

**Staff Report**  
**Board Meeting Date: October 24, 2024**

**DATE:** October 17, 2024  
**TO:** District Board of Health  
**FROM:** David Kelly, EHS Supervisor  
775-846-6623, dakelly@nnph.org  
**SUBJECT:** Recommendation to uphold the decision of the Sewage, Wastewater & Sanitation (SWS) Hearing Board to approve Variance Case #H24-0003VARI of the Northern Nevada Public Health Regulations Governing Sewage, Wastewater, and Sanitation, allowing permitting and construction of a septic system located on a parcel within 200' of available municipal sewer for financial reasons, for Johnson and Chris Adeyanju, owners of 6203 Hidden Highlands Drive, Reno, Nevada, Assessor's Parcel Number 021-270-18.

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**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 #H24-0003VARI for Assessor's Parcel Number (APN) 142-241-14 as heard on October 3, 2024.

**District Health Strategic Priorities supported by this item:**

- 1. Healthy Lives:** Improve the health of our community by empowering individuals to live healthier lives.

**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 the parcel in question is located within 200' to available municipal sewer. Northern Nevada Public Health regulations do not allow for a septic system to be installed when municipal sewer is available. However, due to specific site conditions on the parcel, the applicant claimed financial hardship and requested a variance to that regulation.

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According to the applicant, construction of the sewer line and water line to municipal utilities would cost at least \$240,000 more than installation of a septic system. They provided quotes for excavation and all other activities associated with both approaches. NNPH staff examined a test trench and agree that the applicant adequately describe the site conditions with regard to fractured rock. As a matter of policy, NNPH staff remain neutral in questions of financial hardship to avoid any subjectivity in application of regulation; those matters are deferred to the SWS Board and the Board of Health.

The variance only allows permission for NNPH to review and permit a septic system despite the proximity of municipal sewer. The property owner has been informed that if this variance is granted all applicable septic regulations as well as the conditions set by the SWS Board/DBOH must be satisfied. As the system will be designed to meet all other regulations, there is not expectation of negative effects to public health.

The case was heard at the October 3, 2024, 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 #H24-0003VARI, 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 #H24-0003VARI.
2. The Board may decide to modify the decision of the SWS Board to approve variance #H24-0003VARI 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 #H24-0003VARI, 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

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