Staff Report
Board Meeting Date: February 27, 2025

TO: District Board of Health (DBOH)

FROM: David Kelly, EHS Supervisor

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SUBJECT: Recommendation to uphold the decision of the Sewage, Wastewater & Sanitation (SWS) Hearing Board to approve Variance Case #H24-0004VARI of the Northern Nevada Public Health Regulations Governing Sewage, Wastewater, and Sanitation, allowing a reduction in minimum lot size for a new subdivision to be served by septic, by holding sufficient additional land open in perpetuity to meet the maximum septic density intended by the regulations, for Palomino Farms LLC, owner of 0 Whiskey Springs Rd/0 Sage Flat Rd, Washoe County, Nevada, Assessor's Parcel Numbers 077-090-13 and 077-090-14.

SUMMARY

This staff report summarizes the Environmental Health Services Division's (EHS) review of the variance request along with the recommendation of the Sewage, Wastewater, and Sanitation Hearing Board (SWS Board) for Variance Case #H24-0004VARI for Assessor's Parcel Numbers (APN) 077-090-13 and 077-090-14 as heard on January 30, 2025.

District Health Strategic Priorities supported by this item:

1. **Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

The District Board of Health (DBOH) has taken no previous action on this item.

BACKGROUND

This variance case arose due to the fact that North Nevada Public Health regulations governing Sewage, Wastewater, and Sanitation (Regulations) require that any new subdivisions have a minimum lot size of five (5) acres if they are to be served by septic. This regulation has been in place since 2001 and was intended to reduce the density of septic systems in Washoe County to minimize potential impact on groundwater. The regulations do allow for developers to apply for a reduced lot size if they can demonstrate that the reduced lot size will not have a greater impact on groundwater quality than the five (5) acre lot size. The Regulations require that any proposal for a reduced lot size be approved by the SWS Board and the DBOH.

The proposal in question does request a reduced lot size of a minimum of 2.5 acres. The measure proposed to ensure that the reduced lot size would not have a greater impact on groundwater than the larger lot size by holding additional land as open space, in the sufficient amount to make up for the missing 2.5 acres. The open space would not be able to install septic on it, making the end result of the proposal that the septic density would be the same or less as if all lots were five (5) acres. This requirement will be recorded to the final map.

Additionally, the conceptual proposal with the reduced parcel size allows for all created parcels to be placed outside of the 100-year flood plain that exists on the parcels. This means that the additional risk from septic systems should be reduced, which NNPH sees as an additional benefit.

The proposal shown is conceptual in nature as it will have to go through a formal planning process if the variance for the reduce parcel size is approved. The Planning Department could potentially require modifications to the specific map presented. The variance approved by the SWS Board allows for minor modifications, provided that the minimum acreage of each parcel does not fall below 2.5 acres and that the maximum density of septics does not exceed 1 per five (5) acres. If either of those criteria are not met, the applicant will have to bring their variance back through the SWS Board and the DBOH.

The case was heard at the January 30, 2025, SWS Board meeting where the SWS Board voted to recommend approval of the variance to the DBOH.

Attached to this staff report is the SWS Board Report and the variance application packet.

FISCAL IMPACT

There is no fiscal impact should the Board uphold the recommendation of the SWS Board to approve the variance request. All applicable permit fees will be assessed, and permits will not be granted if they are not paid.

RECOMMENDATION

Staff recommends the Board uphold the decision of the SWS Board to approve variance #H24-0004VARI, with no conditions.

ALTERNATIVE

Should the Board wish to consider an alternative to upholding the Staff recommendation, as presented, the item should be pulled from the Consent Agenda for discussion. Possible alternatives are:

1. The Board may decide to not uphold the decision of the SWS Board to approve variance #H24-0004VARI.
2. The Board may decide to modify the decision of the SWS Board to approve variance #H24-0004VARI with any conditions as they see fit.

POSSIBLE MOTION(s)

Should the Board agree with Staff's recommendation, the motion would be:

1. "Move to uphold the decision of the SWS Board to approve variance #H24-0004VARI, with no conditions.

Or, should the Board consider an alternative, the possible motions may be:

2. "Move to modify the decision of the SWS Hearing Board in the following manner:"

Or

3. “Move to reverse the decision of the SWS Hearing Board”

Or

4. “Move to refer the variance back to the SWS Hearing Board for further additional consideration.”