WASHOE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

Board of Adjustment Members
Lee Lawrence, Chair
Kim Toulouse, Vice Chair
Kristina Hill
Brad Stanley
Clay Thomas
William Whitney, Secretary

Thursday, February 4, 2016
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, February 4, 2016, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Lawrence called the meeting to order at 1:31 p.m. The following members and staff were present:

Members present:	Lee Lawrence, Chair Kim Toulouse, Vice-Chair Kristina Hill Brad Stanley Clay Thomas
Members absent:	None
Staff present:	Roger Pelham, MPA, Senior Planner, Planning and Development Lora R. Robb, Planner, Planning and Development Chad Giesinger, Senior Planner, Planning and Development Kelly Mullin, Planner, Planning and Development Eva Krause, AICP, Planner, Planning and Development William Whitney, Director, Planning and Development Nathan Edwards, Deputy District Attorney, District Attorney's Office Kathy Emerson, Administrative Secretary Supervisor, Planning and Development Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Member Thomas led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

4. *Appeal Procedure

Director Whitney recited the appeal procedure for items heard before the Board of Adjustment.

5. *Public Comment

As there was no response to the call for public comment, Chair Lawrence closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of February 4, 2016. Member Hill seconded the motion and passed unanimously. **(five in favor, none against)**

7. Approval of December 3, 2015 Draft Minutes

Member Toulouse moved to approve the minutes of December 3, 2015, as written. The motion was seconded by Member Stanley and passed unanimously. **(five in favor, none against)**

8. Public Hearings

A. Amendment of Conditions Case Number AC15-007 (North Valleys Regional Park Grading) – Hearing, discussion, and possible action to approve a four-year extension of time to obtain the required grading permit for the approved Special Use Permit (case number SB13-023) which allowed the excavation and grading of approximately 10,100 cubic yards of cut and 10,000 cubic yards of fill, with a disturbed area of approximately 360,300 square-feet in preparation for parking areas, playing fields and related amenities, and to allow graded slopes greater than ten feet in height.

• Applicant;	Washoe County Parks and Open Space 1001 E. 9th Street Reno, NV 89520
• Property Owner;	United States of America
• Location:	On the north side of Sky Vista Parkway approximately 1000 west of its intersection with Trading Posed Drive
• Assessor's Parcel Number:	086-390-06
• Parcel Size:	80 Acres
• Regulatory Zone:	Parks and Recreation (PR)
• Area Plan:	North Valleys
• Citizen Advisory Board:	North Valleys
• Development Code:	Authorized in Article 810, Special Use Permits and Article 438, Grading
• Commission District:	5 – Commissioner Herman
• Section/Township/Range:	Section 4, Township 20N, Range 19E MDM, Washoe County, NV
• Staff:	Roger Pelham, MPA, Senior Planner Planning and Development Division Washoe County Community Services Department
• Phone:	775.328.3622
• E-Mail:	rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report dated January 13, 2016.

Member Toulouse asked Mr. Pelham if there were any dust control issues when the initial project took place. Mr. Pelham said not that he was aware of.

Dennis Troy, Washoe County Parks Planner, noted the funding agreement is being reviewed by legal counsel for the Parks Director for the City of Reno. The intent is; it will be in front of the Reno City Council February 23 then in front of the Board of County Commissioners (BCC) on March 9, 2016. Preliminary discussion has already been before the City of Reno's Parks Commission for

their recommendation. They recommended approval to the City Council. The funds being talked about are $1 million. Washoe County has set aside $1.2 million equaling a total of $2.2 million for this area. The reason for the time extension is we previously applied for a grant we were one of the finalists but didn't receive the grant so we had to seek other options for funding.

With no response to the call for public comment, Chair Lawrence closed public comment.

There were no disclosures.

Member Toulouse moved 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 Amendment of Conditions Case Number AC15-007 for the North Valleys Regional Park, having made all four findings in accordance with Washoe County Development Code Section 110.810.30. Member Thomas seconded the motion which carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a major grading for sports fields, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

B. Administrative Permit Case Number AP15-007 (Incline Village Fine Art Festival) – Hearing, discussion, and possible action to approve an outdoor community event administrative permit and business license application, with associated license conditions, for the Incline Village Fine Art Festival to be held at Preston Field located at 700 Tahoe Blvd in Incline Village (approximately 0.2 miles east of the junction of States Routes 431 and 28). The proposed event will be held on August 13 and 14, 2016, between the hours of 10:00 a.m. and 5:00 p.m., with vendor set-up and tear-down taking place before 10:00 a.m. on Saturday, August 13, and after 5:00 p.m. on Sunday, August 14. The free-to-the-public event is an art exhibit and sale with approximately 40 artists, two food trucks (one each day), and acoustic entertainment. The event organizer estimates approximately 500 participants will take part in the event during any one day of the two-day event. No overnight camping will be allowed during the event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the administrative permit and the business license with conditions, or deny the application. If approved, authorize the outdoor community event to commence on August 13, 2016 and further authorize the Director of the Planning and Development Division to issue the business license when all pre-event conditions have been met.

- Applicant: Curtis W. Beck (CWB Events)
- Property Owner: Incline Village General Improvement District
- Location: Preston Field, 700 Tahoe Blvd, Incline Village, NV
- Assessor's Parcel Number: 124-032-33
- Parcel Size: ±5.09 acres
- Master Plan Category: Rural (R)

- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Use and Structures, and Washoe County Code Chapter 25, Business Licenses, Permits and Regulations
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Within Section 16, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Lora R. Robb, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3627
- E-Mail: lrobb@washoecounty.us

Chair Lawrence opened the public hearing. Lora Robb reviewed her staff report dated January 21, 2016.

Member Hill asked if "no parking" signs would be put up along highway, how many, what they would look like. Ms. Robb said she could get that information. The Engineering department wanted to work with the applicant to come up with a signage plan but she doesn't have an example of the "no parking" sign. Member Hill asked where the vendors would park and be shuttled. Ms. Robb said the applicant is likely to use the Lake Tahoe School located a few miles away. They've used it in the past and it works fine. The applicant also had some ideas to pursue other schools in the area that may be available. Member Stanley asked if there is a process to accelerate future requests to hold this event or does the applicant have to go through the same application process every year. Director Whitney said there probably could be but the applicant may not need a special use permit or something like that which would allow him to continue this activity every year under certain parameters. The current process is working for him and he's happy with it. Member Hill noted Preston Field is an Incline Village General Improvement District (IVGID) facility; she asked if IVGID has reviewed the application approved the event. Ms. Robb said yes they did review the application and provided positive remarks. Member Thomas verified this is the third year the applicant has asked to have the event there. Ms. Robb said yes. Member Thomas asked during the two prior events was traffic addressed at that time, i.e., no parking on the street. Ms. Robb said yes, there have been different traffic plans each year. The first year, there was no parking allowed on the south side of SR28 only on the north side to prevent people from walking across the highway. That worked with some success, however, in 2015 siting safety concerns parking was further restricted to a much more limited area on the south side of SR28. This year, because of safety reason, the proposed conditions eliminate any parking along SR28. Safety is a priority.

With no response to the call for public comment, Chair Lawrence closed public comment.

Member Hill disclosed she has been contacted by the Citizen Advisory Board (CAB) member, Pete Toderoff, regarding his objection to the event due to the parking and safety concerns. Mr. Toderoff believes it should be in a different area of Incline Village and the food should be supplied by IVGID and not the proposed food truck. At the time he contacted Member Hill she had not read the staff report. When she did read the report she sent Mr. Toderoff an email noting there was no parking proposed along SR28 which would alleviate his concern for public safety. Member Hill stated she thinks this item should have been heard before the CAB as there were concerns from other members regarding the parking and trash impacts. Director Whitney noted the Incline Village/Crystal Bay CAB doesn't meet monthly so there is a scheduling conflict getting items to the CAB. Director Whitney said he will try to take that into consideration next year and try to time it so they could get it to one of the CAB meetings. There were no other disclosures.

Member Toulouse said he has seen this application come before the Board all three times and the number one concern has always been parking. Last year he doesn't remember receiving any

negative input from the community or the CAB about parking, yet this year he did. He appreciated the applicant will put up signs and indicated those signs will follow a standard format per the state of Nevada as it is their highway. He asked the applicant to put up as many signs as possible and come up with a parking plan that addresses over-sized vehicles. He thinks a bond issue for future applications is a good idea.

Member Thomas asked who would enforce the parking even with the signs there and if it is the local jurisdiction, will resources be dedicated to clear the area. If enforcement has been an issue in the past, what course of action do we take to resolve it.

Member Hill requested more detail about a shuttle. Curtis Beck, the applicant, said the last two years the Lake Tahoe School was available. In the morning they shuttle the artists and again in the evening. The over-sized vehicles would park there also. Last year they were told they could park on one side of SR28. This year they have been told to not park there. Member Hill asked if the applicant was posting any bonds. Mr. Beck said IVGID hasn't required it. We generally keep the park in very good condition. Member Hill asked if they pay for any extra security or law enforcement. Mr. Beck said yes overnight security, but no law enforcement.

Member Stanley echoed Member Thomas' remark about the parking issue coming up three times; is there a process where it can be dealt with. He hasn't heard an answer or a way to address it. Director Whitney said the first year they tried one thing and it worked ok, last year parking was restricted on the south side of the highway, and this year there is new management at NDOT. Along with our County traffic engineer, NDOT wants to error on the side of pedestrian safety. Director Whitney feels with the conditions and comments from engineering and NDOT, this is the safest situation so far. Director Whitney had a chance to talk to the recreation director at IVGID after this event last year and he indicated it's a good event in a good place that's why they have no comments or conditions.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report, information received during the public hearing, and subject to the conditions contained as Attachment A in the staff report, the Board of Adjustment approve Administrative Permit Case Number AP15-007 for the Incline Village Fine Art Festival, having made all four findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for an outdoor community event, and for the intensity of such a development;

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

C. Amendment of Conditions Case Number AC15-005 (Encore DEC) – Hearing, discussion, and possible action to approve or deny an amendment of conditions of Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time.

- Applicant: Encore DEC LLC
- Property Owner: Merit Property Management LLC
- Location: 14830 Kivett Lane
- Assessor's Parcel Number: 017-055-36
- Parcel Size: 1.312 Acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM, Washoe County, NV
- Staff: Trevor Lloyd - Senior Planner, Washoe County Community Services Department, Planning and Development Division
- Phone: 775.328.3620
- E-Mail: tlloyd@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed Trevor Lloyd's staff report dated January 15, 2016, in Mr. Lloyd's absence.

Member Stanley asked Mr. Pelham if he had any options for remediation. Mr. Pelham said no, the Southeast Truckee Meadows Area Plan policy is pretty clear. Chair Lawrence asked about the nature of the complaint that brought about the amendment of conditions application. Mr. Pelham said the complaint was regarding conducting of activities at the site that were inconsistent with previous activities. Upon evaluation by Code Enforcement, the violation was confirmed. Chair Lawrence asked if the complaint was noise, visual. Mr. Pelham said he believed it was visual. He referred the rest of the question to Director Whitney. Director Whitney said it was the 40' blue structure.

Mike Burgess, the applicant, said Encore DEC is an engineering, design, equipment manufacturer, and a licensed general contractor. When they started using the facility it was approved for electrical contracting. They have fewer employees than the electrical contractor. There has been a medical office built on the site that didn't have any issues with what they were doing. Mr. Burgess indicated there were originally complaints of a visual nature. He noted they sent out brochures saying they were going to be building a temporary structure, then take it down. They did the first one and took it down. The next time they built one there was only one complaint with the understanding it was not a permanent structure. He believes their facility is the nicest along Geiger Grade and other structures in the area, specifically the satellite dish on Geiger Grade that has been there for many years, is visually more distracting. He went to the neighborhood and has their support. The citizen advisory board (CAB) recommended approval. Commissioner Lucey came to the site, is in support of the project, and had the planning department and Dave Solaro visit the site to come up with a way to allow the operation to go forward. Mr. Burgess' understanding is it was going to be called a "high-tech fabrication" which is allowed on the site, not industrial as stated before. He feels they fall within those guidelines and at the time didn't think they were out of compliance but they came together with Director Whitney and Mr. Solaro to kind of resolve the issues because they have an ongoing business that is beneficial to the area and to the community. Mr. Burgess has represented many developments in Reno and people really want this kind of business in Washoe County. There are high paid engineers working for them along with specialized welders. They have requests from the purchasers of the towers to have them built where they are at; ie: Louisiana, Mississippi, not here. Mr. Burgess says it's a quality control issue so they can assemble everything here and ship them. They don't generate any more noise than was made by the previous owner. Their structures are put up and taken down. They don't fabricate

the steel in the air. They're built on the ground then they stand them up with a crane. They build about one a year, no more than two. Mr. Burgess reiterated that Director Whitney and Mr. Solaro recommended getting a special use permit adjustment and that is why he is here. He's trying to comply and be part of the community.

Member Stanley asked what the 40' structures purpose is. Mr. Burgess answered, it is used to hold vessels or tanks then the piping is connected in between. Sometimes the structures are 24', the tallest is 40'. Member Stanley asked if it had to be vertical. Mr. Burgess said yes, for gravity purposes. Member Stanley asked why it couldn't be in their building. Mr. Burgess said the structure is built in the building and is rolled out the door to stand it up, stick the vessels on, and pipe it. He indicated from start to shipping it takes about a year. They came up with the four month timeframe from the time it's stood up to the time it's taken down. That is what they came up with the planning department.

Member Thomas said the previous special use permit was approved for an administrative office building and storage for electrical equipment. Mr. Burgess replied it was for an electrical company to fabricate and work out of that building, not a storage facility. Member Thomas said the construction of this equipment is subsequent to that, what the permit would have allowed for. Mr. Burgess said they are being told that they are above and beyond the capacity of what a normal electrical contracting company can do and they feel they are an AB contractor and that falls within what an AB contractor does but since they are not electrical that's where there is a fine line in being subjective. That's why they didn't feel they were out of compliance from the beginning. Member Thomas asked how they came up with the four month time frame. Mr. Burgess answered, that is about how long it takes to stand it up and connect the vessels, etc.

Chair Lawrence asked how long they've been at the site constructing the towers. Mr. Burgess said for three years and they've only built two towers in the last two to three years. Chair Lawrence asked how long the towers are above 10'. Mr. Burgess answered, four months.

Chair Lawrence opened public comment.

Steve Johnson, a resident within 1,000' of the site, commented he never received a notice from the applicant or any other Board to participate. This is his first opportunity to complain that it is affecting the neighborhood because the tower stands out remarkable off of Geiger Grade. While he hopes the applicant is able to keep building the towers and contributing to the economy, with all the industrial land in the community he thinks there is a more suitable place to build the towers and not in their neighborhood. It is quite a contrast looking down the street and out his front window. He feels it's detrimental visually and contributes some noise. He can hear welding but it's not too loud.

Mr. Pelham noted that Mr. Lloyd had received two phone calls in support of the denial recommendation.

Member Stanley noted agencies have been trying to come to a reasonable solution to the problem and asked if there is any way to construct the towers that is not an industrial use. Mr. Pelham said not to his understanding, no.

Chair Lawrence closed public comment.

There were no disclosures made.

Member Thomas commented he was trying to get a feeling for 40' and he thinks the ceiling in the Chambers is 30' so it would be 10' higher. In a residential area, it is going to stick up and be seen for quite a distance.

Member Toulouse noted this is one of the cases that is laid out for them. The Southeast Area Plan does not allow this use. Washoe County Master Plan is in sync with the area plan. It does not promote heavy industrial uses as proposed with this request, per the staff report. The area plan explicitly discourages more intense industrial and commercial use types and is not compatible with existing homes within 500'. Member Toulouse can't make an exception or finding that would allow this use in this particular area.

Member Stanley said it is extremely clear that the request is not consistent with the verbiage of the Southeast Area Plan and agrees with not only the intent of the structure but also the disallowance by the code.

Chair Lawrence said we want these types of business in our communities but neighborhoods have a right to peace and quiet and the zoning they are entitled to. With that in mind he can't support the facility.

Member Toulouse moved that, after giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment deny Amendment of Conditions Case Number AC15-005 for Encore DEC, LLC, not having satisfied all five findings in accordance with Washoe County Development Code Section 110.810.30 Special Use Permits. Member Stanley seconded the motion which carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

1. Consistency. That the proposed use is not consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.
2. Site Suitability. That the site is not physically suitable for the intensity of such a development.
3. Issuance Detrimental. That issuance of the permit will 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.

Director Whitney read the appeal procedure.

D. Special Use Permit Case Number SB15-005 (Verizon Arrowcreek) – Hearing, discussion, and possible action to approve the construction of new wireless cellular facility consisting of a 56 foot high monopole utilizing a stealth design disguised as a pine tree with 3 sectors, each with two 8' tall antennas per sector for a total of 6 antennas, 9 remote radio units (RRU), associated outdoor equipment cabinets, and a 48kw stand-by backup diesel generator, all enclosed within a fenced 30' x 30' lease area.

• Applicant:	Epic Wireless, dba Verizon Wireless c/o Buzz Lynn
• Property Owner:	Rosemary Melarkey
• Location:	5849 Melarkey Way
• Assessor's Parcel Number:	150-250-04
• Parcel Size:	5 acres
• Master Plan Category:	Rural (R)
• Regulatory Zone:	High Density Rural (HDR)
• Area Plan:	Southwest Truckee Meadows
• Citizen Advisory Board:	South Truckee Meadows/Washoe Valley
• Development Code:	Authorized in Article 324 Communication Facilities; and Article 810, Special Use Permits
• Commission District:	2 – Commissioner Lucey
• Section/Township/Range:	Section 26, T18N, R19E, MDM, Washoe County, NV
• Staff:	Chad Giesinger, Senior Planner Planning and Development Division Washoe County Community Services Department
• Phone:	775.328.3626
• Email:	cgiesinger@washoecounty.us

Chair Lawrence opened the public hearing. Chad Giesinger reviewed his staff report dated January 14, 2016.

Member Stanley asked if there would be any issues widening the, "jeep trail", road. Mr. Giesinger said there wouldn't need to be much improvement to Melarkey Way, only the access road into the property.

Member Toulouse noted the applicant submitted a director's modification to waive required landscape. He is concerned as he would rather see the landscaping than the waiver. Member Toulouse voiced his concern to Director Whitney about the recent frequency for director's modifications with regard to landscaping. Mr. Giesinger noted the director's modification would be submitted after the special use permit is approved. Director Whitney agreed there are a lot of director's modifications because our landscaping code lends itself to vegetation, ie: deciduous or evergreens, which sticks out in our desert environment. He would need to see the details of the applications before he can make his decision. Member Toulouse suggests changing the landscaping mandate to more natural vegetation specific to the vegetative zones the project takes place in. Mr. Giesinger noted there is a condition of approval requiring weed abatement plan that can be taken into consideration. Member Toulouse questioned the monitoring and success rate for the re-veg. Is there a plan and specified success rate of the re-veg over three years, five years as it doesn't appear in the conditions.

Member Stanley asked if there are any provisions in the event there is future growth in the area. Mr. Giesinger said not that he knows of.

Chair Lawrence noted, regarding weed abatement in the application, the applicant has not submitted a plan for the control of noxious weeds and is likely unaware of this policy requirement. He asked if while filling out the application, isn't there a way to bring this issue to light and bring to the applicants attention that remediation, control, and then follow up of the control after two or three years. Is there a way to include this in the application so we don't have to say "they are likely unaware" of this requirement. Director Whitney said it isn't in the application and most of the applicants find out from staff, through the application process these are things they should be doing and in some cases are made conditions of approval. The Board can make it a condition of approval today. Director Whitney said they will take a look and see where it can be noted in the application so the applicant can't say they didn't see it. Chair Lawrence feels the applicants should be involved in their obligation and responsibilities are with these projects. Noxious weeds are a threat.

Chair Lawrence opened public comment.

Marty Scheuerman, a neighbor, indicated he didn't know about this application as he is outside the 500' radius. He feels the photo-sims were deceptive when looking at the property straight down on a map. The metal, very large, fake tree is going to be in the view-shed of all the properties across Thomas Creek looking to the south and it's going to look odd. If they don't do anything to mitigate the soil disturbance; along with damage from a fire in 1983, if measures aren't taken now to compel the applicant to put in native species landscape there is going to be a mess. He also requested mitigation for the private roads that will be used so heavy equipment going back and forth to put the tower up and dust control.

Buzz Lynn, the applicant with Epic Wireless, was available for questions but there were none.

Chair Lawrence closed public comment.

Member Toulouse disclosed that his cell phone service provider is Verizon Wireless and he knows Marty Scheuerman for 35+ years but they have had no discussion regarding the case. He doesn't feel the disclosures will affect his decision in any way.

Member Thomas disclosed he is a Verizon customer but that will not affect his decision.

Member Stanley disclosed that he has seen this application before in many forms and he, too, is a Verizon customer but that will not affect his decision in this case.

Member Toulouse would like to add condition 1(i), all revegetation of disturbed area must be accomplished utilizing native shrubs, grasses, and forbs.

Member Stanley noted Mr. Scheuerman's concern about the wear and tear on the road asking if that can be added as a condition. Director Whitney didn't think there was a strong enough nexus to add a condition as the road is private. DDA Nate Edwards said Director Whitney was correct; the applicant shouldn't have to come in and improve the road.

Chair Lawrence reiterated he is a supporter of revegetating with native for many reasons.

Member Stanley moved that, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included as Exhibit D in the staff report and with amended condition 1(i), Special Use Permit Case Number SB15-005 for Verizon Wireless, being able to make the findings required by Washoe County Code Section 110.810.30, Section 110.324.75, and the finding required by Policy SW.2.14 of the Southwest Truckee Meadows Area Plan, a part of the Washoe County Master Plan, for approval of Special Use Permits. Member Toulouse seconded the motion which carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

Findings from Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a wireless communications facility and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;

Findings from Section 110.324.75:

1. Meets Standards. That the wireless communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;
2. Public Input. That public input was considered during the public hearing review process; and
3. Impacts. That the proposal will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Findings from Policy SW.2.14, of the Southwest Truckee Meadows Area Plan:

1. Impact on the Community Character. That impact on the Community Character can be adequately conserved through mitigation of any identified potential negative impacts.

3:01 p.m. The Board recessed for a break.

3:10 p.m. The Board reconvened with all members present.

E. Special Use Permit Case Number SB15-010 (Iremonger Grading) – Hearing, discussion, and possible action to approve Major Grading for construction of a permanent earthen structure greater than six feet in height on a residential parcel of land. The overall height is proposed to be twenty-two feet above existing grade; it will require the importation of approximately 900 cubic yards of earthen material and includes approximately 14,000 square feet of disturbance.

• Applicant/Property Owner:	Barry Iremonger 9695 Passa Tempo Drive Reno, NV 89511
• Location:	9695 Passa Tempo Drive, on the west side of the road and approximately 4/10 of a mile south of its intersection with Holcomb Ranch Lane
• Assessor's Parcel Number:	044-401-03
• Parcel Size:	± 2.53 Acres
• Master Plan Category:	Rural Residential (RR)
• Regulatory Zone:	High Density Rural (HDR)
• Area Plan:	Southwest Truckee Meadows
• Citizen Advisory Board:	South Truckee Meadows/Washoe Valley
• Development Code:	Authorized in Article 438, Grading Standards and Article 810, Special Use Permits.
• Commission District:	2 – Commissioner Lucey
• Section/Township/Range:	Section 7, T18N, R20E, MDM, Washoe County, NV
• Staff:	Roger Pelham, MPA, Senior Planner Planning and Development Division Washoe County Community Services Department
• Phone:	775.328.3622
• E-Mail:	rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report dated January 13, 2016.

Chair Lawrence asked staff who supplies the water that will be used for the water feature and if the State Water Engineer has any role in the approval or denial of this project. Mr. Pelham referred the question to the applicant and said the State Water Engineer had no role in this project. Chair Lawrence also inquired about the amount of water lost to evaporation. Mr. Pelham said it was not in the purview of the major grading permit being requested.

Tom Schuster, with Gail Wiley Landscape, the applicant's representative, guesstimates about 45 gallons of water a day would be lost due to evaporation which is about 1/3 the amount that would be used to water new sod. Chair Lawrence asked how far the waterfall cascades. Mr. Schuster said about eight to nine feet. Chair Lawrence asked how the water would be recharged. Mr. Schuster answered the property is on City water. Chair Lawrence asked if the State Water Engineer was involved. Mr. Schuster said, no, he didn't know if they were part of the discussion. Chair Lawrence asked what the surface area of the stream. Mr. Schuster said about 500 square-feet. Member Toulouse noted one of the conditions of approval states "a minimum of three evergreen trees for screening purposes." He asked if they would agree to the language being changed to "three native evergreen trees." Mr. Schuster said not at all. Member Hill noted she didn't see, in the staff report, what vegetation was being proposed. Will it all be native? Mr. Schuster said no, most people want ornamentation around the water feature which is normally not native plants. Most landscaping plants we use are not native. Member Thomas noted the height of the waterfall would be 22' above the existing grade, so they plan on putting the trees on top of that or on the existing bed level. Mr. Schuster said normally at that height it would be ground cover. The trees would be on the lower side.

With no response to the call for public comment, Chair Lawrence closed public comment.

There were no disclosures.

Member Toulouse requested to modify condition 1(g) to read " a minimum of three native evergreen trees for screening."

Chair Lawrence echoed other Members concerns regarding water evaporation and he's found evaporative losses to be much more than 45 gallons per day.

Member Toulouse moved 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 the amended condition 1(g), included as Exhibit A to this staff report, the Special Use Permit Case Number SB15-010 for Barry Iremonger, having made all four findings in accordance with Washoe County Development Code Section 110.810.30. Member Thomas seconded the motion which carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.
3. Site Suitability. That the site is physically suitable for Major Grading for a permanent earthen structure greater than six feet in height, and for the intensity of such a development.
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

F. Special Use Permit Case No. SB15-011 (Western Turf) – Hearing, discussion, and possible action to allow the grading of an area approximately 2.75 acres in size and excavation of approximately 10,600 cubic yards of earth to create a water storage pond for an agricultural irrigation system.

• Applicant/Property Owner:	Fahnestock Properties, LLC
• Location:	0 Youngs Road, approximately ½ mile north of its intersection with Sage Flat Road; and 1.4 miles east of Pyramid Highway
• Assessor's Parcel No:	077-200-04
• Parcel Size:	±62.13 acres
• Master Plan Category:	Suburban Residential (SR)
• Regulatory Zone:	Low Density Suburban (LDS)
• Area Plan:	Warm Springs
• Citizen Advisory Board:	Warm Springs/Rural
• Development Code:	Authorized in Article 810, Special Use Permits and Article 438, Grading Standards
• Commission District:	5 – Commissioner Herman
• Section/Township/Range:	Section 8, T22N, R21E, MDM, Washoe County, NV
• Staff:	Kelly Mullin, Planner Planning and Development Division

Washoe County Community Services Department
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Chair Lawrence opened the public hearing. Kelly Mullin reviewed her staff report dated January 22, 2016.

Member Toulouse noted the seed mix for the revegetation of the disturbed area would be native but asked about a monitoring plan. Ms. Mullin said there is a condition requiring the applicant to work with the Washoe-Storey Conservation District on final approval of the seed mix as well as installation, maintenance, and irrigation measures. Condition 1(g), of the staff report has additional requirements regarding vegetation, irrigation, timing and three year maintenance plan. Member Toulouse said he doesn't see what percentage of survival over the three years is considered success. Ms. Mullin said the code speaks how much is considered a success. Chair Lawrence asked if the County measures the depth of the bentonite clay to prevent loss of water. Director Whitney said he didn't know but directed the question to Ms. Mullin's response from the Engineering department. Ms. Mullin didn't speak with Engineering regarding the material that will be used to line the pond. The applicant indicated bentonite clay is one potential option but they have not specifically identified what the final material will be but it would be in their best interest to reduce the amount of water loss as that water will be used to water the Western Turf crops. Director Whitney noted the applicant is using their commercial well water so they've had to retain water rights to use the well water.

Colin Hayes, with Summit Engineering, responded the liner for the pond has not been designed yet. The initial work has focused on the grading, shape, and quantity of the materials. Bentonite is one material being considered but there are others that may be more suitable. It'll depend on cost, availability, ease of construction, performance.

With no response to the call for public comment, Chair Lawrence closed public comment.

There were no disclosures.

Member Thomas moved 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 Special Use Permit Case Number SB15-011 for Western Turf with the conditions included as Exhibit A, having made all four findings in accordance with Washoe County Code Section 110.810.30. Member Toulouse seconded the motion that carried unanimously. **(five in favor, none against)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Warm Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the proposed irrigation storage pond, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

G. Special Use Permit Case Number SB15-012 (TMWA Mt. Rose Water Treatment Plant) – Hearing, discussion, and possible action to approve a special use permit for the construction and operation of a water treatment plant on APN 150-460-05 including grading and

construction of an access driveway in a Sensitive Stream Zone; and the construction of two creek diversions in the Critical Stream Zone, one in Thomas Creek (APN 152-430-18) and one in Whites Creek (APN 150-492-20). The Thomas Creek parcel is not contiguous to the other parcels. The water treatment plant and creek diversions will be used to enhance the Truckee Meadow Water Authority's ground water resources in the Mt Rose area.

- Applicant: Truckee Meadows Water Authority (TMWA)
- Property Owners: TL Mt. Rose LP, and Washoe County
- Locations: Water treatment plant is located in the approved, unbuilt, Monte Vista Subdivision, approximately one-third mile north of the intersection of Mt. Rose Highway and Callahan Road and south of Mountain Ranch Road; Whites Creek diversion structure is located in Whites Creek, south of the proposed water treatment plant; the Thomas Creek diversion is located in Thomas Creek, between Crested Wheat Road and Melarkey Way
- Assessor's Parcel Numbers: 150-460-05 (TL MT. Rose LP); 150-492-20 (Washoe County); 152-430-18 (Washoe County)
- Parcel Size: 58.08 acres (water treatment plant), 8.25 (Whites Creek) and 85.39 acres (Thomas Creek)
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: 58.08 acre parcel = 50.53 acres High Density Rural (HDR) and 7.55 acres General Rural (GR); 8.25 acre parcel = 1.4 acres HDR and 6.85 acres GR; 85.39 acre parcel is Open Space (OS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 302 Allowed Uses; Article 48 Significant Hydrologic resources; and Article 810 Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 26 and 35, T18N, R19E, MDM, Washoe County, NV
- Staff: Eva M. Krause - AICP, Planner
Planning and Development Division
Washoe County Community Services Department
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Chair Lawrence opened the public hearing. Eva Krause reviewed her staff report dated January 26, 2016. Ms. Krause noted the supplemental information packet presented to the Board members with a letter from Nevada Department of Wildlife (NDOW) asking to change condition of approval 7(a), a copy of the Powerpoint page with the changes to the language, along with a letter from Stantec addressing the South Truckee Meadows/Washoe Valley CAB and community comments, which are also in the packet, and a letter from the Nature Conservancy.

Member Hill asked if the CAB voted on the item. Ms. Krause said no, there were a lot of questions and discussion so the CAB decided to send the BOA members a summary of their meeting, which is in the staff report. Member Stanley asked about the water flow studies by the State Engineer and the Army Corps of Engineers. Ms. Krause said TMWA will have to go through them to get permits but doesn't know the details of that process at this time. Water flow questions should be directed to Stantec. Member Stanley asked if NDOW's concerns were rectified. Ms. Krause said yes. Member Stanley asked if there were any studies to follow the water flow to its

conclusion, ie: how it would affect the nearby creeks. Ms. Krause noted the conditions by Washoe-Storey Conservation District and Washoe County's Water Rights. Under Article 418, the project must result in no net loss of significant hydrological resources, size, function, and value. The Army Corps of Engineers have to determine what constitutes a significant loss. Member Stanley asked if there was any discussion about the Damonte Ranch Wetlands. Ms. Krause said the Washoe-Storey Conservation District had that concern and that's why they want to review the applications before they are approved by the Army Corps of Engineers. Member Stanley asked if vector control had any input due to the water levels and mosquito abatement. Ms. Krause said vector control and the Health District have both submitted conditions. Chair Lawrence asked how many homeowners were noticed. Ms. Krause said 101 property owners.

John Enloe, with TMWA, made a powerpoint presentation. Member Toulouse asked what the minimum flows that TMWA is proposing to maintain at the two points of diversion. Mr. Enloe said there were two criteria they need to satisfy; downstream water rights requirements and minimum in-stream flow requirement that is outside the irrigation season. Typically, irrigation water is only used from May thru October. There are a lot of downstream water rights on White's Creek, those flows are higher than the in-stream flows calculated by the scientific method but during the non-irrigation season there are minimum instream flows. John Buzzone, with Stantec, said in the "tennant method" there is a spring and late fall flow analysis. The fall is when the natural flows start to taper off. White's Creek is roughly 1.5 cfs, that is what needs to be maintained in the Creek to maintain good quality habitat and wildlife in that system. Thomas Creek is a little over 3 cfs in the fall. The "tennant method" is less than that amount. 3 cfs is what's needed to not divert water adverse to the downstream water right. The water that needs to pass to satisfy the downstream water rights is more than what is required by the "tennant method" to maintain good quality habitat. Mr. Buzzone pointed out that those numbers are based on our analysis and the strategy for diverting would be to taper off and to stop diverting as we approach those "operational objectives." But, they still need to go through the state's water rights process and are hopeful this is it but the numbers could be higher. Member Toulouse said, so you really don't have an answer. Mr. Buzzone said he believes the flows are in the packet Eva handed out. Member Toulouse asked if at all possible will those be the flows that will be going past the diversions. Mr. Buzzone said yes. Mr. Enloe said the treatment plant is small so that's not the flow that will be left there. Many times during the year there is a minimum flow, there's an amount that will divert, and then there's flow above that they will not divert so character of flow, peaks, etc. needed to maintain the health of the stream will be maintained. The design capacity of the treatment plant is four million gallons a day but they will only, initially, equip it for two million gallons a day and see how it goes. There was a fairly extensive historical record of creek flows that were used to perform this analysis. Mr. Buzzone noted a question raised at the CAB meeting regarding the data set they used for the analysis and the concern that it was old data. When you're doing hydrology you want to use old data. The longer the period of record you have the better your analysis is going to be. Member Toulouse asked how far below the proposed points of diversion are the next users located; in a low water situation where you are drawing water how much of the creeks could potentially be de-watered. Mr. Enloe they are leaving the minimum amount of water to satisfy it. He said on White's Creek, once you cross Thomas Creek Road there's a splitter where the creek goes into a natural drainage, the other goes down by South Valleys Library. Most of the actual diversions from the creeks go to South Virginia and Damonte Ranch area. Thomas Creek is different; once it crosses Arrowcreek Parkway it goes into the ranchettes which is why the federal water master wants TMWA to divert up higher because he knows what all the downstream water rights users are entitled to. Member Stanley asked if they have a favorable acknowledgment by the state water engineer and if they can get something like that from the Army Corps of Engineers. Mr. Enloe said the state engineer will be looking at it from the water rights perspective taking into account public comment and effected agencies. That process will be the one that dictates the in-stream flows for the creeks. The Army Corps of Engineers will be more concerned about the construction in the channel of the creek along with notification to other agencies involved in the permitting process. Member Stanley said the Army Corps of Engineers was involved in the Damonte Ranch Wetlands issue; will they be involved in the amount of flow that would or would not be coming to that area. Mr. Enloe thinks the flow will be

constrained somewhat by water rights but there are many other return flows to the Damonte Ranch Wetlands. White's Creek and Thomas Creek are only a portion of flow that goes to the wetlands. Member Thomas asked if the decline in ground water is due to drought or increased population. Mr. Enloe said a combination of both. Member Thomas said we had a four year drought, the ground water is dropping, the plant is built; wouldn't the stream flow be diminished to the point the plant is turned off. Mr. Enloe said that may be the case that is why they are building two other projects; one nearing completion on Zolezzi Lane which will allow water to be pumped from Walmart to the top of Arrowcreek. There is a limited capacity and time of availability of Truckee River water like right now when demands are low and flows are up, that's when we recharge. Two years from now there will be another water line going up Arrowcreek Parkway to get water to Thomas Creek Road area. It's a combination of the three projects that are needed to provide the sustainability of the water in that area. We need all the sources of water we can get. The good thing about the creeks is they are available now, this time of year, and the demands are low. We can treat the water, put into the distribution system. Our goal is to shut off all the municipal wells and let the system rest. If there is extra water, put it into the ground. Member Thomas asked how they plan to put the water back into the ground from the treatment plant. Mr. Enloe said one of the reasons it's located where it is at is; the treatment plant will pump up to the highest tank, near the wilderness area, once it's there it can be distributed just about anywhere from Arrowcreek to St. James village. Member Thomas asked if there was already a system in place to pump the water you're going to be putting the treatment plant to the tank. Mr. Enloe said no, it's all wells that are located up high and the water is pumped out up high and the water flows downhill. We're reversing everything putting in pump stations to pump different water up to the top. Member Thomas said so you'll have to put a system in place to pump water from the treatment plant up to the tanks. Mr. Enloe said yes there is a pump station in the treatment plant to do that. Member Toulouse asked, the change in condition 7(a), is that TMWAs proposal or from staff. Mr. Enloe said Stantec had a discussion with NDOW because of the process with the state engineer and the corps of engineers has yet to be initiated, they need the special use permit first so they're reserving their comments for that process. Member Toulouse confirmed that they conferred with Mark Freese at NDOW and he agreed with the removal of that condition. Mr. Buzzone said they sent the analysis report they prepared for TMWA, to Mark Freese, he reviewed it, consulted his colleagues, and they feel satisfied with Stantec's approach in letting the administrative process they're going through set that standard. Member Stanley wanted confirmation that TMWA would have the ability to make adjustments. Mr. Enloe said the treatment plant isn't going to be used to meet day to day demands, if something happens they can shut it off. They are only equipping it at half of what they are ultimately planning, to see how it goes. Member Thomas stated, reading Mr. Freese's letter, "we are concerned that if too much water is diverted there is not enough allowed to flow below the diversion point, we may lose fisheries resources and recreational fishing opportunity" and #7 in the conditions of approval, it appears Mr. Freese is expressing concern with how much water should flow. Mr. Enloe said that is the process they need to go through with the state engineer to determine what the minimum flows are, with all the input of the requisite agencies. Mr. Buzzone stated his expectation is Mr. Freese will have a second opportunity to comment when they go through the state engineer's process.

Chair Lawrence opened public comment.

Doug Richardson, property owner next to the proposed site, is opposed to both projects. The land is pristine and used to be National Forest land. When there is development, it opens doors for more development. In the drought he has lost approximately six percent of his trees as they require water and they are habitat for much of the wildlife. The location of the diversion will require piping that is mostly on private property which will require maintenance and repair. The roads in the area are dirt and they should remain that way. Mr. Richardson is also opposed to the scale of the 4 million gallons of water a day. We all need water but maybe we could make provisions for a smaller amount. In the future, regardless of the restraints at this time, if properties are owned or maintained by TMWA there's nothing stopping them from adding on to the capacity or changing the parameters. The pristine Washoe County open space isn't just a diversion; there will be electricity.

Richard Wood, near the project, commented when he pays his water bill to TMWA it goes to Kansas City. He asked if TMWA is a private industry. TMWA answered it is owned by the citizens of Washoe County. He is not opposed to development. He opined that water allows growth and growth needs open space. This is where the parks department has trails so they're cutting into open space. Open space isn't open space when you put buildings in it.

Marty Scheuerman, the third closest residence to the proposed treatment plant, first heard about this project in December. He feels TMWA and Stantec have been very good at trying to answer all their questions but he still has concerns. First, the traffic study is based on a bridge that is going to be built on the Callahan extension, this spring. There is no guarantee the bridge is going to be built. If the bridge isn't built the traffic will have to go on Mountain Ranch Road. He would like a condition added, if the bridge does not go in and they have to use Mountain Ranch Road they will have to improve and maintain that road, in its place. Second, regardless of the methodology, he'd like a condition, it will not negatively affect the wildlife; either the wildlife corridor or the fish. There is talk about native vegetation; they will keep some of the vegetation that is removed and replace it. He'd like it to be "real" native, not what is there now. There is crested wheat, cheat grass. He wants native forbs and grasses and the type of material that you'd normally find in a sub-alpine stream zone coming down into the valley. Not the stuff that's decided to grow there. Finally, the piping, the two diversions will be tied together which means a pipeline down Carl Drive. He's taking it at their word the road will be replaced once the pipeline is in. As long as they take the steps they've indicated to mitigate the impact to the neighborhood, he thinks it will be okay.

Valerie Anderson submitted notes which Chair Lawrence read into the record.

Chair Lawrence closed public comment.

Member Toulouse disclosed he knows Mr. Scheuerman and hasn't discussed this project with him. He also disclosed he is an employee with the Nevada Department of Wildlife. He has not had any contact with Mr. Freese regarding this case; he is in a different division. These disclosures have no influence on his decision. DDA Edwards asked Member Toulouse if his employment has any impact on his ability to assess the item independently or does he feel pressure to support what NDOW would want to see happen here? Member Toulouse said no, the impact it does have is he's probably more educated on particular habitat and wildlife needs than a layperson. If he decides it does impact his decision he will abstain at the time of voting. His intention is to vote on this item.

Member Thomas disclosed he lives in the Zolezzi Lane area where activity is going on with TMWA. He did receive a high level letter from TMWA regarding the work going on in the area. He has a bit of knowledge but it won't have any effect on his ability to make a decision. He does not have any water rights that will be impacted by this project.

Member Stanley disclosed he attended the January 21 meeting and presentation regarding this project. He lives near the Damonte Ranch Wetlands and is familiar with its history.

There were no further disclosures.

Member Toulouse asked Mr. Enloe if at the point of diversion, in October thru March, at White's Creek, it reaches 1.2 cfs and Thomas Creek reaches 3.26 cfs will TMWA stop their diversion. Mr. Enloe said yes. Member Toulouse verified, at TMWA's points of diversion the minimum in stream flows for White's Creek will be, October to March, 1.2 cfs and April to September, 2.4 cfs. Thomas Creek minimum flows will be October to March, .86 cfs and April to September, 1.7 cfs. Mr. Enloe said that is correct. Those are the flow records we are going to use for the application to the state engineer.

Member Hill voiced concern this project could be growth inducing. This water is to supply projects that have already been approved. If that's the case how could they have been approved without water? Mr. Enloe said they were approved based on ground water rights, through water level measurements, ground water modeling. They are convinced there is not enough wet water to support those ground water rights. They're bringing in the creek water and Truckee River water to back stop the permitted rights the developments were approved upon. There are 1,400 acre feet

(af) of uncommitted banked ground water rights that, if TMWA didn't do anything, they could go out and develop their projects today and pump the ground water. Member Hill asked what if this project was not approved. Mr. Enloe said TMWA doesn't have any means to deliver the water up there and they might likely raise the issue to the County. Approved developments with no ground water to support them; what are they going to do. It's going to be a big problem. They're trying to prevent that problem also to supply water to existing customers. They had to reduce the pumping in three municipal wells this summer because they were being drawn down too far. This is an urgent situation that needs be addressed. Member Hill asked how many new homes are being proposed in the area that this is going to prevent disaster for. Mr. Enloe said there are approximately 2000 and most of them have approval and banked water rights. Member Hill asked about banked water rights. Mr. Enloe said many of them came from a ski resort that was proposed 20 – 30 years ago. The original Mt. Rose water company had a lot of ground water rights. There were many rights that were created or permitted for use in that basin over the years. That amount right now is fixed. Our pumping up there today in this area is about 1,500 – 1,800 af. We could almost double the municipal pumping based on the water rights that these people have ownership of, they bought, the county's projects with approved tentative maps said they could develop with these ground water rights and looking at what happening up there we can't supply this water over the long term. We've got the domestic well mitigation program there. There are at least 500 existing domestic wells left, there has been a large influx of people having to hook up to the water system or having to deepen their wells. Member Hill asked what's to prevent this from happening in the future. Will there be another 2,000 home approved now that this water will be available? Mr. Enloe said the water rights are fixed. They could develop based on those water rights and the approvals they have. This project and the other projects that were implemented are backing up the ground water. TMWAs goal in the future, even with all the new development, will be to pump less ground water than they are today, with this project.

Member Stanley inquired about the timeframe. Mr. Enloe said TMWA has $7.8 million dollars to put in emergency projects from the Truckee River system to get water up there because it's such an urgent issue. They don't have the capacity and the Truckee River water rights long term for this area. The creek water is in that area, a lot of which has already been dedicated to water service in Double Diamond Ranch area off White's Creek. Our resources were able to move water and water rights around and potentially free up the White's Creek water to put it back where it originally came from. That is what we are trying to do, build a sustainable water supply for the community up there. This is one of the biggest issues that came out before the merger. Washoe County and South Truckee Meadows General Improvement District (STMGID) knew this was an issue they just didn't know it was this urgent of an issue. The drought over the last four or five years really exacerbated the issue. Mr. Enloe expressed they are moving as fast as they can to mitigate the problem up there. It happened over a long time, it's going to take a long time to bring it back.

Member Toulouse restated, they are basically taking surface water rights to replace ground water rights. Mr. Enloe said to "augment" (ground water rights). Member Toulouse said so none of the ground water rights end up being retired. Mr. Enloe said they could be. Member Toulouse asked if the existing proposed development of 2,000 units was based on existing ground water rights now you're going to be using those water rights, supplementing them with surface water, and nowhere along the way do we have injection wells putting water back into the aquifer. Mr. Enloe said we use the existing wells in other areas and with modified piping put water back down the wells during the winter. They can't reach this area yet there's no piping up there. That's what we're doing on Zolezzi Lane right now; trying to get the water up high where this area relies on ground water.

Member Thomas observed it's like we're being held hostage. There's an aquifer that's being drawn down, we don't want people's wells to go dry, we have to find the water somewhere, if we do nothing and take no action here then that puts the people up high with no water. It's a catch-22. He feels there is no option. People need water, we find ways to get that done by approving the treatment plant and all that does is allow future growth and we do this again later.

Chair Lawrence said he understands Member Thomas' position but he's a well owner and he thinks the well owners in the area would like to see some recharge in the ground water for their wells. They have an interest in this as well. If their well goes dry there's nothing to hook up to.

Member Thomas said he supports the well owners, they can't let them go dry, they have to divert the water, we are in a drought. If we continue in a drought there won't be any surface water and then there'll be a facility that can't be used. Mr. Enloe said they might but that's why they're building other facilities, too. It's a combination of all the facilities to do this.

Member Stanley noted this problem got slipped in when the merger went through. Of course, the idea of wells going dry has been going on for years now. Why is the analysis now better than the analysis than what was done 20 years ago. Mr. Enloe said the treatment plant was actually proposed in Washoe County's, STMGID's, and the Regional Water Planning Commission's plan. It was the South Truckee Meadows Water, Wastewater, Stormwater Facility plan approved in 2002. At that time it was known the ground water resource issues in that area were a problem. A treatment plant was proposed for this very purpose. For many reasons the County did not pursue the upper treatment plant, they looked at putting a treatment plant near the old Brown School. It was permitted and designed but never constructed. He thinks the County thought the well mitigation program they put into effect was the fix for the domestic well owners. It wasn't the fix. We have a responsibility to our customers to provide water service. We are having issues supplying water to our existing customers let alone approved development. Member Stanley asked if there was a program in place to monitor the wells to see if what you proposed is going to help and what are the plans based on that. The plan is to improve the water levels in the wells and not negatively impact any of the wildlife; if that's wrong how are you held to that. Mr. Enloe said that will come out of the state engineer process. Typically, with water rights applications there is a monitoring program associated with it. There may be a monitoring program required of us on monitoring vegetation, the fishery, in those creek sections below our diversions. That is why we don't want to spend all the money and find out there is a problem by diverting this much. TMWA has no intention of drying up the creeks we know what a resource the creeks are to the community. Mr. Enloe lives next to Galena Creek so he appreciates having water in the creeks along with the environment and the pleasure and recreation that people get from those resources. We don't want to diminish that but there is a problem that needs to be addressed. He doesn't know what will come out of the state engineer process but monitoring plans are typically part of that. One of the benefits of the merger with Washoe County and STMGID because with the combined resources it allows things the County and STMGID couldn't do alone before, like recharge these wells.

Member Hill asked counsel if the Board could condition the application based on no further subdivisions being approved and limit the potential of having to do this again. DDA Edwards said he didn't think so. It would affect other people's property rights in the area who are not part of this application process and who are not here today, don't have any notice to expect their property rights would be impacted. Member Hill said there are property rights for another group of people to build without water; do all their property rights contain water rights that aren't available. Director Whitney said there is one entity that will supply water to that area. When someone comes in for future development they'll have to go to TMWA to see if they can supply them water to make that development happen. Mr. Enloe said this is a localized, unique issue which relies solely on ground water.

Member Stanley asked if conditioning could be done to stipulate control over negatively impacting things. If mitigation doesn't work and negatively impacts flora, fauna, or the downstream watershed the plant will be shut down. Director Whitney said we don't typically condition a special use permit that will negate the special use permit if something doesn't happen especially in a situation where there are many public funds building a facility for the future. There will be a monitoring plan by the state engineer so if things aren't going well plans can be adjusted to deal with whatever isn't going well. There is the potential to put a condition that the applicant come back in the future and give an updated report on how things are going.

Chair Lawrence opined this won't be the last time the Board will hear similar issues like this. The water issue will continue to plague this area as long as houses are being built. It's difficult to make a decision on something that may have a negative impact. He sees this project as a necessary evil the Board is forced to make a decision on. He noted out of 100 properties noticed, eight made comments which equates to a 92% approval rate for the project.

Member Toulouse said he has similar feelings. He likened the project as "robbing Peter to pay Paul", moving water around to meet demand. The Truckee River, from the Chaulk Bluff water diversion this summer was down to less than 9 cfs in places. These issues will continue to plague us. The Board's task is not to look at all that but to evaluate this project to determine if this project meets all the finding needed for approval. If we can't make those findings we vote against it. If we can we vote for it.

Member Stanley agreed with the other member comments and suggested adding the condition previously mentioned regarding updates on the progress of the project. Director Whitney said he thinks that's reasonable with a specific time when TMWA would come back with a report.

Member Thomas said the issue he has with that is; if the project is approved and they've spent the money to build the project and come back say it didn't fill the aquifers as intended what is TMWA going to do? What's done is done. We need to use the information we have now to make a recommendation.

Member Stanley stated the flow report we have indicates minimum flow rates, if the studies are not met the flow rate can be adjusted.

Chair Lawrence asked how many members would like the condition read into the motion. Member Stanley would like the condition, Member Toulouse would like the condition but he's not sure there is a point behind it. No other member spoke up.

Member Toulouse opined he would like to continue this item to another meeting as there is so much information he's not been able to fully review including the supplemental packet he received today. He asked Mr. Enloe how this would affect the project to continue the item until the April 7 meeting. Mr. Enloe said that would be a problem. There will be no additional information developed. They need the special use permit to proceed with the permit application to the state engineer. He would object to the item being continued.

Member Hill moved 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 SB15-012 for TMWA, having made all seven findings in accordance with Washoe County Development Code Section 110.810.30; Section 110.418.30 Special Review Considerations; and Southwest Truckee Meadows Area Plan Goal SW 2.14. Member Hill then added, with the change to condition 7(a). There was no second.

Member Thomas said he read the change to condition 7(a) but would have liked to question Mr. Freese regarding the change but he was not available at the meeting.

Chair Lawrence asked for counsel as there was no second to the motion. DDA Edwards said the motion dies due to the lack of a second and suggest asking if there were any other motions the Board would like to make.

Member Toulouse moved that, the Board of Adjustment continue special use permit case number SB15-012 to the next regularly scheduled meeting. Member Stanley seconded the motion.

DDA Edwards asked for two minutes to look at administrative material before finalizing the motion.

Mr. Enloe asked Director Whitney, if the Board denies the application, what is the timeframe for getting on the Board of County Commissioner's (BCC) agenda? Director Whitney said it is an option to deny the special use permit and the appeal process to the BCC would be about a month to get on the agenda. Mr. Enloe again expressed the sense of urgency to move forward with the

project. If he could be on an agenda sooner, he'd rather have the Board deny the application than continue it. Member Toulouse said he understands Mr. Enloe's position and asked Director Whitney; can a special meeting be called with this as the only item and that could take place quickly. Director Whitney said he believes that is correct. The Board has the ability to call special meetings.

Member Thomas asked if leaving condition 7(a) as it originally appears in the staff report would be a stumbling block to Mr. Enloe. Mr. Enloe said the concern is: establishing some flow guidelines without really any basis or justification for it. This process doesn't have jurisdiction over setting the flow conditions.

There was further discussion amongst the Board regarding whether or not to continue the item as there may not be any more information that would come to light. And whether they feel comfortable making a motion with the information they have at his time.

DDA Edwards noted there is a 95 day timeframe from the date the complete application is accepted to take action on the special use request. The application came in on December 15, 2015. The rules of the Board do allow entertaining a motion to continue an item at the request of a member. The Board should take into account the wishes of the applicant as well. Legal advice wise he thinks it can be continued but probably cleaner if the Board votes yes or no today based on their objection.

Member Toulouse brought back his motion to continue the item. Member Hill said she wouldn't like to continue the item. She feels she has enough information to make a decision. Chair Lawrence agreed with Member Hill. Member Thomas said a little more information would be nice but he thinks there is enough to make a decision. Member Stanley said he agreed with Member Toulouse and would like the condition for an update. Member Toulouse withdrew his motion for a continuance, at this point.

Member Thomas moved 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, and condition 7(a) as provided by staff, Special Use Permit Case Number SB15-012 for TMWA, having made all seven findings in accordance with Washoe County Development Code Section 110.810.30; Section 110.418.30 Special Review Considerations; and Southwest Truckee Meadows Area Plan Goal SW 2.14. Member Stanley seconded the motion which carried. **(four in favor, one opposed)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadow Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the sites are physically suitable for a water treatment plant and the two creek diversions, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and

Section 110.418.30 Special Review Considerations

Special Review Consideration. Special Review Considerations were giving to the development within the Sensitive and Critical Stream zone buffers.

Southwest Truckee Meadows Area Plan Goal SW 2.14

Community Character is adequately conserved. The community character as described in the character statement for Timberline Wildland Transition is adequately conserved.

Due to time constraints Items 9 and 10 were not heard at the meeting.

9. **Chair and Board Items – Not Heard**

   ***A.** Future Agenda Items

   ***B.** Requests for Information from Staff

10. **Director's Items and Legal Counsel's Items – Not Heard**

    ***A.** Report on Previous Board of Adjustment Items

    ***B.** Legal Information and Updates

11. ***General Public Comment**

    There was no response to the call for public comment so it was closed.

12. **Adjournment**

    The meeting adjourned at 5:49 p.m.

Respectfully submitted,

Donna Fagan

Donna Fagan, Recording Secretary

Approved by Board in session on April 7, 2016

William H. Whitney

William H. Whitney
Secretary to the Board of Adjustment

Nevada Department of Wildlife

- REMOVE: 7. a. TMWA shall maintain a relatively stable water flow past the diversion structure when extraction is occurring. The recommended water flow shall have less than 50 percent fluctuation from average annual daily flow and maintenance of tolerable water temperatures.

- REPLACE WITH: 7. a. TMWA shall allow water to flow past the diversion structure when extraction is occurring.

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 (*with the change to 7.a. as provide by staff*) Special Use Permit Case Number SB15-012 for TMWA, having made all five findings in accordance with Washoe County Development Code Section 110.810.30; the findings for Section 110.418.30 Special Review Considerations; and the finding for Southwest Truckee Meadows Area Plan Goal SW 2.14

BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE
1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

TONY WASLEY
Director

JACK ROBB
Deputy Director

LIZ O'BRIEN
Deputy Director

February 1, 2016

Eva Krause
Washoe County Community Services
Planning and Development Division
1001 E. Ninth Street
Reno, NV 89520

Subject: TMWA Mt. Rose Water Treatment Plant and Diversion Features

Ms. Krause:

The Nevada Department of Wildlife (NDOW) appreciates the opportunity to comment on the Washoe County Special Use Permit regarding the TMWA Mt. Rose Water Treatment Plant and Diversion Features Project. It is our job to identify potential impacts to fish and wildlife prior to the Special Use Permit (SUP) Decisions and to suggest measures to avoid and lessen impacts to wildlife. As such, we have identified the following measures to minimize impacts to fish and wildlife resources and wildlife recreation activities.

Whites Creek is stocked annually by NDOW with rainbow trout at its intersection with Thomas Creek Road and also at Mountain Ranch Road. Stocking at these locations provide recreation fishing opportunities along Whites Creek above and below the planned diversion and water treatment plant. Whites Creek also contains a population of wild, self-sustaining brook trout which also provide fishing opportunity. Recreational fishing opportunities are limited upstream of the diversion structure due to terrain, thick riparian vegetation, and lack of public access. Based upon our review of the SUP package, we are unsure how much and during what times water will be diverted from Whites Creek and how much water (if any) will remain in the stream below the diversion when extraction is occurring. We are concerned that if too much water is diverted and there is not enough allowed to flow below the diversion point, we may lose fisheries resources and recreational fishing opportunity. We recommend the following actions to ensure the fisheries can persist and in an effort to remain compliant with Washoe County Development Code Article 418 – Significant Hydrologic Resources, which must result in no net loss of significant hydrological resource size, function and value:

- Allow water to flow past the diversion structure when extraction is occurring
- Install fish screens/other structures to prevent fish entrapment
- Shut-off extraction when water levels are low

Please let us know if you have any questions or need additional information. We appreciate the opportunity to comment.

SB15-012
BOA 2/4/16

Sincerely,

Mark Freese
Supervisory Habitat Biologist

Stantec Consulting Services Inc.
6995 Sierra Center Parkway, Reno NV 89511-2213

February 2, 2016
File: 180101383

Attention: Eva Krause, AICP
Washoe County Community Services Department
1001 E. Ninth Street
Reno, NV 89512

Dear Ms. Krause:

Reference: Special Use Permit Case No. SB15-012 (TMWA Mt Rose Water Treatment Plant)

In accordance with the Southwest Truckee Meadows Area Plan SW.2.3, applicants for Special Use Permits are required to present their proposed project to the Citizen Advisory Board (CAB) and provide a statement indicating how the final proposed project responds to community input received at the CAB. This letter discusses the comments received at the CAB and how the final project responds to those comments.

The proposed project was presented at the South Truckee Meadows/Washoe Valley CAB meeting on January 14, 2016 at the South Valleys Library at 15650 Wedge Parkway, Reno Nevada. The CAB meeting minutes prepared by the Administrative Recorder are attached.

The input received at the meeting can, generally, be grouped into several categories and identified below with an Underline. The paragraph below provides our response to these comments/concerns.

1. Noise

Noise was a significant consideration during the initial project conceptualization. To minimize it to the greatest extent possible, the team located all potentially noise contributing equipment such as water pumps inside the building or in underground vaults. The project includes a standby power generator that will operate only during power outages and for routine maintenance. The generator will be located outside the building; however, it will be placed within a sound containment enclosure, surrounded by a low stone wall, and placed under a lean-to roof. The proposed water treatment facility, including the standby generator, will comply with all Washoe County regulations pertaining to acceptable limits for noise generation.

2. Maintain stream flows to protect habitat and wildlife

The proposed project will result in the diversion of water from Whites and Thomas Creeks. Approximately 3,615 acre feet per year (afy) of water rights on Whites Creek and approximately 1,237 afy of water rights on Thomas Creek, for a total of 4,852 afy, of water rights are currently designated for municipal service. These water rights were issued by the Nevada Division of Water Resources (administered by the Office of the State Engineer) many years ago. Water right certificates typically specify the total amount of water that can be diverted, a maximum diversion rate, the location of the diversion, and the manner and location the water may be used. TMWA proposes to use only existing water rights for the water treatment plant and will not apply for new water rights.

Before TMWA can begin to divert water from these creeks using its water rights, the points of diversion for TMWA's existing water rights will need to be relocated to the proposed diversions. This requires submitting a change application to the State Engineer for each water right. The change application process requires public input and local agency consultation. The state process ensures the general public and all interested governmental agencies, such as the Nevada Division of Wildlife (NDOW) have the opportunity to comment specifically on how the change in diversion location could impact these creeks and their existing habitat/wildlife. The State Engineer will take these comments into consideration in their deliberation of TMWA's change application. In this discretionary State Engineer approval process, the State Engineer may approve the change application with no conditions; limit the diversion rates; or deny the application.

In preparation for a change application, TMWA directed Stantec Consulting (Stantec) to conduct an analysis of historical flow data available for Whites and Thomas Creeks. One of the primary objectives of the analysis was to provide a recommendation regarding the amount of flow that should be left in each creek to preserve the habitat below the diversions and to satisfy downstream water rights. In the analysis, Stantec also conducted a preliminary habitat evaluation to identify sensitive plant and animal species that may be present in both creeks. In the analysis, Stantec applied a methodology called the "Tennant Method" to estimate the amount of flow needed to maintain "Good" habitat conditions in each of the creeks. The Tennant Method is a widely accepted methodology used specifically for this purpose and takes into consideration the needs of the plant communities, fisheries, and wildlife. TMWA used the Tennant Method flow rates and the downstream water right diversions to set flow objectives for the creeks and for the State Engineer in the application process. The table below summarizes the minimum flow rates determined using the Tennant Method to maintain a "Good" habitat standard on each creek.

Tennant Method Flow Rates to Maintain "Good" Habitat

Whites Creek (cubic feet per second)		Thomas Creek (cubic feet per second)	
Oct. – Mar.	Apr. - Sep	Oct. – Mar.	Apr. - Sep
1.2	2.4	0.86	1.7

In addition to the Tennant Method flows, TMWA proposes to allow sufficient water to pass the diversions to satisfy downstream irrigation water right holders. Assuming a constant diversion rate from May through October, the flow rate that satisfies downstream rights totals 1.39 cubic feet per second on Whites Creek; and 3.28 cubic feet per second on Thomas Creek. For each creek, TMWA will propose, in the change application, to utilize the higher of the two (Tennant Method or downstream water rights) as the flow objective. TMWA also intends to limit its diversion rates and stop diverting water any time the natural flow at the diversions fall below the flow objectives. As a result of TMWA's intent to maintain sufficient instream flows to protect habitat and wildlife, on average, an estimated 3,500 afy of the 4,852 afy municipal service water rights will be diverted. The analyses and measures described above were intended to provide TMWA guidance on how to divert water from Whites and Thomas Creeks while allowing sufficient flow to remain in the creeks to support the existing habitat and wildlife.

3. Size and location of landscaping

The Landscaping Plan exceeds Washoe County's requirements by 300%. Trees of both deciduous and evergreen species were placed to screen the proposed building from the surrounding neighbors and minimize the visual impact. If approved, the landscape designer and contractor can work with the closest property owner to adjust tree placement slightly to refine the screening and improve the visual aesthetics from specific locations. It was suggested that larger, even fully mature trees should be planted at installation. Unfortunately, larger trees do not thrive as well as slightly less mature trees. It has been proven slightly smaller trees grow faster and mature more fully in a short time frame when properly cared for. TMWA will ensure the landscaping is successful by installing temporary irrigation to improve plant establishment and increase early growth rates.

4. Maintenance for the adjacent 2.6 acres of land

This concern was expressed by homeowners that the 2.6 acres would become a trash collector and possibly a dump area for unwanted cars and appliances. The adjacent property belongs to the HOA of Monte Vista at Mount Rose Estates. This parcel will be maintained by the HOA just as all other land within the HOA is maintained.

5. The project is too close to undeveloped land

The project needs to be located within the area it will serve and in close proximity to Whites Creek, Thomas Creek, and the ArrowCreek Tank 3 pressure zone. TMWA evaluated ten different locations that could achieve the desired outcome. Other locations were more remote and proximate to or located on USFS property. The vicinity of the proposed site does have existing residential both adjacent to and across Whites Creek. The underlying zoning is High Density Rural which allows for additional residential and a public facility with a discretionary permit. More homes are planned for construction in this area. The alternative locations were problematic due to timing issues but more importantly, would not provide the same level of benefit as the proposed site.

6. Encourages more development in the area

The proposed project is designed and sized to serve existing and approved development in TMWA's Mt. Rose Fan service area.

7. Impact to local property values

TMWA contacted an appraiser to determine what affect, if any, the proposed project would have on the value of properties in the vicinity of the project. According to Mr. Steve Johnson of Johnson, Perkins & Griffin, the proposed project would not negatively impact the property values of the adjacent residential property. A letter from Mr. Johnson noting his opinion regarding the project's effect on property values is attached.

The following input was provided by the owner of the property immediately north of the proposed site. His commentary and our response pertain to his property and concerns.

A. Traffic on Mountain Ranch Road will increase

The primary access point is the driveway on Callahan Road (future). TMWA will use the access gate on Mountain Ranch Road as a secondary access and will be used infrequently. The primary access gate will be automated. The secondary access gate will be manually operated and closed with a padlock. This will encourage staff to use the primary access.

B. The project will result in large building in close proximity to his home

The proposed project will meet all setback requirements. Every effort is being made to minimize the footprint and height of the building. The underlying zoning allows for additional development on this parcel. The size of the proposed treatment plant is not out of scale with large residential development already constructed in the area.

Thank you for the opportunity to provide these responses. We hope these comments satisfy the code requirements and concerns of the CAB members, community participants and county and agency staff. Please do not hesitate to contact either of us with questions.

Kindest Regards,

STANTEC CONSULTING SERVICES INC.

Cynthia Albright

John Buzzone, PE
Senior Water Resources Engineer
Phone: (775) 398-1222
John.Buzzone@stantec.com

Cynthia Albright, MURP, AICP, GISP
Senior Associate, Community Development Manager
Phone: (775) 398-1270
Cynthia.albright@stantec.com

Attachments

cc: John Enloe, TMWA

v:\1801\active\180101383\application\correspondence\Letter to Eva re Response to CAB.docx

The Nature Conservancy
Protecting nature. Preserving life.™

THE NATURE CONSERVANCY
Northern Nevada Office
One East First Street, #1007
Reno, NV 89501

Tel 775-322-4990
Fax 775-322-5132

Southern Nevada Office
915 E. Bonneville Avenue
Las Vegas, NV 89101

Tel 702-737-8744
Fax 702-737-5787

January 7, 2016

John Enloe, P.E.
Manager, Operational Strategies
Truckee Meadows Water Authority
1355 Capital Blvd
Reno, NV 89502

Subject: *White's and Thomas Creeks Instream Flow Review – DRAFT*

Dear Mr. Enloe,

The Nature Conservancy (Conservancy) has reviewed the Draft White's and Thomas Creek Instream Flow Review developed by Stantec, under contract with Truckee Meadows Water Authority (TMWA), as part of the Siting Analysis for the Mt. Rose/Galena Fan Water Treatment Plant (WTP). It is the opinion of the Conservancy that TMWA and Stantec have conducted an appropriate level of analysis using the best available science to address wildlife habitat needs and balance those with human needs in the development of this project.

TMWA and Stantec have gone above and beyond what is required by federal and state regulatory guidelines in assessing instream flow needs to support the existing instream and riparian habitat and the wildlife that depend on those habitats. In conducting the instream flow analysis, Stantec used sound science in their historical flow approach, assuming that maintaining the historical flows that created and support the existing habitat and geomorphic processes would continue to adequately support that habitat into the future. Based on this historical flow analysis, Stantec recommended that in order to maintain adequate habitat flows, TMWA should allow some of the water it has rights to to remain instream below the proposed diversions for the WTP. Stantec recommended TMWA apply the Tennant Method to assess and determine flow required to maintain the streams in good condition (also known as the Montana Method). Results from their analysis were used to identify diversion schedules for stream conditions that meet habitat needs and maintain critical geomorphic processes. It is our understanding that, based on that recommendation, TMWA has committed to withdrawing less water than allowed by law in order to protect existing wildlife habitat and proper stream morphologic function. The flow of water allowed to pass the WTP has yet to be finalized and will be addressed under future permitting efforts with the Nevada State Engineer. TMWA's proposed use of the Tenant Method to maintain good stream condition is a reasonable approach to address the downstream wildlife habitat needs while balancing the human needs and regulatory requirements for the project.

TMWA's Plan for Groundwater Sustainability on the Mt. Rose Fan

Due to dependence upon groundwater and the continued decline in water levels aggravated by the ongoing drought, it is necessary to provide a supplemental source of supply for the water systems located on the upper Mt. Rose and Galena fan areas. These areas currently rely on groundwater wells for 100 percent of their water supply.

TMWA is implementing a $7.8 million groundwater sustainability / conjunctive use plan for the Mt. Rose and Galena fan areas. The plan includes three projects which will deliver limited amounts of treated surface water from the Truckee River to the area to replenish wells:

- Arrowcreek/Mt. Rose Conjunctive-Use Facilities, in service January 2016
- Expanded Conjunctive-Use Facilities/Aquifer Storage and Recovery Program, scheduled to be constructed in 2016-2017
- South Truckee Meadows General Improvement District (STMGID) Conjunctive-Use Facilities, scheduled to be constructed in 2017-2018

These facility improvements are included in TMWA's existing budget and will not affect rates.

Conjunctive use management maximizes use of surface water when it's available, thereby reducing groundwater pumping. This approach allows us to meet demands with surface water, and to rest and recharge specific wells when enough surface water is available. The more water we can recharge and store during the off-peak season, the more we will have available when river and creek flows are low. It's like money in the bank.

In order to provide for the long-term sustainability of the local groundwater aquifer, TMWA's plan also includes a small (8,800 square foot) water treatment plant off of Whites and Thomas Creeks. When adequate creek flows are available, a portion of the flow will be diverted to the water treatment plant, and sufficient flows will remain downstream in both creeks to maintain wildlife and habitat needs, as well as downstream irrigation requirements.

By supplementing the groundwater resource with water supplies from both the Truckee River and Thomas and Whites Creeks, TMWA's goal is to pump less groundwater from the Mt. Rose and Galena fan aquifer than we do today, even with additional development.

TMWA is a water purveyor required to respond to development approved by local governments, we do not set growth policy. Our role is to provide a reliable, high-quality water supply to homes and businesses within our service territory. TMWA's integrated planning process ensures the long-term water resources, facility capacity and funding mechanisms are in place to meet current and future water supply and demand conditions.

Citizen Advisory Board
Comment Card and Request to Speak

Name: Bob Thomasson
Contact (phone, email – optional): 741-5733 RETHOMASSON@GMAIL.COM
Citizen Advisory Board:
Date: 14 Jan 2016
Agenda Item Number: 8.B 5B15-012 TMWA WE Rate H_2O Treatment Plant

Please Circle One:
I would like to speak | I would like to provide written comment only

Comments (optional):

1. The underlying issue is over development in an area that does not have enough water. If this program works it will likely just result in more development and bring us back to another water crisis. The cycle of mindless development needs to stop.
2. The drought is not causing this problem. The aquifer level drops even in wet years. The cause is overpumping.

The consultant's report from Ecologic predicted that wells in my neighborhood would drop 40 feet with total buildout development. My well has dropped 150 feet already! The studies showing the results of the TMWA program need to be carefully reviewed by third parties to make sure they are valid. The TMWA people I've talked to don't have enough understanding of the aquifer to be managing this project.

I appreciate TMWA's efforts to communicate & work with the community.

CAB Program – 775.328.2720

Citizen Advisory Board
Comment Card and Request to Speak

Name: Bill Rouns
Contact (phone. email – optional): 775 849 28-0
Citizen Advisory Board:
Date: 1-19-2016
Agenda Item Number:

Please Circle One: 5E
I would like to speak | I would like to provide written comment only

Comments (optional):

[illegible]

Citizen Advisory Board
Comment Card and Request to Speak

Name: LAURIE DIGGS
Contact (phone, email – optional):
Citizen Advisory Board:
Date: 1/14/16
Agenda Item Number: SB15-012 3B

~~Please Circle One:~~
I would like to speak I would like to provide written comment only

Comments (optional):

How much water is actually diverted out of both creeks?

Why are dates of the water studies so outdated - you said approx studies from 30 yr ago

Are you storing any water at the water treatment facility and if so how much?

Is access to facility locked?

Who turns water off @ the diversion if ~~what~~ water is too low?

How do we stop this project?

Maybe we should stop building permits until water is figured out

CAB Program – 775.328.2720

Citizen Advisory Board
Comment Card and Request to Speak

Name: Ronald Duncan
Contact (phone, email – optional): 775-852-7265 rwduncan@ieee.org
Citizen Advisory Board:
Date: 1/4/17
Agenda Item Number: 10

Please Circle One:
I would like to speak | I would like to provide written comment only

Comments (optional): Introduction of Concerned Neighbors of Arrowcreek

Concerned Neighbors of ArrowCreek (CNA)

An Unincorporated Non-Profit Association under Nevada Law

Formed November 29, 2014

Team Leader: Ronald Duncan (852-7265; ron_duncan2001@yahoo.com)

Planning Team: Wayne Krachun, Dr. Forrest Patin, Margaret McConnell, Rick Hsu, Susan Duncan, Yvonne Bates, Carol Steingard

Mission: To promote the well-being of the ArrowCreek Community by:

- Supporting initiatives that we believe to be in the best interests of the majority of home and property owners.
- Providing a website – arrowcreek411.com - where important issues are posted and open for comment.
- Maintaining an open forum for all ArrowCreek home and property owners to voice their opinions and become involved in the community.

There is always a lot happening at ArrowCreek. Get informed and consider getting involved to let your voice be heard! Become part of the open flow of information needed to make informed decisions.

TO BECOME & STAY INFORMED, PLEASE

- Read the bi-monthly HOA newsletter available by e-mail or USPS.
- Send your concerns to Board members.
- Visit arrowcreek411.com for community, local, & state information, and to read and comment on issues posted by owners.

TO RECEIVE OUR CNA NEWSLETTER, PLEASE

Contact Wayne Krachun (851-4654; krachun47@att.net)
YOUR ADDRESS WILL REMAIN CONFIDENTIAL AND WILL NEVER BE SHARED.

JOHNSON | PERKINS | GRIFFIN
REAL ESTATE APPRAISERS & CONSULTANTS

245 E. Liberty Street, Suite 100, Reno, NV 89501
775.322.1155 | Fax 775.322.1156 | jpgnv.com

Stephen R. Johnson, MAI, SREA
Reese Perkins, MAI, SRA
Scott Q. Griffin, MAI
Cindy Lund Fogel, MAI
Karen K. Sanders

February 1, 2016

Via Email: jenloe@tmwa.com

John Enloe, P.E.
Director, Natural Resources
Truckee Meadows Water Authority
1355 Capitol Boulevard
Reno, NV 89502

Re: Rosin Residence, 5471 Mountain Ranch Road, Reno, Nevada

Dear Mr. Enloe,

It is my understanding that the Truckee Meadows Water Authority is planning to build the Mt. Rose Water Treatment Plant on the southeast corner of the extension of Callahan Ranch Road and Mountain Ranch Road. The water treatment plant will be located on the north side of Whites Creek. The Rosin property is located near the northeast corner of Mountain Ranch Road and the Callahan Ranch Road extension across Whites Creek.

The Rosin's have expressed concern that the proposed water treatment plant may negatively impact the value of their new residence which is currently under construction. You have therefore, requested that I briefly address their concerns.

The Rosin property is identified as Washoe County Assessor's Parcel Number 150-250-50 and is currently owned by Jonathan P. and Katherine J. Rosin. The property address is 5471 Mountain Ranch Road. The parcel contains 2.45± acres of land area. The owners are currently building a new residence on the property. According to the Washoe County Assessor's records, the residence will contain 2,926 square feet of living area and will also include a 2,000 square foot attached garage.

The Truckee Meadows Water Authority is planning to construct the Mt. Rose Water Treatment Plant on a site located to the south and east of the subject residence. The water

treatment plant will be located to the east of the 100 foot wide NV Energy Overhead Powerline Easement and will be located north and west of the Whites Creek sensitive Stream Zone Buffer Area. The plant will be located south of Mountain Ranch Road. The site of the proposed water treatment plant is downsloping from Mountain Ranch Road to Whites Creek. The plans indicate that TMWA will excavate a pad in the downsloping topography of the site. As a result, the water treatment plant will be located below the elevation of the subject residence. The upper elevations of the water treatment will be visible from the Rosin site.

In an attempt to mitigate a potential diminution in value to the adjacent residence and the surrounding area, TMWA has agreed to use a residential style architecture. As a result, the proposed water treatment plant will resemble a Club House in a normal subdivision. Furthermore, TMWA is planning to plant a landscape buffer of mixed evergreens and deciduous trees around the perimeter of the new plant.

The residential architecture, the lower elevation of the building pad and the landscape buffers will all help to mitigate the visual impact of the water treatment plant on the surrounding developments.

As part of my investigations, I did complete a very brief exterior inspection of the Rosin residence and the adjacent Mt. Rose Water Treatment Plant site. My first observation was the major overhead power transmission lines which are located immediately to the west of the water treatment plant and the Rosin residence. I next observed the downsloping topography from the Rosin residence to the proposed water treatment site. Finally, it was my observation that the owners of the Rosin residence have oriented the home in a manner to maximize their views of Slide Mountain and Mt. Rose. As a result, the residence is facing in a southwesterly direction.

It is noted that the power lines are located in the view corridor of the residence. Furthermore, the large attached garage is located along the southeast end of the residence which will be the closest portion of their structure to the proposed water treatment plant. It has been my experience that garages are fairly tolerant of inharmonious influences. Furthermore, it appears as though there will be few, if any, windows that will look in a south to southeasterly direction towards the water treatment plant.

It has been explained to me that the water treatment plant will involve a very low noise level. The statement was made that the noise from the Mt. Rose Highway will generally be greater than noise generated on the site. The Mt. Rose Highway is located over 1,000 feet south of the water treatment plant and the subject residence. I have also been informed that there will be no significant safety concerns associated with the water treatment plant.

Based upon my brief inspection of the subject residence and the site for the new water treatment plant, coupled with the information which has been set forth in the preceding paragraphs, it is my opinion, based upon the information currently available, that the proposed water treatment plant will not have a material impact on the value of the nearby Rosin residence.

I hope this brief letter is of assistance and should you have any additional questions, please do not hesitate to contact me.

Respectfully Submitted,

Stephen R. Johnson, MAI, SREA
Nevada Certified General Appraiser
License Number A.0000003-CG

1) Whites Creek / Thomas Creek enjoyed by hundreds of hikers / mtn bikers each week who marvel at the year round stream while observing ~~birds & other~~ the wild life.

Besides the western neighborhoods,

2) These creeks supply water to important wetlands in the Eastern Truckee Meadows which are importan birding areas. Imp. that this water supply continues especially the DeMonte Wetlands. Streams go to Steamboat Creek & the Truckee River. Conserv for wildlife habitat.

3. 1,000 new houses were recently approved around Whites Creek which continue to drain water resources.. ~~(Have water rights!)~~

As more developments are approved without water restrictions & special-use water fountain features which evaporate 45 gallon a day & more are approved streams will be diverted.

4.) Encourage mandatory Xeriscaping & native plants required of future new developments. Follow the example of the on

SBKS-01

Diloreto Development called La Casata off Carat Drive in East Reno. All houses have xeriscaped front lawns & other sustainable features.

CAB meeting noted max. of 3,000 acre feet which is a lot of water. 977 million gallons a year!

~~Reconsider how much~~ Water diverted, cutting the amount of

> deny the application all together.

Valerie Anderson

TRUCKEE MEADOWS WATER AUTHORITY

Quality. Delivered.

SB15-012 Mt. Rose Water Treatment Plant

Truckee Meadows Water Authority
Stantec Consulting Services Inc.

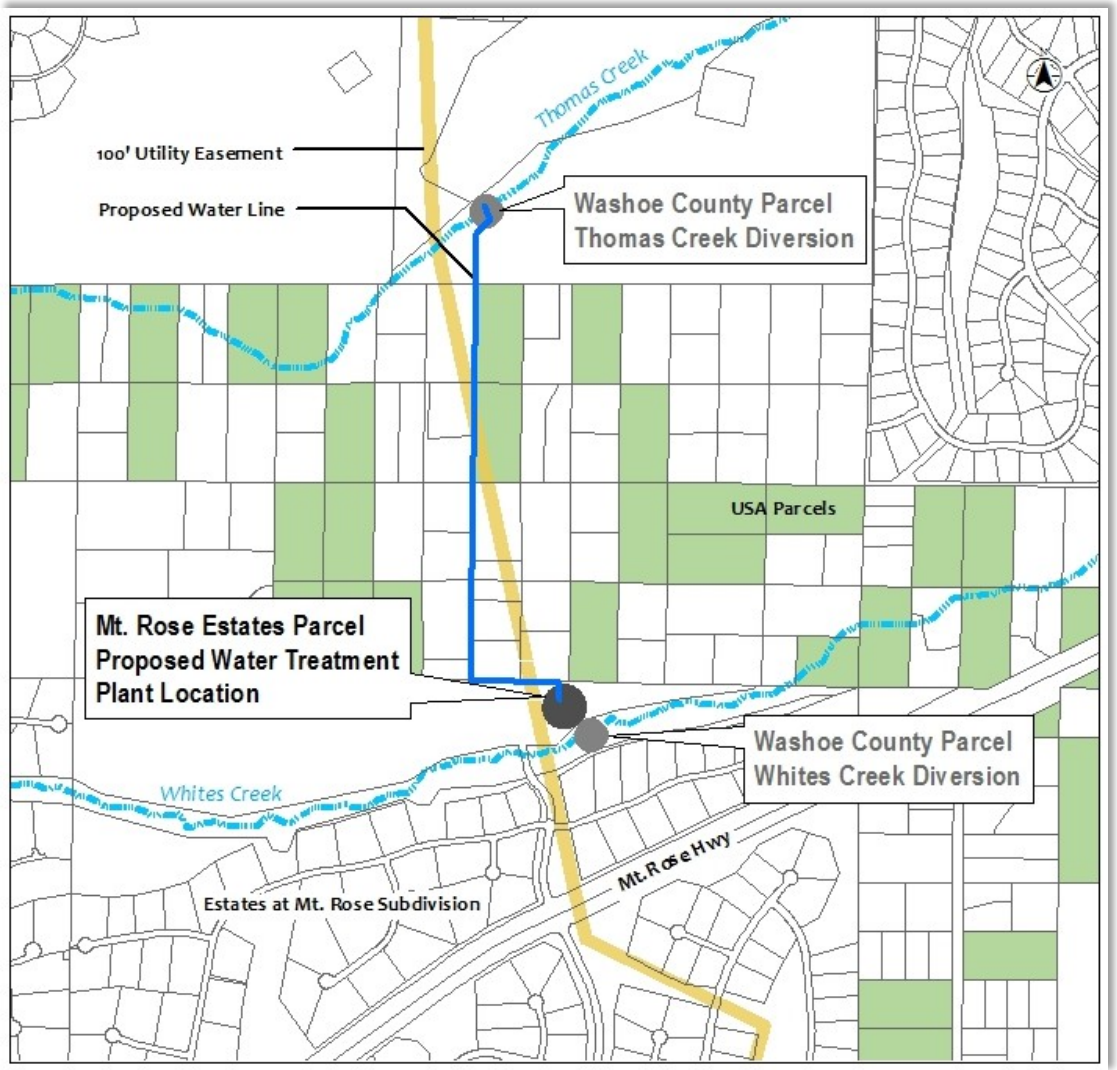
February 4, 2016

PARTNERSHIP FOR SAFE WATER

Summary Request

- To develop a public utility use (water treatment plant) within a High Density Rural regulatory zone per Section 110.302.110;
- Construct a portion of the access driveway and limited grading within a stream zone buffer area per Section 110.418.20; and
- Construct two diversion features with infiltration galleries within the critical stream zone buffer area of Thomas and Whites Creeks per Section 110.418.20.

Project Area Map



Treatment Plant Site – 3.9 acres

Buried Diversion / Infiltration Gallery – approx. 200' long each

Distance of water line – approx. 3,800 feet

Site area adjacent to NVE Easement and approved Estates at Mt. Rose Tract Map

View Southwest from Site Area

View North Across Whites Creek

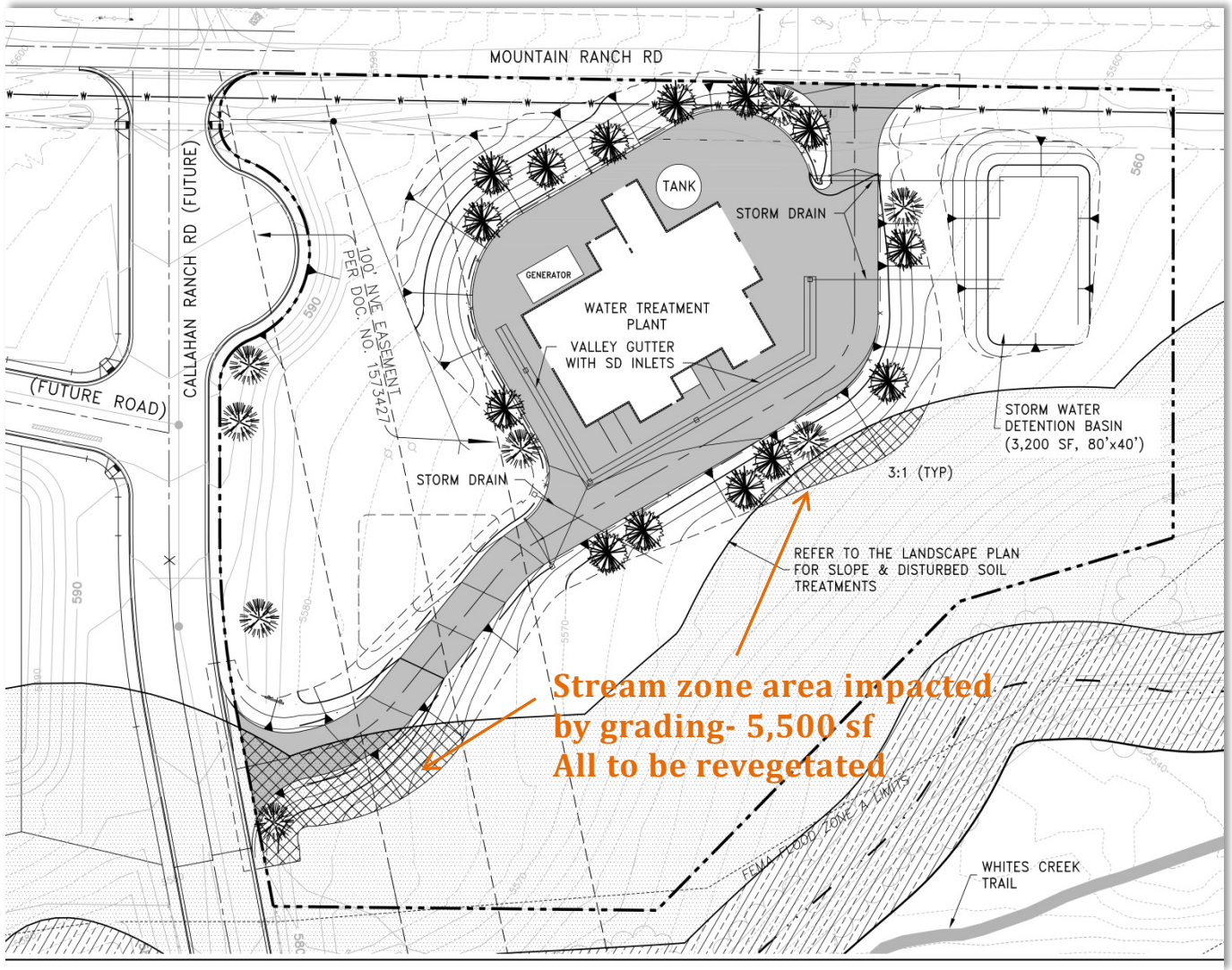
Why a Water Treatment Plant Now?

- Mt. Rose and Galena Fan areas rely on groundwater for 100% of its water supply.
- Implement a sustainability plan to improve water resource reliability for our customers *and* domestic well owners.
- Mitigate declining groundwater levels.
- ***To accommodate existing and future demands AND pump less groundwater from the aquifer than we do today.***

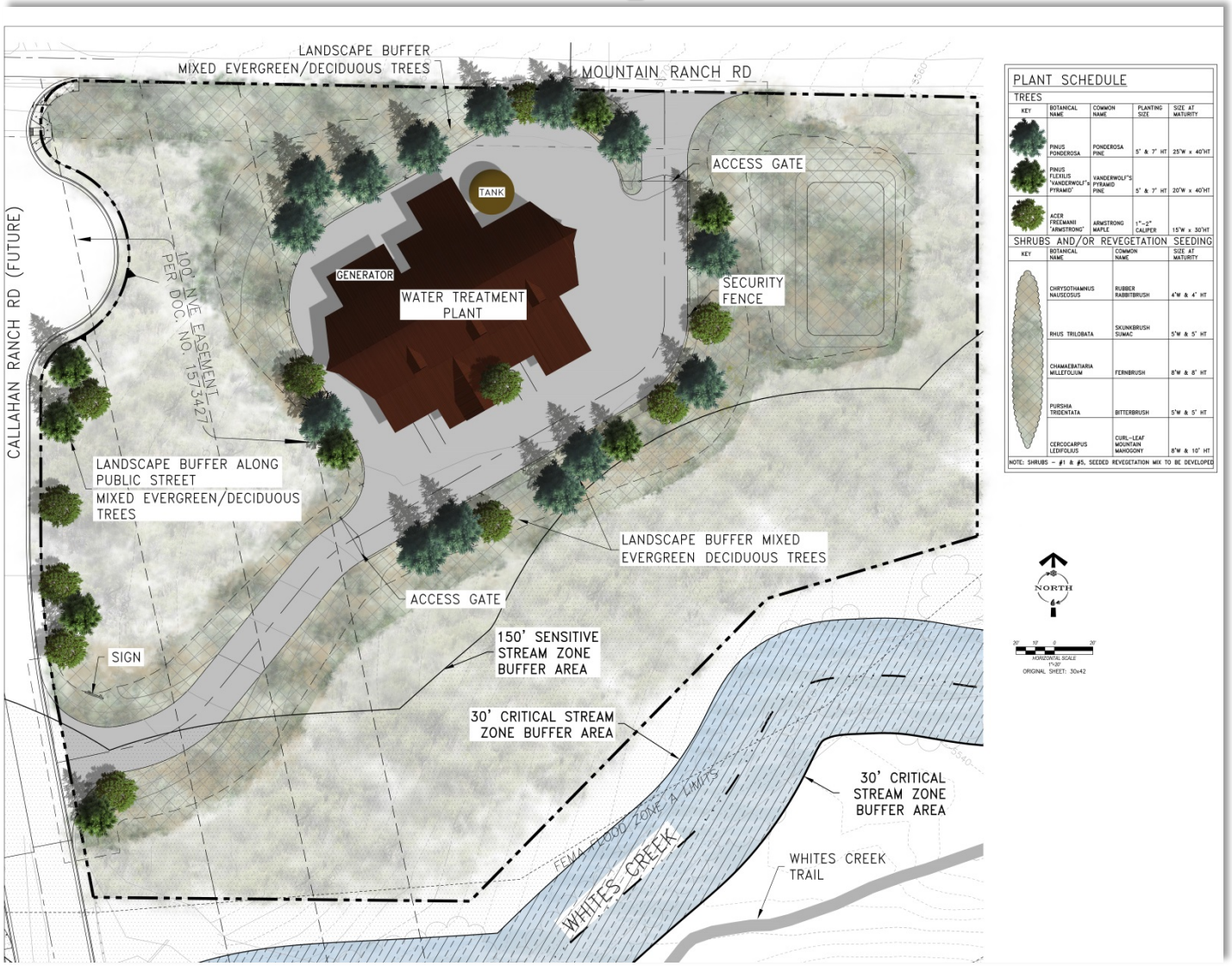
How Will WTP Help Replenish the Aquifer?

- A portion of the flow will be diverted from Thomas and Whites Creeks when adequate creek flows available.
- TMWA will leave sufficient flow in the creeks to maintain wildlife and habitat needs, as well as downstream irrigation requirements.
- There will be reduced or no diversions from the creeks to the WTP when creek flows are low.
- TMWA will rest and recharge specific wells when Truckee River and creek water is available.

Site Plan


MOUNTAIN RANCH RD
CALLAHAN RANCH RD (FUTURE)
(FUTURE ROAD)
100' NVE EASEMENT PER DOC. NO. 1573427
TANK
STORM DRAIN
GENERATOR
WATER TREATMENT PLANT
VALLEY GUTTER WITH SD INLETS
STORM DRAIN
STORM WATER DETENTION BASIN (3,200 SF, 80'x40')
3:1 (TYP)
REFER TO THE LANDSCAPE PLAN FOR SLOPE & DISTURBED SOIL TREATMENTS
Stream zone area impacted by grading- 5,500 sf
All to be revegetated
FEMA FLOOD ZONE A LIMITS
WHITES CREEK TRAIL

Landscape Plan



Design Features to Reduce Impacts on the Surrounding Homeowners

- Site grading will lower the building elevation by approximately 10 feet.
- Sound mitigated by housing pumps inside; generator will be in sound attenuating enclosure.
- Landscape Plan includes larger planting stock trees and native vegetation to screen the building.
- Minimal exterior building light proposed to maintain dark skies compliance.

Visual Simulation of Building

Building Elevations

Public Outreach

- Diversion methodology reviewed by The Nature Conservancy.
- TMWA attended HOA meeting with about 11 attendees.
- Sent 8,000 letters to the local community describing the need for the project and announcing the Open House.
- Jan. 11, 2016 TMWA Open House at SV Public Library with about 75 attendees.
- Presented the project at the Jan. 14, 2016 STM/SWV CAB.
- Presented the project at the Jan. 21, 2016 Commissioner Lucy District Forum meeting.
- Met with adjacent property owner and revised architecture.

Project Timeline

If the Special Use Permit is approved,

- File Nevada State Engineer water rights applications – Spring 2016
- File US Army Corps of Engineer creek diversion application – Summer 2016
- Complete final design - Winter 2016/2017
- Start of construction – Spring 2017
- Water Treatment Plant operational – Winter 2017/18

Thank you.