a chart depicting a layout of the Gold Ranch facilities, a specific site location map of the Truckee River, the Coldron Ditch, and a letter of opposition from the Truckee River Advisory Board.

Commissioner Sims referred to a report from Pezonella Associates, Inc., dated November 6, 1995 received by the Board shortly before the meeting commenced and stated that, due to the time frame in which the report was received he refused to read the report and to base his decision concerning this matter on the contents contained therein.

John Nelson, representing the Nevada Department of Environmental Protection Agency (NDEP), advised that it has been their policy not to issue discharge permits for engineered filled mounds on large systems over 5,000 gallons per day due to problems relating to the leaching of effluent through the sides of the fill as a result of the large volumes of wastewater being applied.

In response to an inquiry by Commissioner Bradhurst concerning the NDEP walking away from a site after discovering that a water table is too high and the possibility of performing additional tests at that same site, Mr. Nelson advised that under normal circumstances they normally walk away from a situation like this altogether due to regulations governing high seasonal groundwater. He then reviewed regulations pertaining to this issue and answered questions of the Board.

Commissioner Bond inquired of Mr. Nelson if he was 100% comfortable with Eastside placement of the facility and leachfield, and he responded that after reviewing several Engineering reports and correspondence regarding mounding, and although they have some concerns about what is being reported, that based on actual testing in the field, they do not see some of the issues being represented; and that three Engineers from his office who have seen the site, do not see a problem with the plant being located on the East side of the highway.

David Grundy, attorney representing the Stremmel Family and Prospector Gaming Enterprises, stated that the only dispute that exists is with the engineers who have been retained by a few of the surrounding property owners in opposition to the project. He advised that the State of Nevada and Washoe County have set forth criteria for the design of this type of facility; that they have worked closely for many months with a design team to put together a proposal they thought would be acceptable to the Planning Commission, the Board and residents of Verdi; and that they are requesting direction from the Board so that they can proceed with the project that was initiated approximately two years ago.

Chairman Shaw called on those wishing to speak.

Moya Lear, speaking as a resident of Verdi and a taxpayer of Washoe County, read her letter of opposition to the Board citing issues of odor, noise pollution, pollution to the Truckee River and close proximity of the proposed treatment plant to her property. She stated that she was very alarmed to discover construction commencing at the gate to her property without being notified of any proposed construction by the Gold Ranch; and that approval of the plant would set a dangerous precedent for the future.

Walter Alldredge, a Verdi resident, stated that he owns a 4.13-acre parcel directly north and bordering the Stremmel property on the East side of I-80; that he has three rentals on his property located approximately 100 feet from the Stremmel property and a well only 10 feet from the property; and that all of his tenants have advised him that, if the Stremmel sewer plant operation should become odoriferous, they would most likely move. Mr. Alldredge then stated that the Stremmels are assuming that residents are accepting their word that this is a proven system; that no one from the Stremmel organization has approached him regarding the construction of a sewer plant in his front yard; that a sewer plant on the West side provides Stremmel with all the benefits and all of the fallout in the event the system is unsatisfactory; and that a sewer plant on the East side provides them with all the benefits and none of the fallout if the plant is unsatisfactory, which would basically condemn his property for use.

Donna Lee Fitzgerald, Walter Alldredge's daughter, reiterated that their well is 10 feet from the property line and less than 100 feet from the proposed overflow pond which is a natural water well that fills with snowmelt and rainwater in the spring and winter time; that the water sits where the applicants propose to put the overflow pond; that the water overflows onto their property on a regular basis; that they have had to abandon a driveway because it became a mud hole due to these circumstances; that the

prevailing winds come from the GoldRanch over their homes; and that the Stremmel family had contacted her in August concerning Gold Ranch business but never alluded to any proposed development.

Thomas Wilson, representing Moya Lear, David Lear and the Alldredge family, advised that his clients are not opposed to development on the Stremmel property; that they are mainly concerned with the operation and the location of the proposed treatment plant; that they supported the site originally proposed for the West side of the highway; that they feel there has been a lack of substantive evaluation on the East side site; that they are dealing with limited regulations to aid in reaching adequate judgments on these issues; that the standards and levels of review used in evaluating this project have been willfully lacking; that some self-evaluation on the part of local government as to what should have been done resulted in a private citizen, Moya Lear, having to spend her own money to do the kind of evaluation and analysis necessary to reach an intelligent decision concerning this matter. He further stated that this is not a backyard problem; that it is a regional problem and one that effects the entire basin; that they are not trying to stop the project but to reach some kind of decision; that they believe the proposal is reckless, negligent and dangerous, and although Mr. Stremmel has the right to use his property, he also has the obligation to observe the effects and consequences of that use on others. Mr. Wilson then stated that the plant will generate noise; that it will have an open top and emit odor; and that in the case of failure, the plant is not designed to have a bypass system. In conclusion, Mr. Wilson stated that their engineers have suggested an alternative of utilizing an irrigated system for treatment which does not require a leachfield, only 11.9 acres of land and 5 months of winter storage.

Peter Kraatz, Senior Engineer, and William Micklish, Sanitation Specialist with Environmental Management Associates, reviewed contents of a report dated September, 1995 prepared for Moya Lear, and then answered questions of the Board. They explained that the site for sewage treatment disposal is sensitive with likely impacts to adjacent residential property owners and accumulative impacts to the Truckee River; that there is little to no margin of safety or error associated with siting the facility of the East side of I-80 where it has been proposed whereas there would be a greater margin of error or comfort in placing this facility on the West side of I-80 which reasons have been submitted in their reports; and that based on recent subsurface modeling of the eastern site, conclusions indicate that there is undue risk to property owners in violating sewage treatment regulations through ground surface breaching of the effluent.

John Connell, Consulting Engineering Services, Inc., presented viable options of locating the facility on the West side of I-80 concluding that the horizontal movement of the soil and mounding will be significant enough that there will very likely be breaching. Mr. Connell then presented alternatives to the treatment plant and answered questions of the Board.

Lee Edmondson, representing the community of West Verdi, spoke in opposition to the proposed plant stating that this is not a proven system and that it should not be placed in a narrow scenic corridor.

Dr. James Craner, representing the West Verdi Homeowners Association, referred to correspondence distributed to the Board concerning issues raised by residents in opposition to the treatment plant concluding that the plant is not safe for the environment and health of the residents of Verdi.

Reggie Clark, a resident of Verdi, spoke in opposition to the treatment plant whether it is located on the East or West side of I-80.

Susan Lynn and Scott Tyler, members of the Truckee River Advisory Board, (TRAB) referred to correspondence distributed to the Board concerning the TRAB's opposition to the treatment plant concluding that this is an issue of public good, as well as endangerment to a public water supply.

Peggy Clark, a Verdi resident, stated that when she purchased her home two years ago she had her water tested; that it is safe and drinkable straight from the tap; that she is desirous that it remain that way; and that in addition, she does not want the stench of a septic sewage treatment plant, whether it is irrigated or in tank, situated near her home.

Mr. Grundy stated that they have spent a lot of time and money responding to all of these issues; that they have altered these plans many times; and that they have met all of the concerns previously expressed. He further stated that when Mrs. Lear originally saw construction equipment near her gate, it was not for the purpose of initiating construction of the treatment plant;

that they were doing some testing in the area; that they did not have a building permit to commence construction on the East side of the highway; and that all property owners were notified by due process. He stated in retrospect, perhaps Mrs. Lear should have been notified first, but most likely she would still have been opposed to the project. Mr. Grundy further stated that although an irrigation system has been suggested, that they have never proposed this concept to the Planning Commission, and the idea does not sound feasible to the applicant.

Michele Dennis, Civil Engineer with Pezonella Associates, Inc., reviewed her report dated November 6, 1995 concerning results of additional consultant engineering services performed for the Gold Ranch Casino and RV Park and answered questions of the Board. She advised that it is likely that the operator of the Boomtown plant will operate the Gold Ranch plant; that they have evaluated both sides of the highway; and that it is their consensus that the East side is the best location for the treatment plant.

Mr. Grundy, in conclusion, stated that the applicant is requesting a special use permit for a treatment plant because the County originally required them to obtain one; that the plant is better designed than the plant located at Boomtown; that they cannot put a leachfield on the West side of the freeway without an engineered fill; and, therefore, the only available alternative is a sewer treatment plant.

Commissioner Bond stated that she is opposed to the placement of the treatment plant on the East side of the highway; that although staff has done a considerable amount of work on this issue, perhaps there may be a significant enough change in the groundwater level on the West side that this issue needs to be revisited with the State and the District Health Department's involvement. She stated that the impact would be too severe if the facility were to be placed on the East side of the highway.

Commissioner Sims stated that Planning Commission Findings Nos. 1, 3 4 have been met in this case; (1) that the site is not physically suited for the package treatment plant but may be suitable for the leachfield (2) that the applicant has not been able to demonstrate that issuance of the permit for the package treatment plant at the requested site will not be significantly detrimental to the public health, safety, or welfare and (3) that the applicant has not been able to demonstrate that issuance of the permit for the package treatment plant at the requested site will not be injurious to the property or improvements of adjacent properties.

Commissioner Bradhurst advised that Debbie Brander, a member of the Truckee River Advisory Board, had contacted him regarding the proposed treatment facility; and that he informed her that he was unable to discuss this matter prior to the meeting due to the Board's ex-parte rule disallowing Board members to discuss an item on appeal prior to the meeting in which the matter will be heard.

There being no one else wishing to speak, the hearing was closed.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, with Commissioner Mouliot abstaining from the vote due to his absence concerning his business relationship with the Stremmel Family, it was ordered that the appeal of the Stremmel Family from the decision of the Washoe County Planning Commission to deny the development of a wastewater treatment plant for sewage disposal to provide service for a previously approved RV park and associated golf driving range which would be a self-contained system with a 50,000 gallon per day capacity proposed to be located on the east side of I-80 across the freeway from the existing Gold Ranch Casino on +6.76 acres designated General Commercial (GC) in the Verdi Area Plan within a portion of Section 19, T19N, R18E, MDM, Washoe County, Nevada be denied and the recommendation of the Planning Commission be upheld.

There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

JAMES M. SHAW, CHAIRMAN  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk