



June 1, 2017

Gordon H. DePaoli
E-MAIL: gdepaoli@woodburnandwedge.com
(775) 688-3010

Via Hand Delivery

Washoe County Board of Adjustment
Washoe County Commissioner Chambers
1001 E. Ninth Street, Building A, 1st Floor
Reno, Nevada 89512

Re: **Special Use Permit, Case No. WSUP17-0007**
Meeting Date: June 1, 2017

Dear Members of the Board of Adjustment:

My wife, Suzanne, and I reside at 3925 Fairview Road, Reno, Nevada 89511. We have lived there for the last 28 years. We were both raised in rural areas of Nevada, and we moved to our home on Fairview Road because of the rural qualities of the area and the rural lifestyle, albeit on a much smaller scale than that under which we were raised. We oppose the granting of the referenced Special Use Permit which would allow for the conversion of the single-family residence at 3405 Quilici Road to a fifteen bed group care facility.

Although our home is not located on Dryden Drive and Quilici Road, where this proposed facility will be located, it will be adversely impacted because the entire neighborhood will be adversely impacted. From our perspective, that adversely impacted neighborhood includes at least all of the homes which rely on Dryden Drive as their sole route of ingress and egress to Holcomb Ranch Lane. That not only includes homes on Quilici Road, it also includes those on Fairview Road, Lamay Lane, Slide Mountain Drive, Odile Court, Bowers Drive and Lamay Circle.

While we understand the need for commercial facilities like the one proposed here, they do not belong in an area not served by a municipal purveyor of water and a municipal sewer system. They are inappropriate in an area with narrow, marginally two-lane roads with no curbs, gutters and sidewalks, and no fire hydrants. They are not appropriate in locations which have only one road in and out. The relevant provisions of the Washoe County Development Code confirm they do not belong there, and require that you deny this Application.

Development Code Section 110.819.10 provides that "no Special Use Permit shall be processed until the information necessary to review and decide upon the proposed Special Use Permit is deemed complete by the Director of Community Development." Although we disagree that there has been sufficient information provided concerning this Application to allow for any

decision to approve it, apparently it has been found complete because it has been processed, and there is certainly enough information to deny it. We agree with your Staff's recommendation that the Application should be denied. However, that denial should be with prejudice. The Applicant should not be allowed to simply refile this Application prior to the expiration of one year as provided in Section 110.810.55 of the Development Code.

Virtually all of the information which has been provided, not only does not allow you to make the findings required by Section 110.810.30 in order to grant this Special Use Permit, it clearly shows that those required findings cannot be made. Below, we review briefly the required findings and the reasons why those findings cannot be made. We agree with, and support, the Staff Comments on each of those findings, and provide additional information for your consideration.

Consistency With the Action Program's Policies, Standards and Maps of the Master Plan and the Southwest Truckee Meadows Area Plan (Section 110.810.30(a))

The Staff Report at pages 20 through 22 of your agenda packet includes several specific Southwest Truckee Meadows Area Plan Policy Statements and the Staff's comments on them. Policy SW.2.12 provides that proposals for a Special Use Permit to establish a non-residential use in a residential regulatory zone are subject to a Public Health Impact Review. As Staff notes, none has been done at this time. In order for the Board to consider whether the approval of the Application will not be significantly detrimental to the public health, safety or welfare, or injurious to the property improvements of adjacent properties, or detrimental to the character of the surrounding area as required by Section 110.810.30(d), the Public Health Impact Review cannot be deferred to a time after the Special Use Permit is already approved.

Policy SW.2.5 provides that "any lighting proposed must show how it is consistent with current best practice dark-sky standards." No showing has been made concerning this issue or of the nature of required lighting. The Application merely states that "we will ensure our best to keep lighting facing downwards at all times." The April 20, 2017 letter from Rubicon Design Group to Washoe County Community Services Planning and Development Department in paragraph 8 states that if parking lot lighting is required (which it is), the Applicant is happy to work with Staff on location either during the SUP process or as a condition of approval. Again, for the Board to make the findings required by 110.810.30(a), (c) and (d), the Board needs to know exactly what the lighting will be before approving a Special Use Permit.

Policy SW.2.13 requires consideration of how the proposed use will impact adjacent neighborhoods, including but not limited to dark-sky lighting standards, hours of operation, traffic, parking, and safety impacts and its contribution to the community character as described in the Character Statement. Although the April 20, 2017 letter from Rubicon Design provides some information on employees and operation 24 hours a day, seven days a week, it provides

virtually no information concerning other matters related to traffic, parking and safety impacts, and contribution to the community character as described in the Character Statement of the Southwest Truckee Meadows Area Plan. It provides no information whatsoever concerning traffic generated by visitors and by commercial deliveries.

Goal 15 of the Southwest Truckee Meadows Area Plan in part provides that “because all existing residences are supplied by groundwater wells, future development must be constrained to the sustainable groundwater yield of the basins in the planning area. Pumping impacts to existing domestic wells shall be minimized.” The Applicant has provided no information concerning water rights and the quantity of water needed, except initially to state reliance on a domestic well which is unlawful under the definition of a domestic well, N.R.S. 534.013, and to say that “all of these issues can be discussed during the SUP process with appropriate agencies.” The Community Services Department makes it clear that a domestic well is not adequate or lawful, and that groundwater rights would have to be acquired. No specific estimate is provided concerning the quantity of water that will be needed for this commercial development. In reality, the commercial development proposed here is the equivalent of somewhere between 4 and 6 single family residences, all on a site which allows for only one. Because there is no water purveyor in the area, the water would have to be supplied from a well which likely will impact all of the domestic wells in the immediate area. Such a proposal does not minimize impacts to existing domestic wells.

Goal 16 of the Southwest Truckee Meadows Area Plan provides that “the quality of water from the Southwest Truckee Meadows Hydrographic Basin will be protected from further degradation resulting from human activities.” This entire area relies on individual septic systems. There is no connection to any sewage treatment plant. Again, this commercial development proposes adding the equivalent of 4 to 6 single family residential uses on a single property with a single septic system. No details have been provided. However, it is virtually certain that such a large septic treatment system has the potential to degrade the water quality in the area, including the domestic wells utilized by the neighborhood for domestic uses, and thus does not protect the quality of water from further degradation.

Adequate Utilities, Roadway Improvements, Sanitation, Water Supply, Drainage and Other Necessary Facilities Have Been Provided (Section 110.810.30(b))

Section 110.810.30(b) requires a finding 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. None of this has occurred with respect to this Application. The information provided demonstrates that water and sewer facilities and roadway improvements are not adequate. Dryden Drive, off of Holcomb Ranch Lane, is the only way in, and the only way out of this property. It is a narrow, winding,

barely two-car road, with no curbs and gutters. In addition, Dryden Drive is the only way in and out for all of the homes on Fairview Road, Lamay Lane, Slide Mountain Drive, Lamay Circle, Bowers Drive and Odile Court. Each of those are narrow two-lane roads with no curb and gutter. Because these roads receive only residential neighborhood traffic, they are used regularly for walking, including with young children, jogging, cycling by both residents and cycling visitors alike, and for persons on horseback. The intersections of Fairview at Dryden, and Lamay at Dryden, do not provide clear visibility of approaching cars on Dryden, and vice-versa.

The Site Is Physically Suitable for the Type of Development and for the Intensity of Development (Section 110.810.3(c))

Development Code Section 110.810.30(c) requires information to show that the site is physically suitable for the type of development and for the intensity of development. Again, for the same reasons that the Board cannot make the findings required by Sections 110.810.30(a) and (b), it cannot make the findings that the site is suitable for this type of development or for the intensity of this type of development. The site is simply not in an area which has adequate roadway improvements, sanitation, water supply, and drainage to support this commercial development.

Issuance of the Permit Will Not Be Significantly Detrimental to the Public Health, Safety or Welfare, Injurious to the Property Improvements of Adjacent Properties, or Detrimental to the Character of the Surrounding Area (Section 110.810.30(d))

Because the findings cannot be made under 110.810.30(a), (b) and (c) for the approval of this Application, it is clear that its approval will be significantly detrimental to the public health, safety or welfare, and injurious to the property improvements in the neighborhood, and detrimental to the character of the neighborhood. Locating the equivalent of 4 to 6 single family residences on a parcel which allows for only one, will do all of those things.

Failure to Comply With Code Section 110.322

Washoe County Code Section 110.322 sets forth additional requirements for group care facilities which must be considered in the review and approval of a group care facility. Subsequent to filing the Application, the Applicant submitted additional information regarding those requirements. However, one of the requirements is a Public Service Access Plan. The Applicant did not submit that Plan, and contends that the details of such a Plan will be worked out prior to opening. Such a plan is to "describe the means by which residents will gain access to bus or other transportation routes, shopping locations, medical, dental or other health care facilities and government offices." That information is required in order for the Board to make the appropriate evaluation and findings under Section 110.810.30. That information relates to all of the required findings --- consistency, improvements, site suitability, and issuance of the Permit

not being detrimental to the area. It cannot be provided after a decision is made to approve a Special Use Permit.

Article 322 also requires the development of and implementation of a neighborhood response program which provides a procedure for immediate response to incidents and complaints. That, too, has not been provided, and is not strictly an operational issue, but also goes to the findings that the Board must make. Finally, Article 322 requires an Emergency Response Plan. That also has not been provided, and in our judgment, goes to the findings the Board must make relevant to the issuance of a Special Use Permit.

Conclusion

The information provided with respect to this Special Use Permit Application makes it clear that the Board cannot make the findings required for its approval, and equally clear that it must be denied. There is no sound reason why that denial should be without prejudice.

Sincerely,



Gordon H. DePaoli

GHD:hd