

Staff Report
Board Meeting Date: August 22, 2024

TO: District Board of Health (DBOH)
FROM: David Kelly, EHS Supervisor
775-846-6623, dakelly@washoecounty.gov
SUBJECT: Recommendation to uphold the decision of the Sewage, Wastewater & Sanitation (SWS) Hearing Board to approve Variance Case #H24-0002VARI of the Northern Nevada Public Health Regulations Governing Sewage, Wastewater, and Sanitation, allowing a crossing of a drainage ditch by a septic transmission line with protective mitigation measures, for Page and Olivia Bailey, owners of 14075 Bihler Rd, Washoe County, Nevada, Assessor's Parcel Number 142-241-14.

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 #H24-0002VARI for Assessor's Parcel Number (APN) 142-241-14 as heard on Aug 1, 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 specific nature of the parcel in question. Northern Nevada Public Health regulations do not allow for a septic system, or its repair, to be placed within 25' of a drainage channel. The parcel in question is split in two by a drainage, making the constructable space on either side very small. This created a situation where only one septic system (the primary) could be placed next to the house. All properties must be able to demonstrate area for the replacement leach field and the only remaining space to designate that area was across the drainage. A variance was required to allow for the crossing in the event the replacement area is needed.

ENVIRONMENTAL HEALTH SERVICES

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Date: July 11, 2024

Subject: Recommendation for Reappointment to the Sewage Wastewater and Sanitation Hearing Board

Page: 2 of 3

One question of note is that the drainage channel is considered a “branch” of White’s Creek. Staff were able to verify that previous development upstream had cut off any potential for the channel to carry water from White’s creek. The applicant also provided a hydrologic assessment of the potential for surface water runoff. All of this led to the determination that the channel is a drainage at this point and will only convey storm water run-off in storm events. The mitigation offered to protect the future crossing is considered sufficient and will be protective of public health.

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.

The case was heard at the August 1, 2024, SWS Board meeting where the SWS Board voted to recommend approval of the variance to the DBOH with the following conditions:

1. Any instances of system non-function must be reported to NNPH for review and must be repaired immediately. In the event of failure to maintain or lack of system function, NNPH may require sampling and/or impose restrictions on the property based on the functionality of the building sewer line, up to and including removal of the storm drain crossing.
2. Require recording of the variance to the parcel to ensure proper public records notification in the event the property is sold to any other person or entity. Recording may not be removed without NNPH approval.
3. The primary septic system must be protected from vehicular traffic on the north and east sides by way of boulders, bollards, or other mechanism. The protection mechanism must be called out on the Building plans. The protection mechanism is to be reviewed and approved by the design engineer.
4. Indicator tape be placed 1’ above the concrete encasement upon installation to protect against the potential for future construction to damage it.

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 #H24-0002VARI, 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 #H24-0002VARI.
2. The Board may decide to modify the decision of the SWS Board to approve variance #H24-0002VARI with any conditions as they see fit.

Date: July 11, 2024

Subject: Recommendation for Reappointment to the Sewage Wastewater and Sanitation Hearing Board

Page: 3 of 3

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 #H24-0002VARI, 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."