



AMENDMENT OF CONDITIONS CASE NO. WAC21-0005

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

Washoe County Planning Commission

November 2, 2021

1



Request

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



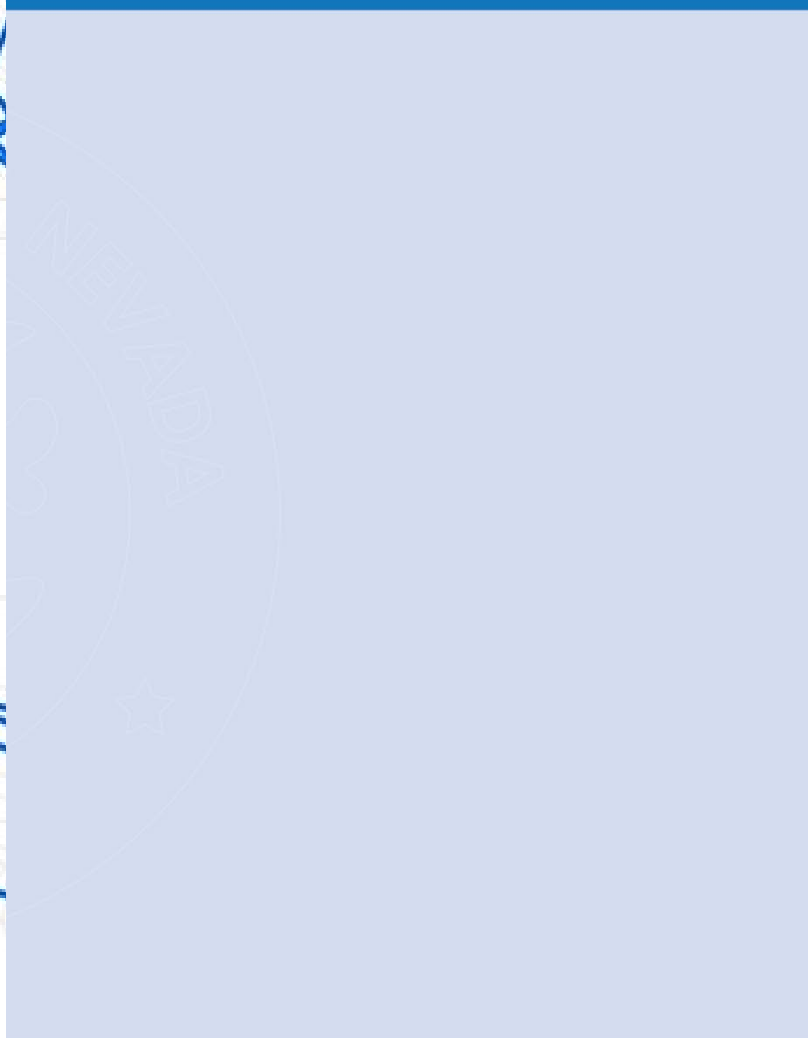
Previous Approvals

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

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

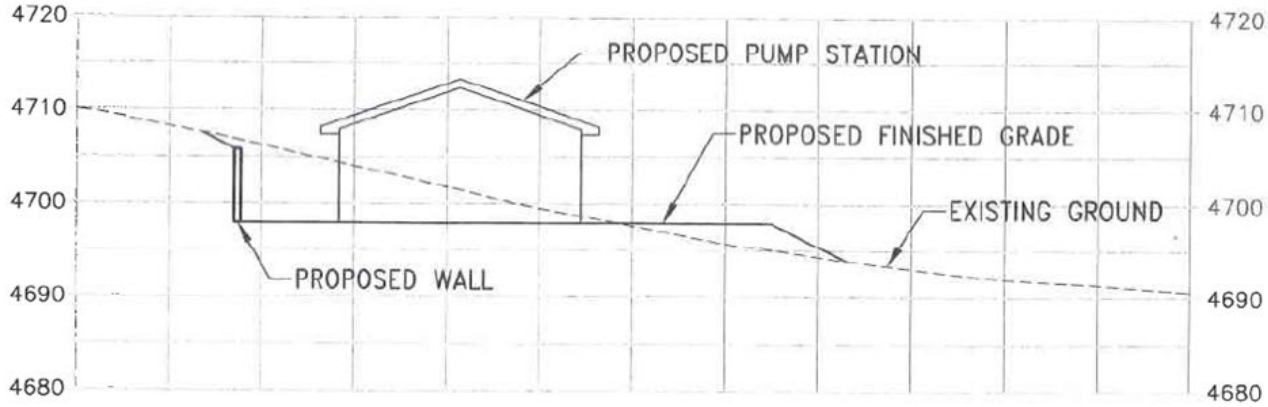
- Allowing for 2:1 slopes instead of 3:1 slopes
- Allowing fills higher than 48 inches within fifty (50) feet of a shared property line
- Allowing a retaining wall of up to 8 feet in height within the front yard setback area

Vicinity Map

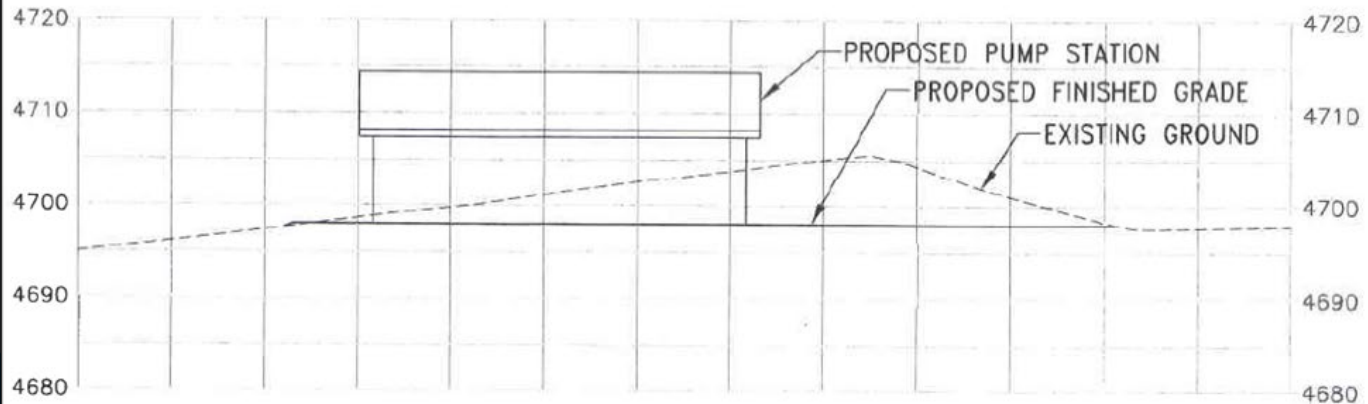




Cross Sections (2007)



SECTION A - A
SCALE: 1"=20'



SECTION B - B
SCALE: 1"=20'



Overview – History

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

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



Overview – Development Code

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



Overview – General Area

- There are many more dwellings in the surrounding area in 2019 than existed in 2007.





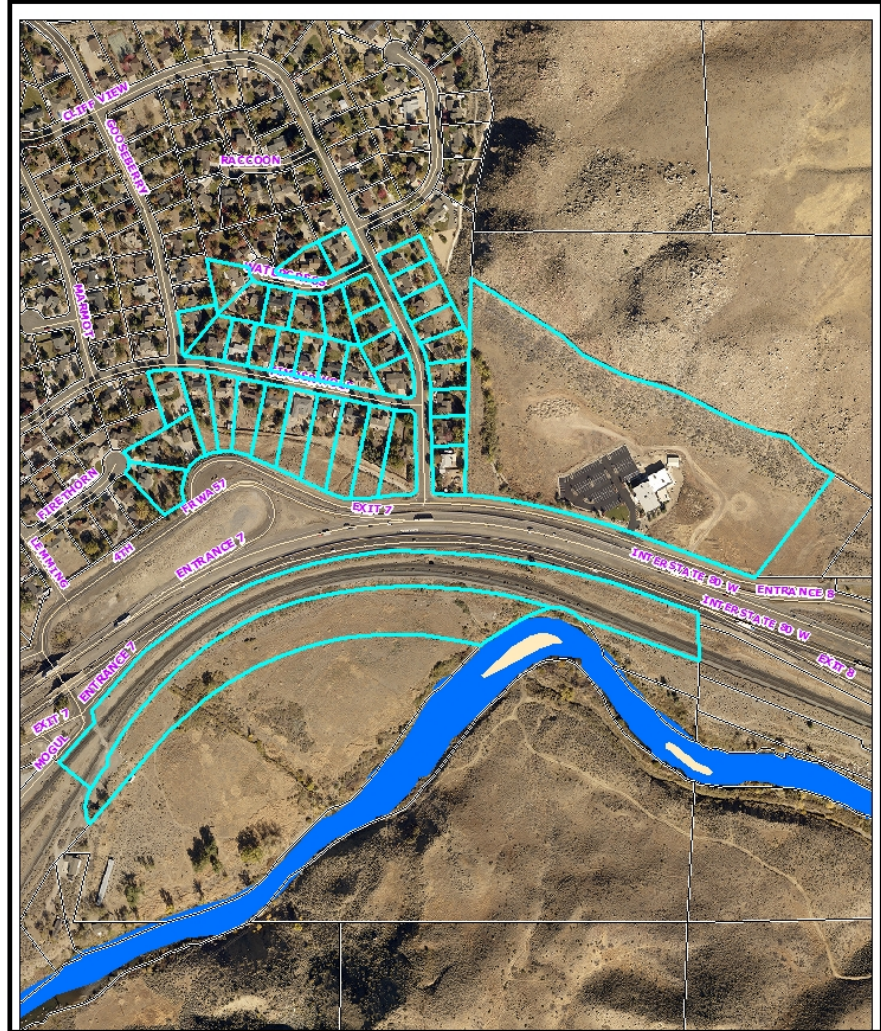
Overall Evaluation

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

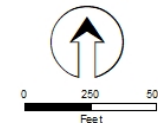


Public Notice

- Notice sent to 43 affected property owners



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



Community Services
Department



Source: Planning and Building Division

Date: 9/13/2021

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



Reviewing Agencies

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



Staff Comments on Special Use Permit Findings

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

Staff Comment: The standards of the Washoe County Development Code, which is a part of the Master Plan are not met, most particularly Article 438, Grading, as noted in this report.

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

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



Staff Comments on Variance Findings

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

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

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

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



Recommendation

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



Possible Motion

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