

Sewage, Wastewater and Sanitation Hearing Board Meeting Notice and Agenda

Members

Ronald J. Anderson, P.E., Chair
Matthew Buehler
Vonnie Fundin
Nick Vestbie, P.E.
Matt Smith - Alternate
Ray Pezonella, P.E - Alternate

**Wednesday October 10, 2018
6:00 p.m.**

**Washoe County Administration Complex, Building B
Health District South Conference Room
1001 East Ninth Street
Reno, NV**

**An item listed with asterisk (*) next to it is an item for which no action will be taken.
6:00 p.m.**

- 1. *Roll Call and Determination of Quorum**
- 2. *Pledge of Allegiance**
- 3. *Public Comment**

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

- 4. Approval of Agenda – (For possible action)**
October 10, 2018
- 5. Approval of Draft Minutes – (For possible action)**
May 7, 2018.

- 6. Public Hearing to consider an appeal to the Health District's decision to not allow a reduced setback to a public utility easement, Section 040.095 of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. – (For possible action)**
Staff Representative: David Kelly

Jeff and Penelope Filce
330 Ember Drive
Sparks, NV 89436
Assessor's Parcel Number 089-523-08

- 7. Public Hearing to consider an appeal of the Health District's interpretation of Sections 040.005-040.030 regarding minimum acreage required per septic system and related Section 120.075 regarding second dwellings of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. – (For possible action)**
Staff Representative: David Kelly

Linda and Allen Eisele
15540 Cherrywood Drive
Reno, Nevada 89511
Assessor's Parcel Number 045-583-01
Mountain Meadows Subdivision 1
Lot 40 Block 1

8. Discussion topic for possible direction to staff regarding use of sand as a substitute for soil in Onsite Sewage Disposal Systems (OSDS). - (For possible action)

Staff Representative: Dave Kelly

9. Discussion topic for possible direction to staff regarding standard variance package for the installation of domestic drinking water wells where the lots are too small to meet current setbacks. – (For possible action)

Staff Representative: James English

10. *Public Comment

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

11. Adjournment – (For possible action)

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting, moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The Sewage, Wastewater and Sanitation Board Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E Ninth Street, Reno, NV 89512, or by calling 775.328.2415, 24 hours prior to the meeting.

Public Comment: During the "Public Comment" items, anyone may speak pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board. In order to speak during any public comment, each speaker must fill out a "Request to Speak" form and/or submit comments for the record to the Recording Secretary. Public comment and presentations for individual agenda items are limited as follows: fifteen minutes each for staff and appellant presentations, five minutes for a speaker representing a group, and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair.

Response to Public Comment: The Sewage, Wastewater and Sanitation Board can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Sewage, Wastewater and Sanitation Board. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Sewage, Wastewater and Sanitation Board will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Sewage, Wastewater and Sanitation Board may do this either during the public comment item or during the following item: "Board Comments – Limited to Announcement or Issues for future Agendas."

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted at the following locations:

Washoe County Health District, 1001 E. 9th St., Reno, NV
Downtown Reno Library, 301 S. Center St., Reno, NV
Reno City Hall, 1 E. 1st St., Reno, NV
Sparks City Hall, 431 Prater Way, Sparks, NV

Washoe County Administration Building, 1001 E. 9th St, Reno, NV
Washoe County Health District Website www.washoecounty.us/health
State of Nevada Website: <https://notice.nv.gov>

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Laura Rogers, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Rogers is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at lrogers@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.

SEWAGE, WASTEWATER, AND SANITATION HEARING BOARD MEETING MINUTES

Members

Ronald J. Anderson, P.E., Chair
Matthew Buehler
Vonnie Fundin
Nick Vestbie, P.E.
Matt Smith – Alternate
Ray Pezonella, P.E - Alternate

Monday, May 7, 2018

6:00 p.m.

**Washoe County Administration Complex
Health District South Conference Room
1001 East Ninth Street
Reno, NV**

6:00 p.m.

1. *Roll Call and Determination of Quorum

Chair Anderson called the meeting to order at 6:04 p.m.

The following members and staff were present:

Members present: Ronald J. Anderson, P.E., Chair
Matthew Buehler
Vonnie Fundin
Nick Vestbie, P.E.

Members absent: Matt Smith - Alternate
Ray Pezonella, P.E - Alternate

Ms. Rogers verified a quorum was present.

2. *Pledge of Allegiance

Those present pledged allegiance to the flag.

3. *Public Comment

Chair Anderson thanked the newly appointed members of the Sewage, Wastewater and Sanitation (SWS) Board for offering to serve the community and welcomed those present at the meeting.

Chair Anderson requested a letter of thanks be sent to the two previous SWS Board Members for their service to the community. Mr. English agreed to do so.

Chair Anderson closed the public comment period.

4. Approval of Agenda

May 7, 2018

Mr. Buehler moved to accept the agenda for the May 7, 2018, Sewage, Wastewater and Sanitation Hearing Board meeting. Mr. Vestbie seconded the motion which was approved four in favor and none against.

5. Approval of Draft Minutes

June 5, 2017

Mr. Buehler moved to accept the minutes of the June 5, 2017 Sewage, Wastewater, & Sanitation Board meeting as written. Mr. Fundin seconded the motion which was approved four in favor and none against.

6. Public Hearing to determine whether or not to recommend approval to the District Board of Health for a variance for APN 017-123-05 owned by Mike Fritz for Section 040.080 and Table 2 "Watercourses" including Sub-Script (4) of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation.

Staff Representative: James English

Mr. Mike Fritz
15425 Pinion Drive
Reno, NV 89521
Assessor's Parcel Number 017-123-05

Chair Anderson opened the Public Hearing.

Mr. English stated that they were present regarding a variance application for Mr. Mike Fritz at 15425 Pinion Dr., explaining the variance is requested due to set-back issues on the parcel. He informed that Bailey Creek runs through the property and is the source of the set-back issues, specifically that the only suitable location for the septic system would potentially require a creek crossing. Also, he informed that Environmental Health Services (EHS) has always considered the one hundred foot set-back to be measured from the break in the bank of a watercourse when it is a named water source.

Mr. English informed that the applicant worked with an engineer to develop what they believe to be the best design possible to allow both a septic system and future repair field on the lot. He stated that the plan was included in their packets.

Mr. English informed that an EHS team had gone through the regulations to prepare a list of questions that the Board would need to address concerning this variance request, and that the team had answers prepared for those questions.

Mr. English stated that a test trench had been dug on the property and no ground water was present at a depth of thirteen feet which would allow for standard trenches if set-backs could easily be met. He informed EHS recommended the option of an engineered system or sand filter bed to be more protective of ground water.

Mr. English stated that the application was presented with plans for an at-grade sand filter bed which allows for an additional five feet more of protection between the system and ground water.

Mr. English stated that EHS staff believes that this is the most conservative and protective design for public health for the parcel, with the only possible issue in staff's opinion being the location of the sewer line crossing Bailey Creek and the potential for water contamination should the line fail in a flood situation.

Mr. English informed that EHS staff sees no other reasonable alternatives to this plan, other than to make this a raised filter bed, but noted that ground water is not the issue on this lot.

Information on the flood zone at the site was discussed.

Mr. Carnes informed that in their site visits they had not seen evidence of overbanking, and that photos of last year's flood event showed the creek to be running no more than a foot above normal flow.

Mr. Carnes stated there were two options on the plan, informing their original option would be to have the line encased in concrete.

Mr. Carnes informed that the creek bottom had not been eroded much by this last storm event and opined there isn't a risk with the concrete encased or sleeved design, noting the reinforcement would extend twenty-five feet past the bank line.

Mr. Vestbie asked if the conduit would be supported all the way across or in the middle. Mr. Carnes confirmed that it would.

Mr. Carnes informed that the flow grinder will be sized by the owner's mechanical designer and noted that it had not been purchased yet. He stated that the pressure line will be designed to drain back to the grinder pump and the size of the effluent grinder line will be based on the head loss for the unit he purchases. He informed that he would work with the owner and the mechanical designer on those decisions.

Chair Anderson opined that the design looked good, but needed clarification on the crossing detail and stated that a profile view of that section would have helped. He opined that there should be electrical conduit going across the creek in the same trench with the ejector line and have also it encased in concrete.

Mr. Carnes informed his design concept had the electrical in a sleeve encased in concrete in the event the electrical line had to be pulled in case of failure, and the sleeve with a protrusion plug at either end. He opined this design would have the safety of concrete encasement in a combined trench, but allow electrical repair if needed.

Mr. Buehler inquired if this design has been used before and how well do they work. Mr. Carnes stated that he had installed this design before and that others have as well, and he knows of no problems with them. Mr. Carnes stated that they do require annual maintenance which is included in the packet when the unit is purchased, and that this information will be covered with the owners.

Mr. Buehler inquired how the owner would know if the sewer line is compromised if it is encased in concrete, and would the concrete encasement hold the pressure of the line.

Mr. Carnes confirmed with Mr. Buehler that his inquiry was concerning the ejector line from the flow grinder to the septic line, and if it were to break, would there be an alarm to notify the owner. Mr. Carnes stated that the encasement would handle the pressure, and the encasement would be self-supported preventing movement of the line.

Mr. Fundin stated the system would be low pressure and Mr. Carnes agreed, and informed that it would be encased in HDPE pipe. He indicated that he would research if any sort of alarm is available for this application. Mr. Carnes informed that he had never seen a system fail of this design.

Mr. Carnes reiterated that the mechanical designer is directly involved in the specs for the ejector line so it functions with their unit with a high factor of safety, and informed that they have used this design in sensitive areas such as Lake Tahoe with the effluent station being installed on the beach and explained those projects.

Chair Anderson informed that this design is common practice.

Mr. Carnes informed that he has used Liberty pumps in similar designs and was impressed with their support and warranties.

Mr. Vestbie opined there would have to be some sort of strain criteria because of insufficient pressure, and that it could require a strain gauge. Mr. Carnes stated that he would research this request.

Mr. Buehler requested Mr. Carnes to detail the type of maintenance required on this system. Mr. Carnes informed that there would be an annual impedance check on the pumps and to assure the pit is cleaning itself, as well as the property owner will also perform a

simple telemetry check. Mr. Carnes informed that there is a warranty period and recommended replacement of the pumps, and informed that the new pumps have a relatively long life due to improved seal assemblies which preserves the bearings.

Mr. Buehler inquired if the life span on the pumps would be decades and Mr. Carnes confirmed that to be correct, stating that the key element to the pump lasting is for the head loss of the effluent line to be designed for the pumps to avoid strain on the pumps. He informed that they suggested a duplex pump as opposed to a singular and that will be what is purchased for the system.

The appropriate size of the tank in relation to the size of the dwelling was discussed. Mr. Vestbie stated that the design should be for a 1,500 gallon septic tank. Mr. Carnes directed attention to the portion of the plans that shows a 1,500 gallon tank is the size calculated in the plans.

Mr. Vestbie stated there has to be an individual tank for each structure on the plans. Mr. Kelley informed that the secondary structure is not intended to be a dwelling, but a structure with potentially one room and informed that their regulations allow for that system to be tied into the septic system providing the total number of bedrooms does not exceed six. Mr. Kelley explained that Planning designates whether it will be a structure or a dwelling according to their guidelines, and explained the parameters to the Board.

Mr. Vestbie inquired if the separate structure would require a new application and permit before it is built. Mr. Kelley confirmed that was correct, and informed that he had suggested the owner have it designed with the additional structure on the plan to assure it is done correctly. It was confirmed that the plans included the calculation for the number of bedrooms shown on the plan.

Chair Anderson inquired if Mr. Carnes had a contract for doing the inspection and testing of this system. Mr. Carnes confirmed that he would inspect the system that is included in the plans.

Mr. Carnes informed that they will be taking accurate field measurements to confirm correct placement of tanks in respect to the field and their orientation, grade, etc., to provide the finished bid, excavation, scarification, filter sand, testing of the filter sand, rock, flow test, etc., and that he would be doing these tests himself.

Chair Anderson requested there to be an as-built plan showing the profile as built. Mr. Carnes stated that there will be, and confirmed that Chair Anderson was referring to the ejector line, which was confirmed to be correct. Chair Anderson stated he wanted the as-built plan to show the electrical conduit in with the ejector line.

Chair Anderson requested the opinion of the Board for there to be geogrid fabric over the top of the bed to prevent the structure from scouring out in a flood event. He opined that it would be a nominal additional cost to the project. Mr. Vestbie agreed it to be a good suggestion, and Mr. Carnes agreed to add that to the design.

Chair Anderson informed those were his only design comments.

Mr. Vestbie moved to approve to the District Board of Health for a variance for APN 017-123-05 owned by Mike Fritz for Section 040.080 and Table 2 “Watercourses” including Sub-Script (4) of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation as designed with the following conditions:

- 1. Addition of the geogrid fabric over the filter bed,**
- 2. The electrical line sleeved in conduit, and**
- 3. Show/provide a cross section profile view of creek crossing to WCHD.**

Mr. Fundin seconded the motion which was approved four in favor and none against.

6. *Public Comment

As there was no one wishing to speak, Chair Anderson closed the public comment period.

7. Adjournment

At 6:37 p.m., Chair Anderson adjourned the meeting.

Respectfully submitted,

James English, Environmental Health Specialist Supervisor
Secretary to the Sewage, Wastewater and Sanitation Board

Laura Rogers, Administrative Secretary
Recording Secretary

STAFF REPORT

BOARD MEETING DATE: October 10, 2018

TO: Sewage, Wastewater, and Sanitation Hearing Advisory Board

FROM: David Kelly, Senior Environmental Health Specialist
775-328-2630, dakelly@washoecounty.us

SUBJECT: Public Hearing to consider an appeal of Health District’s decision to not allow a reduced setback to a public utility easement, Section 040.095 of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation.

SUMMARY

This staff report summarizes the Environmental Health Services Division’s (EHS) review of the submitted appeal for your recommendation on whether to allow for a reduced setback to a public utility easement for a repair area in order to approve Building Permit application WBLD18-106512 for a detached garage. While municipal sewer is within 200’, a separate repair area is required to be designated on a property until such a time that the property is hooked up and abandoned its septic. The repair area must meet all applicable setbacks. Without a reduced setback to the easement, there is not room for a code compliant repair area while still allowing the construction project to move forward. The property owner has agreed to record to the title of the property that upon sale or failure, hook up to sewer will be required if his appeal is approved.

PREVIOUS ACTION

There has been no previous action with this appeal request other than standard plan review and coordination with the property owner on the appeal process. EHS as a matter of standard operations does not reduce setbacks for septic systems unless as part of an emergency repair is being installed and there is limited time or options to install a functioning system.

BACKGROUND

On July 24th, 2018, Washoe County Building Permit application WBLD18-106512 was received by Washoe County Health District (WCHD). It was placed in corrections on August 1st, pending the location of the field by a third party to ensure that all setbacks to the proposed garage could be met. After location, it was determined that setbacks to the primary field could be met, but that the placement of the new garage would not allow for a second, code compliant repair area to be located on the property because of the minimum 10’ setback to the existing 7.5’ public utility easement located on the East side of the property.

The Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation (regulations) section 040.095 requires a minimum of 10’ setback to an underground easement. Because the location of the original field and existing building both require 20’ setbacks,

the only apparent option to accommodate an adequately sized repair area would be to encroach on the easement setback by 4', leaving a setback distance of only 6' if the garage is built where proposed. The regulations do allow for a reduced setback to easements with Health Authority approval (040.098). EHS does not reduce setbacks for the installation of septic systems except to facilitate the installation of an emergency repair field. To ensure consistency in application across industry, the appeal process was determined to be the best process for granting a reduced setback.

It is not expected that this property will ever need put a repair area on the property as municipal sewer is available within 200' of the property line and 300' of the building to be served. However, WCHD requires that space for two code compliant systems be maintained until such a time as the property is connected to a municipal sewer system in case some reason prevents the connection from occurring, such as but not limited to, treatment plant capacity. In order to get the reduced setback and not have to connect immediately, the homeowner is willing to record to the title that the property will connect to sewer in the event of any failure or sale of the property. This will ensure that any future buyers are aware of the potential cost.

RECOMMENDATION

Based on information presented, staff recommends: The Sewage, Wastewater, and Sanitation Hearing Advisory Board either deny the appeal, or to approve the appeal request for a reduced setback for the repair location to the public utility easement and require recording on the title for the requirement to connect to sewer upon either failure to the septic system or sale of the property.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, there are two possible motions:

1. A possible motion would be "Move to deny the appeal for the reduced setback", or
2. A possible motion would be "Move to approve the appeal for a reduced setback for the repair location to the public utility easement and require recording on the title for the requirement to connect to sewer upon either failure to the septic system or sale of the property."

WASHOE COUNTY HEALTH DISTRICT <small>ENHANCING QUALITY OF LIFE</small>	WASHOE COUNTY HEALTH DISTRICT ENVIRONMENTAL HEALTH SERVICES DIVISION 1001 East Ninth Street • PO Box 11130 • Reno, Nevada 89520 Telephone (775) 328-2434 • Fax (775) 328-8176 www.washoecounty.us/health	Office Use Only
APPEAL APPLICATION		

Date: 8/20/2018

Name of Applicant: Jeff and Penelope Filce

Mailing Address: 330 Ember Drive
Sparks NV 89436

Phone: (775) 440-1832 Email Address: gremlinguy72@live.com

Title of Regulations: Regulations of the Washoe County District Board of Health Governing Sewage, Sanitation and Wastewater

Written Description of WCHD Decision(s) Proposed for Appeal: Health District staff declining to reduce the setback to a Public Utility Easement.

Relevant Regulatory Sections: 040.095 - 040.098

Reason for Appeal: We are currently storing three collector cars outside and want to keep them in a covered garage. We only need a 4 foot reduction for the setback to the PUE for the repair area. The regulations allow for the Health District to reduce these setbacks (040.098). With municipal sewer being less then two hundred feet away the property is required to hook up to sewer in the event of failure. We are willing to record to the title that hook up to sewer will be required in the event of any septic failure and/or as a condition of sale of the property.

The following items must be submitted with this application:

JOB ADDRESS 330 Ember Drive Sparks, NV 89436
 SIZE OF PARCEL 1/2 acre. /Acre
 COPY OF LEGAL DESCRIPTION AND VERIFICATION OF CURRENT VESTING ON TITLE
 EXISTING PARCEL(S) APN(S) _____ LOT _____ BLOCK _____


 Signature

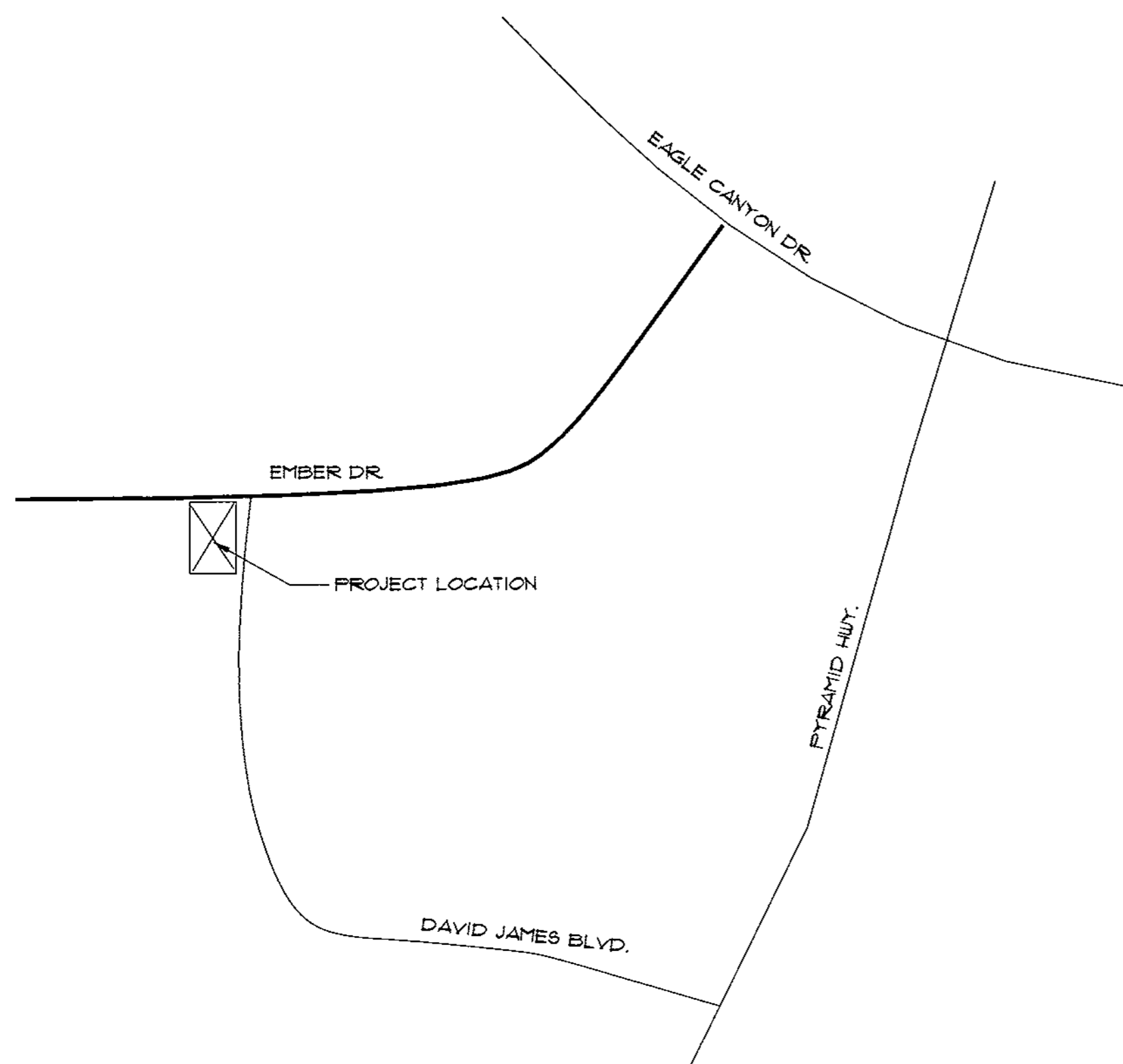
8/29/18
 Date Signed

H-713-42

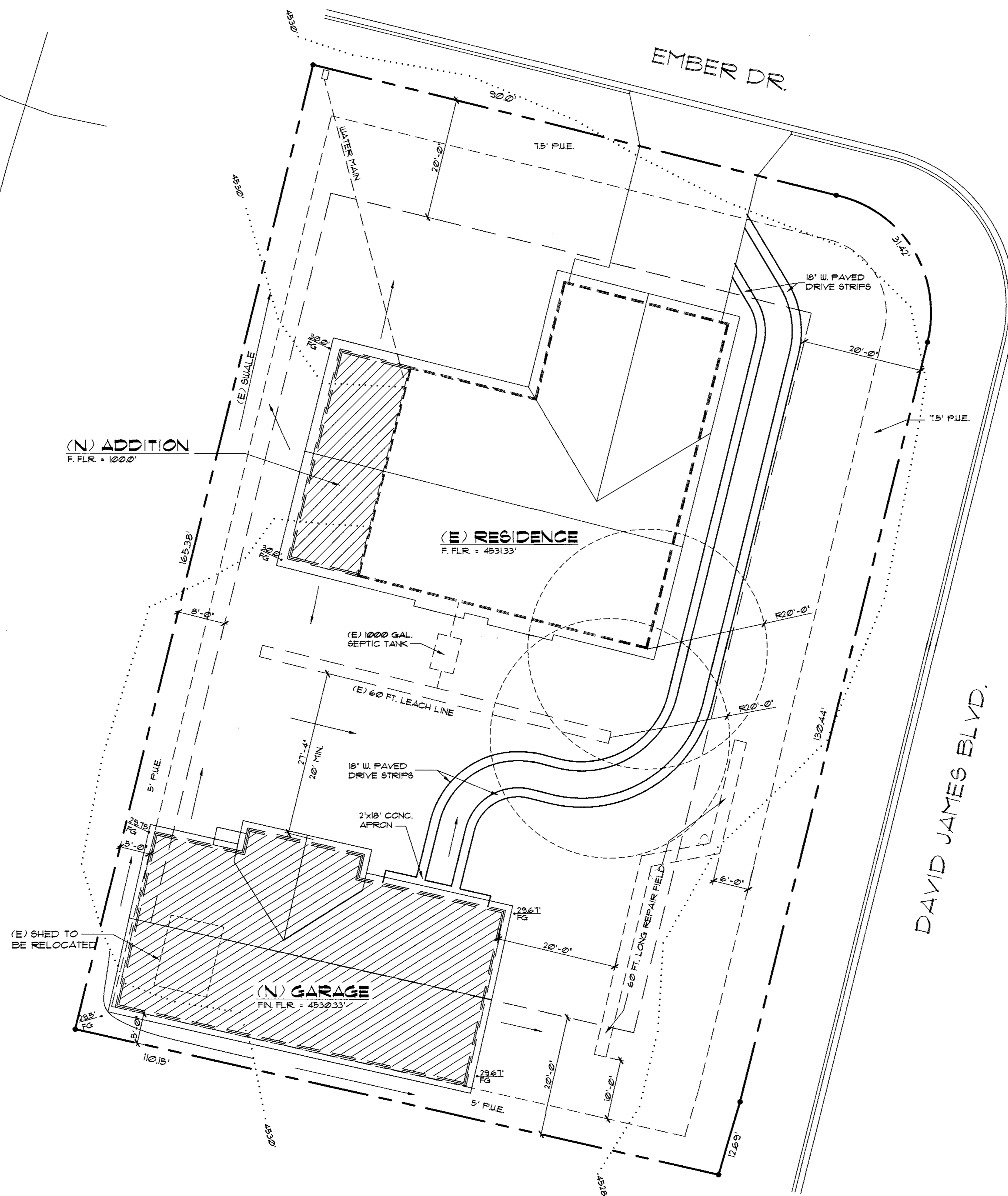
RECEIVED

AUG 29 2018

Washoe County Health District
 Environmental Health



VICINITY MAP NORTH
NOT TO SCALE



SITE / ROOF PLAN NORTH
SCALE: 1" = 10'-0"
SPANISH SPRINGS VILLAGE 4
LOT 1, BLOCK 1
APN 089-523-08

SITE LEGEND

- PROPERTY LINES
- SETBACK LINES
- EASEMENT LINES
- DRAINAGE SLOPE - 5% MIN.
- FINISH GRADES

GRADING CALCS:

DISTURBED AREA	3,000 SQ. FT.
HOUSE ADDITION	50 CU. YD. CUT 0 CU. YD. FILL
GARAGE	25 CU. YD. CUT 40 CU. YD. FILL
TOTAL SITE:	135 CU. YD. CUT 40 CU. YD. FILL

CALCS ARE ROUGH ESTIMATES
EXCAVATOR TO VERIFY

GENERAL NOTES:

- CONSTRUCTION SHALL MEET THE CURRENT REQUIREMENTS OF THE I.R.C. & WASHOE COUNTY BUILDING & PLANNING DEPARTMENTS.
- FIELD VERIFY EXISTING SITE GRADES AND CONDITIONS.
- FIELD VERIFY ALL UTILITY LOCATIONS - CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH ALL APPLICABLE CODES & REQUIREMENTS.
- ALL PREFABRICATED PRODUCTS SHALL BE INSTALLED PER MANUF. SPECIFICATIONS.
- SOILS ENGINEER SHALL EXAMINE SITE AFTER EXCAVATION AND PRIOR TO SETTING ANY CONC. FORMS. SOIL'S ENGINEER RECOMMENDATIONS CONCERNING FOOTING SIZE, DEPTH, COMPACTION, ETC. SHALL BE FOLLOWED.
- ALL WALKS, DRIVES AND PATIOS NOTED ON SITE PLAN SHALL BE 4" CONC. WITH FIBER MESH OVER 6" TYPE-II BASE COMPACTED TO 95%.
- CARE SHALL BE TAKEN THAT ALL VEGETATION IN DEVELOPED AREAS IS PROTECTED DURING CONSTRUCTION. ALL VEHICLES & MATERIAL STORAGE SHALL BE RESTRICTED TO DRIVE AREA.
- RETAIN ALL STONES FROM EXCAVATION. LARGER Boulders SHALL BE PLACED RANDOMLY IN PLANTER AREAS.
- GRADE SITE TO DRAIN 5% MIN. FOR 10'-0" AWAY FROM (N) STRUCTURE. MAINTAIN (E) DRAINAGE.
- HOUSE HAS (3) (E) BEDROOMS
- LOT AREA IS 417,930 SQ. FT. (±.41 ACRE)
- NO PRIVATE WELL WITHIN 100 FT.
- PUBLIC SEWER IS APPROX. 200 FT. SOUTH OF SOUTHEAST CORNER OF LOT.
- NO WATERCOURSE WITHIN 100 FT. OF PROPERTY.
- 100 YR. FLOODPLAIN NOT WITHIN 100 FT. OF PROPERTY.

LIST OF DRAWINGS

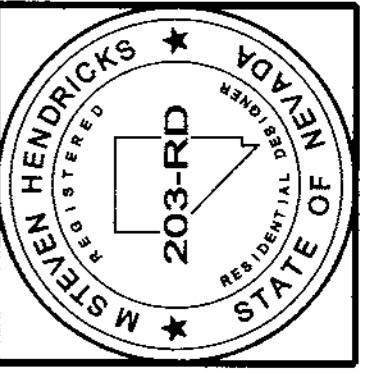
A-1	SITE PLAN, DRAWING LIST
A-2	HOUSE DEMO PLAN - FOUNDATION PLAN
A-3	HOUSE FLOOR PLAN - ELECTRICAL PLAN
A-4	HOUSE ROOF FRAMING PLAN BUILDING SECTION
A-5	HOUSE EXTERIOR ELEVATIONS
A-6	GARAGE FOUNDATION PLAN
A-7	GARAGE FLOOR/ELECTRICAL PLAN
A-8	GARAGE ROOF FRAMING PLAN
A-9	GARAGE BUILDING SECTION
A-10	GARAGE EXTERIOR ELEVATIONS
SD1	STRUCTURAL NOTES & SCHEDULES
SD2	STRUCTURAL DETAILS
SD3	STRUCTURAL DETAILS

REVISIONS
B-25-18

ALL DIMENSIONS EXCEPT AS SHOWN SHALL BE IN ACCORDANCE WITH THE I.R.C. & WASHOE COUNTY BUILDING & PLANNING DEPARTMENTS. UNDER THE PROVISIONS OF THE I.R.C. & WASHOE COUNTY BUILDING & PLANNING DEPARTMENTS, THE DISTRIBUTION OF DIMENSIONS OR OTHER INFORMATION IS UNAUTHORIZED.

(775) 219-6393
(775) 302-2592 fax
nevadahomedesign@gmail.com
P.O. Box 19109
Reno, NV, 89511

Nevada Home Design L.L.C.
Residential Designs
www.nevahomedesign.com



DATE: 6-21-18
JOB NO.: 18-118
PROJECT LOCATION:
3302 EMBER DR
WASHOE COUNTY, NV.

SITE / ROOF PLAN
AN ADDITION/REMODEL for
JEFF & PENNY FILCE

SHEET NUMBER
A-1

STAFF REPORT

BOARD MEETING DATE: October 10, 2018

TO: Sewage, Wastewater, and Sanitation Hearing Advisory Board

FROM: James English, EHS Supervisor
775-328-2610, jenglish@washoecounty.us

SUBJECT: Public Hearing to consider an appeal of the Health District's interpretation of Sections 040.005 – 040.030 regarding minimum acreage required per septic system and related Section 120.075 regarding second dwellings of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation.

SUMMARY

This staff report summarizes the Environmental Health Services Division's (EHS) review of the submitted appeal for your recommendation on whether the interpretation of EHS regarding the minimum required lot size per septic system is correct. Since 1991, EHS has consistently applied a minimum of 1 acre per septic system regardless of when a lot was created. This is the same standard that is used for other regulatory codes such as Building code; that new construction must meet current standards. EHS recommends the denial of this appeal.

PREVIOUS ACTION

Previous action on this item included review of the interpretation by the Supervisor of the program. Staff previously in the program was consulted as part of the review, as well as previous Sewage, Wastewater, and Sanitation Board (SWS Board) Variance proceedings (Case 01-16S) that dealt with the minimum acreage requirement. The review resulted in the decision that the interpretation was correct and a minimum of 1 acre is required per septic system (and therefore dwelling) regardless of whether or not there is a well on the property since 1991 (Section 040.015). This decision was communicated to Mr. Perkins in writing on August 24, 2018 (Attachment #1). Mr. Perkins was provided the opportunity to appeal the Health District's decision to the SWS Board and/or apply for a variance.

BACKGROUND

Environmental Health Services Staff (EHS) began having discussions with the property owner regarding the proposed project beginning in January of 2018. During those discussions, the Health District reviewed the minimum requirement of 1 acre per dwelling and provided guidance on the different options to move forward, including a variance option (Attachment #2). Health also outlined that even a separate structure would not be allowed to include bedrooms and utilize the existing septic. The original existing septic system that serves the primary residence was sized for 3 bedrooms and the existing house is assessed at 3 bedrooms. The Planning Department was included in the conversations to ensure communication was clear.

On August 8, Building Permit application WBLD18-106519 was submitted for an accessory structure with an additional two bedrooms. Planning determined that the new structure would be considered a dwelling unless the bedrooms were removed and a deed restriction was filed. WCHD informed the homeowner that, as a dwelling, a separate septic would be required but that the property did not have the minimum required acreage of 2 acres (property is 0.929 acres).

The homeowner did not wish to modify the proposal or file a deed restriction. At that time, the contractor said that he felt that the interpretation of the regulation was incorrect and that the lot was “grandfathered” in and so would not require a minimum of one acre per septic system. WCHD informed the contractor that the current construction standard for any lot being parceled is 1 acre per septic and that all current construction needed to meet this standard; “grandfathering” is not a standard included in the regulations.

Section 120.075 states that “separate dwellings may occupy one parcel of land provided that the lot size is at least equal to the number of dwellings times the minimum lot size required by sections 040.005 through 040.020.” Over the years, the minimum required lot size has been expanded, from no minimum (040.005) to a minimum of one acre with or without a well (040.015), to a minimum of 1 acre for the first 4 parcels and then 5 acres after that (040.030). These sections refer to the minimum acreage requirements that have existed over the years for the purpose of creating parcels. The continued inclusion of Table 1 reference by the appellant is only for the sake of perpetuity. While all existing parcels would be allowed to construct a single family dwelling based on the original parcel map, all current construction has been required to meet a minimum of one acre per septic system.

All other construction standards require current construction codes be met and this should apply to septic installation as well. The regulations have been changed over the years to increase the amount of acreage required for placement of a septic system, primarily in order to protect against the potential for groundwater contamination. Modifying this interpretation now would increase the concentration of sewage release in areas that already have higher populations and increased densities.

The regulations allow for a variance process which is specifically for situations where a property is not able to meet current code. This is the standard approach that has been used for acreage issues and situations where minimum requirements cannot be met. A variance process, with professional engineering design and certification of environmental protection, is the appropriate process for placement of additional septic systems other than a primary residence on properties with less than 1 acre per proposed septic system. Since there is a potential path forward to approve this process through a predetermined variance process as currently allowed in the regulations, staff believes the current interpretation of the regulations is accurate and has consistently used this interpretation since 1991.

RECOMMENDATION

Based on information presented, staff recommends: The Sewage, Wastewater, and Sanitation Hearing Advisory Board deny the appeal of the Health District’s interpretation of Sections 040.005-040.030 regarding minimum acreage required per septic system and related Section 120.075 regarding second dwellings of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation, and affirm the Health District’s current and consistent application of current construction minimums of 1 acre per septic system.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be "move to deny the appeal of the Health District's interpretation of Sections 040.005 – 040.030 regarding minimum acreage required per septic system and related Section 120.075 regarding second dwellings of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation, affirming the Health District's current and consistent application of the current construction minimums of 1 acre per septic system."

If the Board disagrees with staff's recommendation, the SWS Board may formulate their own motion.

Attachment #1

English, James

From: English, James
Sent: Tuesday, October 2, 2018 3:13 PM
To: English, James
Subject: FW: Attachment #1

From: Kelly, David A
Sent: Tuesday, October 2, 2018 3:10 PM
To: English, James <JEnglish@washoecounty.us>
Subject: FW: Re dadu on 1 acre 15540 Cherrywood dr.

First of two emails that should be attached.

David Kelly, REHS

Environmental Health Specialist | Environmental Health | Washoe County Health District
dakelly@washoecounty.us | O: (775) 328-2630 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

**WASHOE COUNTY
HEALTH DISTRICT**



ENHANCING QUALITY OF LIFE

Public Health

 Please consider the environment before printing this e-mail.

From: Kelly, David A
Sent: Monday, January 29, 2018 10:31 AM
To: linda eisele; Bronczyk, Christopher
Subject: RE: Re dadu on 1 acre 15540 Cherrywood dr.

Linda –

I have attached Chris to this email in the hope of clearing up some of the confusion you are running into.

First, the planning rules and requirements are separate from Health regulations. While planning may allow for two dwellings on a property, health regulations have a minimum of one acre per septic. Health does allow for an accessory structure to be tied into the existing septic provided it is correctly sized, however, each dwelling is required to have its OWN septic. Since your property only is an acre, no second septic system, and consequently, no dwelling would be approved by health.

There is a variance process available – it is a relatively extensive process that most people are not interested in. Again, there may be other options through the design if Planning does not determine that the unit is a dwelling, but I will let them discuss that with you.

With regards to the contractor, I haven't spoken with any contractors nor seen any plans on this property to date.

David Kelly, REHS

Environmental Health Specialist | Environmental Health | Washoe County Health District
dakelly@washoecounty.us | O: (775) 328-2630 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512



 Please consider the environment before printing this e-mail.

From: linda eisele [<mailto:lindaeisele@yahoo.com>]

Sent: Friday, January 26, 2018 12:07 PM

To: Kelly, David A

Subject: Re dadu on 1 acre 15540 Cherrywood dr.

Hi Dave, spoke to you regarding building 26by26 foot garage with little apartment above. Spoke to Chris Brocovich (sp from Washoe County planning,) who stated he is from Kentucky. He advised me to call you in re: to septic situation. He gave me set back and size restrictions but told me to speak to you as he did not know about upgrading our current septic to accommodate dadu. He did mention 2 acre min. for separate septic. I am frustrated by mis information out there from Washoe County planning and building. We had gone and got plans and a hold of a contractor based on what was told to me from those offices.

With sky high home prices and aging baby boomers, I do not understand why the county is not more flexible in allowing granny flats/mother-in-law dwellings to help senior population. Our married son and his wife are being turn out of the home they rent now after landlord raised rent substantially then decided he wants to sell.

Do we any recourse or do you have any suggestions? It would be greatly appreciated

Linda Eisele
15540 Cherrywood dr.
Reno, nev 89511
lindaeisele@yahoo.com

Attachment #2

English, James

From: English, James
Sent: Tuesday, October 2, 2018 3:12 PM
To: English, James
Subject: FW: Re dadu on 1 acre 15540 Cherrywood dr.

From: Kelly, David A
Sent: Monday, January 29, 2018 4:48 PM
To: linda eisele; Bronczyk, Christopher
Subject: RE: Re dadu on 1 acre 15540 Cherrywood dr.

Linda –

I included Chris on this again – I don't want to have communication get crosswise. In response to your questions:

- 1) In regards to the "man cave" with a bathroom – yes, an accessory structure (not a dwelling) that has plumbing may tie into an existing septic system provided that the total bedroom count between the two structures does not exceed the sizing of the septic system. In this case, your property has a septic system sized for up to three bedrooms, and is assessed at three bedrooms. No additional bedrooms would be permitted to be attached without a modification of the septic system (modification or construction of a new larger system could accommodate a larger bedroom count), but an office and a bathroom could be. If this were proposed as part of a building permit, we would check it for ability to make fall and inspect the tie in. In most circumstances, a pump of some sort would be required in order to reach the septic tank.
- 2) With regards to the definition of a kitchen, and or dwelling, I will leave that to Chris - Health accepts the designations of Building and Planning in these matters; otherwise, customers could face divergent designations, which would not be right. So if Planning says it is a Dwelling, we will apply dwelling regulations. If Building says it is a bedroom versus an office, we will accept that.
- 3) Adding bedrooms (in separate building or not) and modifying or abandoning and rebuilding an appropriate sized septic would be allowed, provided all setbacks and construction requirements could be met. The property is only allowed ONE system, but you could abandon the existing and build a single system sized for up to 6 bedrooms if desired. We would then apply the rules from 1 to whatever project was being proposed.

I hope this clears up some of your questions.

David Kelly, REHS

Environmental Health Specialist | Environmental Health | Washoe County Health District
dakelly@washoecounty.us | O: (775) 328-2630 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

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



 Please consider the environment before printing this e-mail.

From: linda eisele [<mailto:lindaeisele@yahoo.com>]
Sent: Monday, January 29, 2018 4:14 PM
To: Kelly, David A
Subject: Re: Re dadu on 1 acre 15540 Cherrywood dr.

David, terribly sorry to constantly bother you but you are the only one that can answer my questions.

Is it feasible and would it be allowed to go ahead and build our garage with office/man cave area above with a bathroom? I know you mentioned no kitchen. If so what are the septic requirements for connecting toilet facility to current septic? Any other restrictions I should be made aware of?

Definition of kitchen?? I know our horse trainer has in her barn, bathroom, also a sink, and small frig to keep equine vaccines. I want to do what is right and pass health department regulations.

Also would adding additional just bedroom/bathroom to existing house with upgrading current septic an option?

Thank you so much for your help.
Linda Eisele

WASHOE COUNTY
HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

WASHOE COUNTY HEALTH DISTRICT
ENVIRONMENTAL HEALTH SERVICES DIVISION
1001 East Ninth Street • PO Box 11130 • Reno, Nevada 89520
Telephone (775) 328-2434 • Fax (775) 328-6176
www.washoecounty.us/health

Office Use Only

APPEAL APPLICATION

Date: 9/1/2018

Name of Applicant: Carl Perkins (General Contractor/Grizzly Construction), Linda and Allen Eisele

Mailing Address: 15540 Cherrywood Dr

Reno NV 89511

Phone: (530) 563-8454

Email Address: carl@builtbygrizzly.com

Title of Regulations: Regulations of the Washoe County District Board of Health Governing Sewage, Sanitation and Wastewater

Written Description of WCHD Decision(s) Proposed for Appeal: Requirement for a minimum lot size of 2 acres to build a detached accessory dwelling upon the current property.

Relevant Regulatory Sections: 120.075, 040.005, 040.006, 040.010, 040.015, 040.020, Table 1 pg. 15

Reason for Appeal: We believe the interpretation of the regulations by the Environmental Health section to be incorrect. They are applying regulation 040.015 which according to the regulations applies to lots created after Mar 21st, 1991 and before Oct 23, 2001 and requires a minimum lot size of 1 acre per dwelling. We believe that to be an incorrect application of the regulations. The documents provided with this appeal prove that the lot in question was created on November 1st 1973. Therefore the correct regulation that should be utilized is 040.010. Our lot was created in 1973, the lot is currently supplied by municipal water, therefore there is a minimum lot size requirement of one-third (1/3) acre per dwelling. Regulation 040.010 also refers to table 1. Our lot has a grade less than 5% and does not increase minimum lot size requirements. Using the regulations properly the minimum lot size for two dwellings on our lot is 2/3 acre.

The following items must be submitted with this application:

JOB ADDRESS 15540 Cherrywood Dr. Reno NV 89511

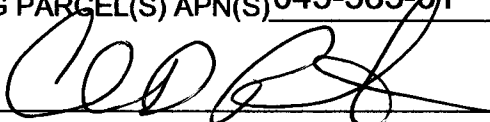
SIZE OF PARCEL 0.929 /Acre

COPY OF LEGAL DESCRIPTION AND VERIFICATION OF CURRENT VESTING ON TITLE

EXISTING PARCEL(S) APN(S) 045-583-01

LOT 40

BLOCK 1



Signature

9/1/2018

Date Signed

DOC # 3503039

02/28/2007 11:33:32 AM

Requested By
WESTERN TITLE INCORPORATED
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$16.00 RPTT: \$0.00
Page 1 of 3

APN#: 045-583-01

Recording Requested By:
Western Title Company, Inc.
9332-PAH

When Recorded Mail To:
ALLEN ROBERT EISELE
15540 CHERRYWOOD DR
RENO, NEV
89511

Mail Tax Statements to: (deeds only)
ALLEN ROBERT EISELE

SAME AS ABOVE



(space above for Recorder's use only)

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

Signature *Allen Robert Eisele*
ALLEN ROBERT EISELE-OWNER

Grant, Bargain, and Sale Deed

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

APN #045-583-01
RPTT: \$0.00

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The Allen and Linda Eisele Living Trust utd 2/16/06 Allen Robert Eisele and Linda Ann Eisele, Trustees

do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to

Linda A. Eisele and Allen R. Eisele, wife and husband as joint tenants

and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of Reno, County of Washoe State of Nevada bounded and described as follows:

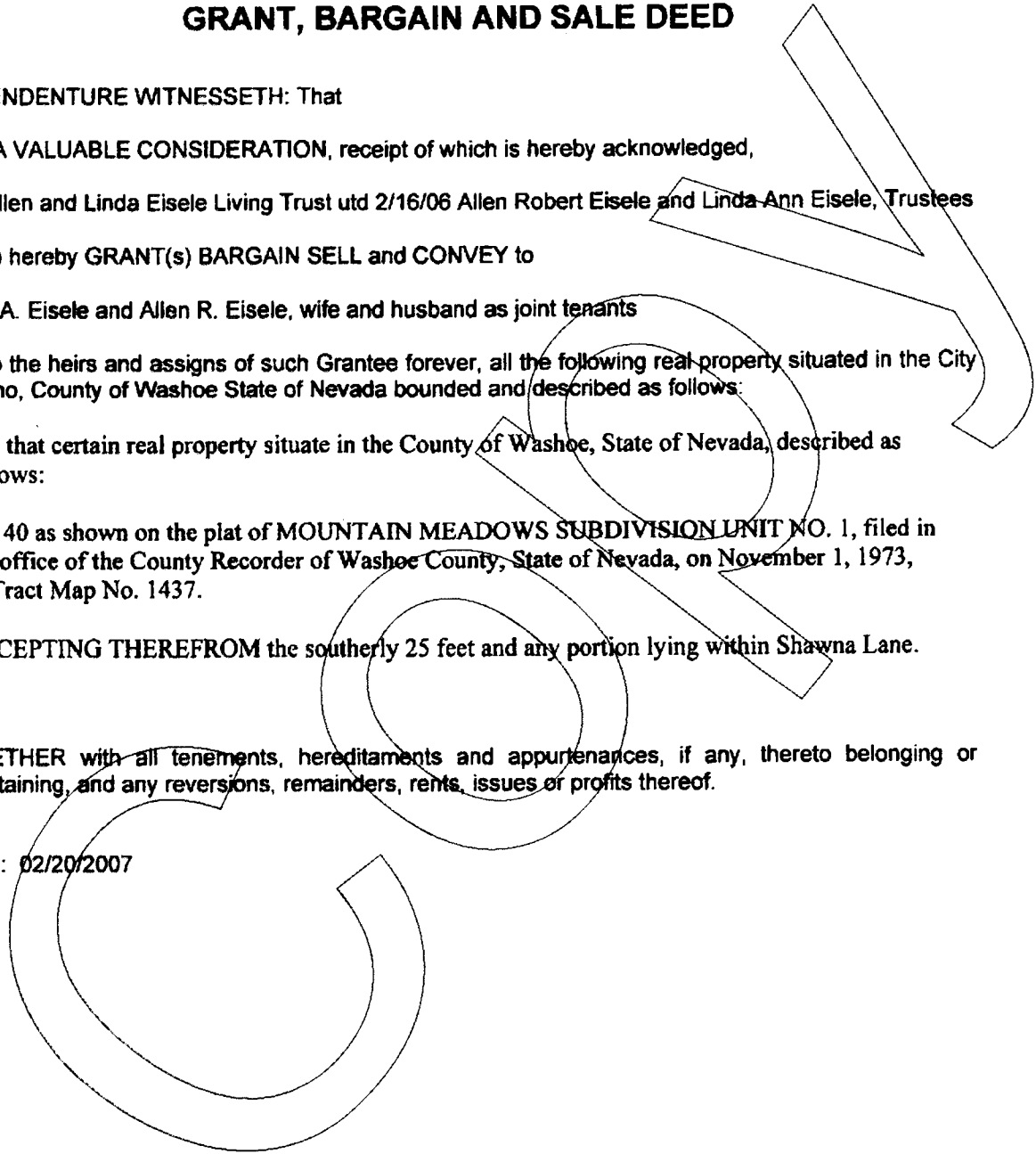
All that certain real property situate in the County of Washoe, State of Nevada, described as follows:

Lot 40 as shown on the plat of MOUNTAIN MEADOWS SUBDIVISION UNIT NO. 1, filed in the office of the County Recorder of Washoe County, State of Nevada, on November 1, 1973, as Tract Map No. 1437.

EXCEPTING THEREFROM the southerly 25 feet and any portion lying within Shawna Lane.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: 02/20/2007



Grant, Bargain and Sale Deed - Page 2

Allen Robert Eisele
 Allen Robert Eisele, Trustee
 AND INDIVIDUALLY

Linda Ann Eisele
 Linda Ann Eisele, Trustee
 AND INDIVIDUALLY

STATE OF NEVADA

COUNTY OF Washoe

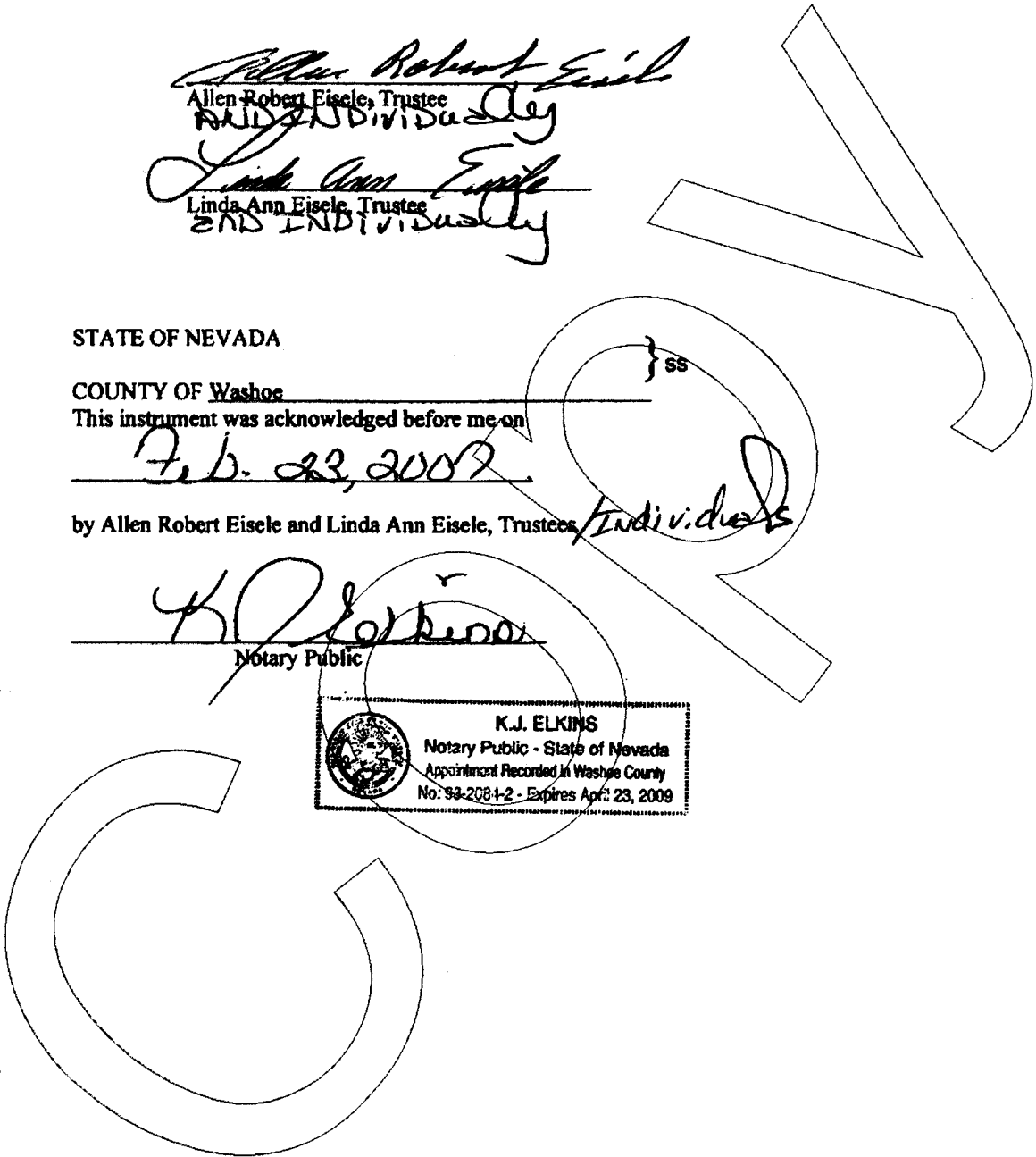
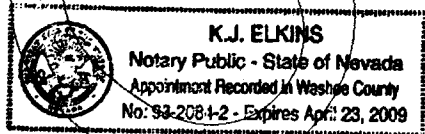
This instrument was acknowledged before me on

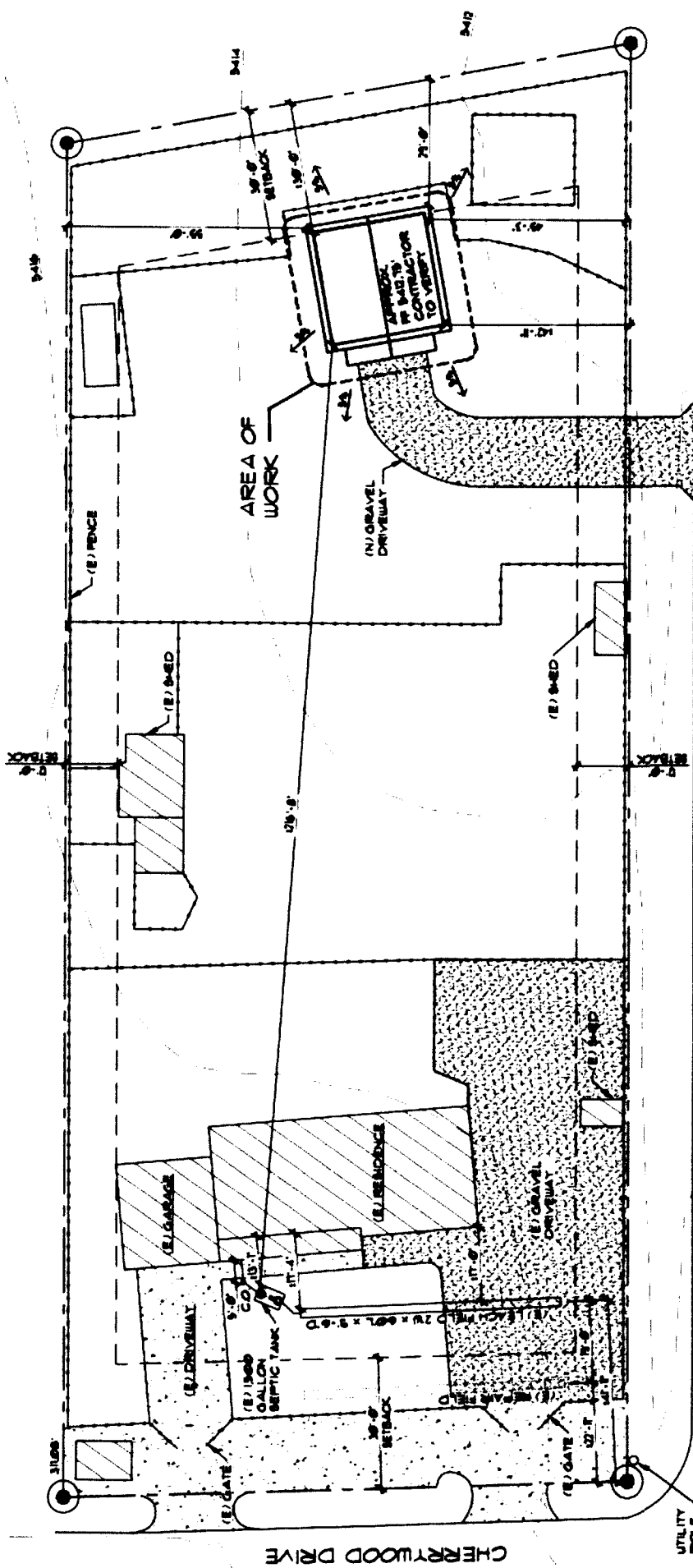
Feb. 23, 2009

by Allen Robert Eisele and Linda Ann Eisele, Trustees *Individuals*

K.J. Elkins

 Notary Public





CHERRYWOOD DRIVE

UTILITY POLE

Last Recorded Document in our records: # 3503970 March 1, 2007

APN: 045-583-01 Card 1 of 1

Owner Information & Legal Description

Situs 15540 CHERRYWOOD DR , WASHOE COUNTY
89511

Owner 1 EISELE LIVING TRUST, ALLEN & LINDA
Mail Address 15540 CHERRYWOOD DR
RENO NV 89511

Owner 2 or Trustee EISELE TRUSTEE, ALLEN R & LINDA A

Rec Doc No 3503970 **Rec Date** 03/01/2007

Prior Owner EISELE, LINDA A & ALLEN R

Prior Doc 3503039

Keyline Desc MOUNTAIN MEADOWS 1 LT 40

Subdivision MOUNTAIN MEADOWS SUBDIVISION 1

Lot: 40 Block: Sub Map#

Record of Survey Map: Parcel Map#

Section: Township: 17 Range: 19 SPC

Tax Dist 4000 Add'l Tax Info Prior APN

Tax Cap Status Low Cap Qualified Primary Residence

Building Information

Quality R30 Average **Bldg Type** Sgl Fam Res

Stories SINGLE STORY **Square Feet** 1,614

Year Built 1977 **Square Feet does not include**
Basement or Garage Conversion Area.

W.A.Y. 1977 **Finished Bsmt** 0

Bedrooms 3 **Unfin Bsmt** 0

Full Baths 2 **Bsmt Type**

Half Baths 0 **Gar Cony Sq** 0
Foot

Fixtures 9 **Total Gar Area** 528

Fireplaces 0 **Gar Type** ATTACHED

Heat Type FA **Det Garage** 0

Sec Heat Type **Bsmt Gar Door** 0

Ext Walls HARDBOARD/FR **Sub Floor** WOOD

Sec Ext Walls BR VENEER/FR **Frame** FRAME

Roof Cover CONCRETE TIL **Construction** 0
Mod

Obso/Bldg Adj 0 **Units/Bldg** 1

% Complete 100 % **Units/Parcel** 1

Land Information

Land Detail

NBC =
Neighborhood
Code

Land Use 200 **Zoning** LDS **Sewer Septic** NBC JCGF

Size 40,467 SqFt or ~ **Water Muni Street Paved** NBC JC
0.929 Acre **Map** NBC
Map

Valuation Information

Valuation History	2017/18 FV	2018/19 FV
Taxable Land Value	130,000	150,000
Taxable Improvement Value	86,381	84,555
Taxable Total	216,381	234,555
Assessed Land Value	45,500	52,500
Assessed Improvement Value	30,233	29,594
Total Assessed	75,733	82,094

Sales/Transfer Information/Recorded Document

Sales/Transfer History

V- Code	DOR	Doc Date	Value/Sale Price	Grantor	Grantee
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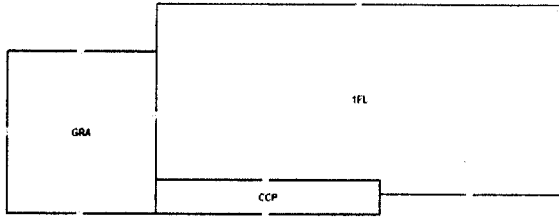
9/5/2018

Real Property Assessment Data

3BGG 200 03-01-2007
3BGG 200 02-28-2007
3BGG 200 02-23-2006
09-23-1992

0 EISELE, LINDA A & ALLEN R EISELE LIVING TRUST, ALLEN & LINDA
0 EISELE, ALLEN & LINDA EISELE, LINDA A & ALLEN R
0 EISELE, ALLEN R & LINDA A EISELE, ALLEN & LINDA
0 EISELE, ALLEN R & LINDA A

Building #1 Sketch



Sketch Code Descriptions

Property Photo



045-583-01 05/29/2016

STAFF REPORT

BOARD MEETING DATE: October 10, 2018

TO: Sewage, Wastewater, and Sanitation Hearing Advisory Board
FROM: James English, EHS Supervisor
775-328-2610, jenglish@washoecounty.us
SUBJECT: Discussion topic for possible direction to staff regarding use of sand as a substitute for soil in Onsite Sewage Disposal Systems (OSDS)

SUMMARY

On occasion engineers designing OSDS within Washoe County have requested to replace soils with additional sand in sand filter beds in order to meet the required vertical separation from groundwater. The past practice within Environmental Health Services (EHS) has been to require that vertical separation from groundwater be made up of soils, either engineered to a specific percolation rate or naturally occurring. Guidance is being sought from the Sewage, Wastewater, and Sanitation Board on the acceptability of this practice.

PREVIOUS ACTION

There has been no previous action other than informal discussions with engineers regarding various plan submittals that proposed the use of sand in lieu of soils.

BACKGROUND

Soil acts as the final treatment of sewage in an on-site septic system through bacterial and filtration processes. Section 010.270 of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation (regulations) defines soil as “sediments or other unconsolidated accumulations of mineral particles which may or may not contain organic material and which have filtering properties.” Soils are made up of different proportions of sand, silt, and clay.

In the treatment of sewage, theory indicates the treatment is best achieved with effluent moving through soils somewhat slowly. Coarse soils are considered to sometimes allow effluent to travel through it too quickly for good treatment, while fine soils can become oversaturated quickly. Generally, a soil in the middle of the road is considered the best able to treat effluent.

In situations where groundwater is encountered, an engineered sand filter bed for the OSDS is often utilized. Sand filter beds are considered to treat effluent more effectively than standard trench sidewalls. The minimum vertical setback is two (2) feet of soil from the maximum groundwater table to the bottom of the sand filter bed (section 100.065). In situations where that cannot be achieved – for example when groundwater is at ground surface – EHS has required that engineered fill be placed in such amount as to achieve the necessary setback. Engineered fill is required to be installed in lifts, tested and certified by an engineer that it meets the approved design. Currently, EHS does not allow sand alone to be utilized as a soil replacement.

Several engineers have suggested that utilizing an additional two (2) feet of sand would provide the same or better treatment for effluent. EHS is seeking guidance from the SWS Board on this decision. Considerations that EHS has regarding the suitability of sand alone as soil substitute for fill are the following:

1. Whether sand provides additional or different treatment capabilities of effluent over the use of soil as fill and therefore, if there are any additional public health risks for contamination of ground water by using sand as an alternative to soil for fill.
2. The ability for sand to be placed and tested to demonstrate suitability for sewage disposal.
3. Whether or not the sand utilized should conform to the specifications required for sand filter systems, or whether any sand that can meet engineered fill criteria should be allowed.
4. If sand utilized in this fashion can or should be required to meet the requirements of section 100.030, which requires that fill used for standard trenches is required to be designed with a percolation rate of 60 minutes per inch to 20 minutes per inch, and whether or not it is possible to compact sand alone to that specification.
5. If sand is appropriate in situations where the original ground surface material is very slow.

Therefore based on the five considerations above and the requirement to have a minimum vertical setback of two (2) feet of soil from the maximum ground water table elevation and the bottom of the sand filter bed as outlined in Section 100.065 of the regulations, is there a distinction between the bottom of the engineered bed for treatment and where separation to ground water must occur? And therefore, if the engineered bed is in contact with ground water does utilizing sand as an alternative to soil for fill meet the minimum separation requirements according to the regulations?

RECOMMENDATION

After discussion by the SWS Board considering the subject and the five considerations outlined by staff, staff recommends the SWS Board provide guidance on the subject as sand as a substitute for fill in Onsite Sewage Disposal Systems.

POSSIBLE MOTION

After discussion, the Board may make a motion to "Provide guidance to EHS staff on:

1. Whether or not they feel that sand may be utilized as a substitute for engineered fill. Or
2. They may also provide guidance on parameters that EHS staff should place on the practice with regard to considerations listed above. Or
3. They may request staff to develop a protocol or matrix on when sand may substitute for soil in fill and bring it back to the SWS Board for approval. Or
4. May request staff to modify the SWS regulations for the use of sand as a substitute for fill alternative. Or
5. May develop their own motion and direction to staff on the subject before them."

STAFF REPORT

BOARD MEETING DATE: October 10, 2018

TO: Sewage, Wastewater, and Sanitation Hearing Advisory Board

FROM: James English, EHS Supervisor
775-328-2610, jenglish@washoecounty.us

SUBJECT: Discussion topic for possible direction to staff regarding standard variance package for the installation of domestic drinking water wells where the lots are too small to meet current setbacks.

SUMMARY

Recently, Environmental Health Services (EHS) has been approached by several property owners with nonproducing wells in areas where the original lot size and placement of surrounding septic systems does not allow for placement of a new well which would meet current regulatory setbacks. In the past, a variance has been required in these situations. EHS is seeking guidance from the Sewage, Wastewater, and Sanitation Board (SWS Board) on whether or not the SWS Board would agree to the concept of a “blanket” or “standard” variance process for these individuals to follow in these instances and to allow for an efficient process to expedite both the variance process and process replacement well permits.

PREVIOUS ACTION

There has been no previous action other than discussions with the 3 homeowners involved which have included the information that a variance is required for a replacement well permit to be issued. Due to the costs involved and the likelihood that these issues will continue to arise, EHS staff decided to bring the issue to the SWS Board.

BACKGROUND

In September of last year, EHS was contacted by a driller regarding an old well in Verdi which was dry, but the property could not meet the required 100’ setback from septic system. This was due to the lot sizes being so small that meeting a 100’ setback is all but impossible. The Nevada Department of Environmental Protection would not issue a Notice of Intent for drilling a new well without EHS approval. The driller was informed that if the new well was not able to meet setbacks, a variance would need to be applied for.

After approximately 1 year of delays due to cost issues and property owner research, it was realized that the property already had a variance approved for that reason. The conditions of the variance were:

- A deeper sanitary seal. For this variance, a 130’ seal was proposed. Other variances have placed a condition of even deeper seals.
- A notice was required to be recorded against the parcel with the variance conditions.

- The parcel will be required to connect to community water as soon as it becomes available and abandon the well.
- The well would be disinfected prior to occupancy and tested. If a clean coliform sample cannot be obtained, a chlorination system would be installed prior to occupancy.

More recently, two property owners in Wadsworth have requested new well permits on lots which have dimensions of less than 100' in width, meaning that there are essentially no options for a well to be placed and meet the required setback. Currently, EHS is requiring the surveying of the lot and the septic system(s) to determine the best location for the well, but it is expected that the property owners will be required to apply for a variance.

EHS is aware that there are numerous other lots throughout the County which may face the same situation. This can be very detrimental for property owners in regards to the associated costs, as well as the time required to obtain a variance. Often times these situations arise when the property owner's well is not producing water. The properties are generally low in value, making the extra costs almost prohibitive. EHS staff feel that there may be a benefit to having a "blanket variance" in place for staff to utilize with the property owners to resolve their water supply situation, without having each individual go through an independent variance process of which may have different rationales for issuing the variance. Guidance is being sought from the SWS Board on whether this mechanism is a possibility and what information the SWS Board would expect in the variance application.

If the SWS Board feels that this would be a beneficial and appropriate path forward, EHS requests guidance on the following considerations:

1. The mechanism for putting this variance in place. One possibility would be the EHS would become the variance applicant.
2. What specific situations would be allowed to fall under the variance. Some options would be total lot size, lot dimensions, etc.
3. Any desired conditions of the variance, such as the ones provided above.
4. Whether or not an expiration date, or re-evaluation at certain times, would be appropriate.

With the SWS Board guidance, EHS staff will develop a full proposal to bring back to the Board for approval.

RECOMMENDATION

After discussion, EHS staff recommend the SWS Board provide guidance on: whether they feel a blanket variance would be useful in certain situations, what parameters the SWS Board wants to see in such a variance, and whether the variance process would have an expiration or a re-evaluation date. These recommendations will be utilized by staff in the development of a blanket variance proposal to be brought back to the Board for final approval.

POSSIBLE MOTION

After discussion, the Board may make a motion to "Provide guidance to EHS staff on:

1. Whether they feel that a blanket variance would be acceptable to the Board, and, if so, what parameters would the SWS Board want included in the variance, and whether the variance would have an expiration or re-evaluation date, Or

Subject: Standard Variance, SWS Board

Date: October 10, 2018

Page 3 of 3

2. Move that such a blanket variance is not acceptable and each individual property owner shall independently apply for a variance in the instances described in the staff report. Or
3. They may request staff to develop the variance and bring it back to the SWS Board for possible approval. Or
4. Request staff to modify the SWS and other applicable regulations to incorporate alternative ways to deal with situations that would be addressed by the blanket variance. Or
5. May develop their own motion and direction to staff on the subject before them.