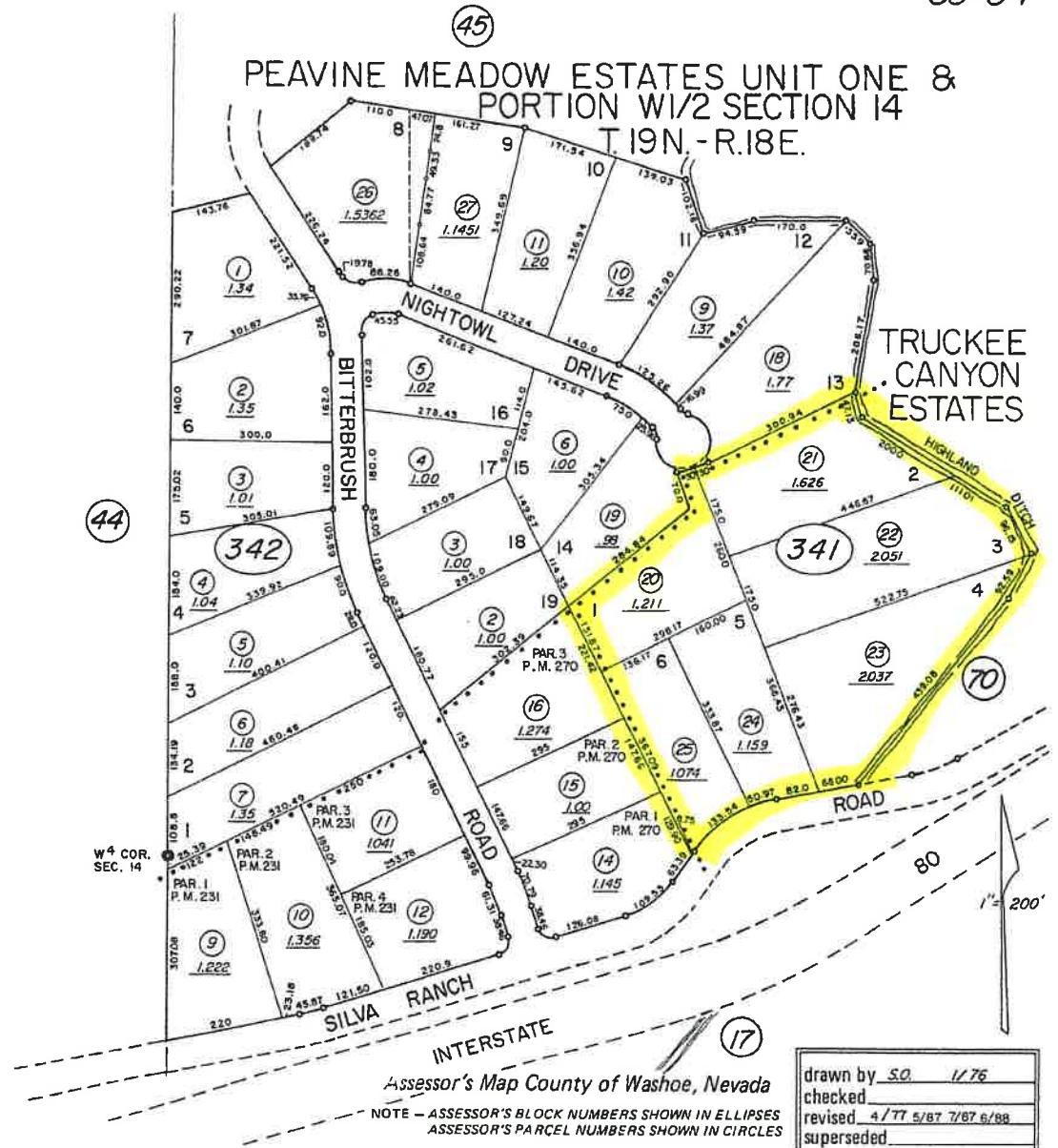


PETITIONER'S EVIDENCE

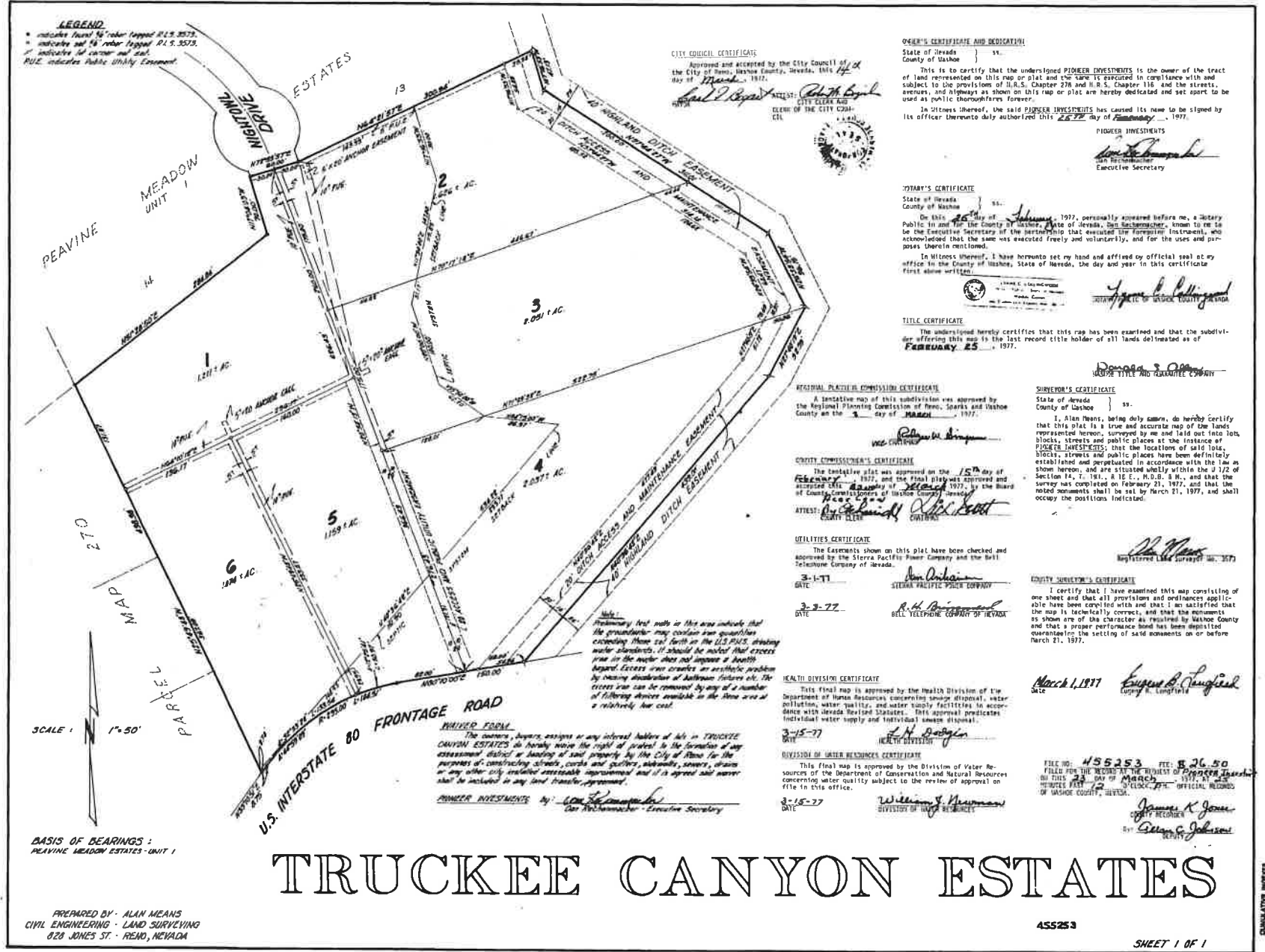


NOTE: This Map is prepared for the use of the Washoe County Assessor for Assessment and illustrative purposes only, it does not represent survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated hereon.

PETITIONER'S EXHIBIT B
33 PAGES

2

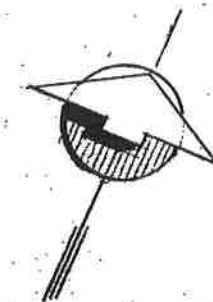
1632






25 Night owl DR.

Development Review	28
Date	2/10/02
County Fire Dept.	Date
County Engineering	HI Date 2/10/02
County Health Dept.	Date
County Utility Dept.	Date
County Soc. Serv. Dept.	Date
County	Date
County Hous. Dept.	A Date 2-12-02



POWNING ADDITION 25 NIGHTOWL LANE WASHOE CO., NV.		Paul Luksza RESIDENTIAL DESIGNER STATE OF NEVADA  No. 99	
DATE:	DRAWN BY: PL	REVISION:	<i>Good July 3, 1988</i>
PAUL LUKSZA + DESIGNER + 1080 MC-CLOUD AVE., RENO + PH. 323-8751			

REVISION:

DATE: MAR. 16, 1998

SHEET
1 OF 6



WASHOE COUNTY Dedicated to Excellence in Public Service



WASHOE COUNTY
PLANNING AND ZONING DEPARTMENT
1775 N. LINCOLN BLVD.
SPRINGFIELD, NV 89501
TEL: 775-335-4100 FAX: 775-335-4102

DEPARTMENT OF BUILDING AND SAFETY **BUILDING PERMIT** INSPECTION LINE 775.335.8401

WASHOE COUNTY PLANNING AND ZONING DEPARTMENT
1775 N. LINCOLN BLVD.
SPRINGFIELD, NV 89501
TEL: 775-335-4100 FAX: 775-335-4102

Address **25 NIGHIOWL DRIVUM**
Location
Parcel No **035-341-20**

Permit No **02-2659**
Type **BLD-RES**
Category **SHED**

Applied **06-07-2002**
Issued **06-27-2002**
Status **ISSUED**
Expires **12-27-2003**
Retained

6-27-2002

zoning **VHS**
Area **N**

Occupancy **30**
Contact **430**

Use Code
Variance No

Nearest
Water **WASH UT**

1 Pond
1 Bridge

Special Use No
Minor Street

OWNER **POMERIE GREGORY V & SHARLA A**
25 NIGHIOWL DRIVE
SPRINGFIELD NV

Phone:

89523

CONTRACTOR **TOPLINE CONTRACTING INC**
3191 HIGHWAY 392
MEADEN NV

Phone: 7752471330

89623

License: 3043680

CONTACT **TOPLINE CONTRACTING INC**
3191 HIGHWAY 392
MEADEN NV

Phone: 7752471330

89623

Point Description

30'-0" x 30'-0" METAL BARN NO FLOOR OR FLOOR

VALUATION **\$28,465.92**

Occupancy	Type	Feet	Sq Feet	Valuation
RES - Residential	Shed (metal)	30.00	1,248	\$28,465.92
Totals...			1,248	\$28,465.92

FEES:	Building Fee	\$400.00	Plan Check Fee	\$200.00	TOTAL FEES	\$600.00
	Permit Fee	\$2.00	Park Tax Fee	\$0.00	Permit Fee	\$2.00
	Planning Fee	\$0.00	Violation Fee	\$0.00	BALANCE DUE	\$0.00
	Mechanical Fee	\$0.00	Renewal Fee	\$0.00	VALIDATED BY	DJ
	Inspection Fee	\$0.00	Recall Impact Fee	\$0.00	ISSUED BY	WJD

Signature *W. Jones* *Alise*

Permit is hereby granted to do the work for the building described in the application in accordance with the Rules, Regulations and Ordinance of the County of Washoe, along with the plans and specifications filed herewith.

2

THIS LICENSE IS NON-TRANSFERABLE. ANYONE USING IT IN VIOLATION OF THE RULES, REGULATIONS AND ORDINANCES OF THE COUNTY OF WASHOE WILL BE SUBJECT TO A FINE OF \$500.00 AND A STOP WORK ORDER.

Any person who uses this license in violation of the Rules, Regulations and Ordinances of the County of Washoe will be subject to a fine of \$500.00 and a stop work order. The license holder is responsible for the work done under this license and for obtaining all necessary permits from the appropriate agencies. The license holder is also responsible for paying all fees and taxes due to the County of Washoe. The license holder is not responsible for the actions of the contractor or subcontractor.

Any person who uses this license in violation of the Rules, Regulations and Ordinances of the County of Washoe will be subject to a fine of \$500.00 and a stop work order. The license holder is responsible for the work done under this license and for obtaining all necessary permits from the appropriate agencies. The license holder is also responsible for paying all fees and taxes due to the County of Washoe. The license holder is not responsible for the actions of the contractor or subcontractor.

5



6

2013 Washoe County Contours

Exhibit E



August 15, 2018

Parcels

Contour Mosaic 2013

— <all other values>

— INDEX
— INTERVAL
APN



Washoe County
Washoe County GIS

This information for illustrative purposes only. Not be used for boundary resolution or location and not intended to be used for measurement, calculation, or definition.

POWN-0004

[illegible]

Product Log.

1. COVERAGE MUST COVER ANY AND ALL BUILDINGS TO AN APPROXIMATELY 100 YARD RADIUS MUST BE SET
2. ALL OTHERS MUST WITHIN THE COUNTY RESIDENCE AND MUST BE COVERED IN ACCORDANCE WITH THE LATEST COUNTY CODE AND THE LATEST COUNTY STANDARDS SPECIFICATIONS AND DETAILS
3. IT IS THE COUNTY'S RESPONSIBILITY TO PERFORM ALL INSURING DAMAGE

ALBUQUERQUE, J. R. 1964. A new species of the genus *Albuquerquea* from the state of Rio de Janeiro, Brazil. *Revista Brasileira de Biologia* 10: 1-4.



NO PRIVATE OR PUBLIC WILL WITHIN OR IN PROXIMITY
NO PUBLIC REVIEW SYSTEM WITHIN OR IN PROXIMITY
NO ANIMAL COUNCIL OR ANIMAL WELFARE CHALLENGE OR IN
PROXIMITY OF PROPERTY
NO NEIGHBORHOOD PLANNING OR COMMITTEE IN PROXIMITY

[illegible][illegible]

A.P.N. 038-341-20

LAND AVERAGE 15% = 10,277 S.F.

TOTAL FLOOR AREA CAPACITY: 6,970 sq. ft.



PAZMING ADDITION
25 NIGHTOWL LANE
WATSON CO. N.Y.

BYRON

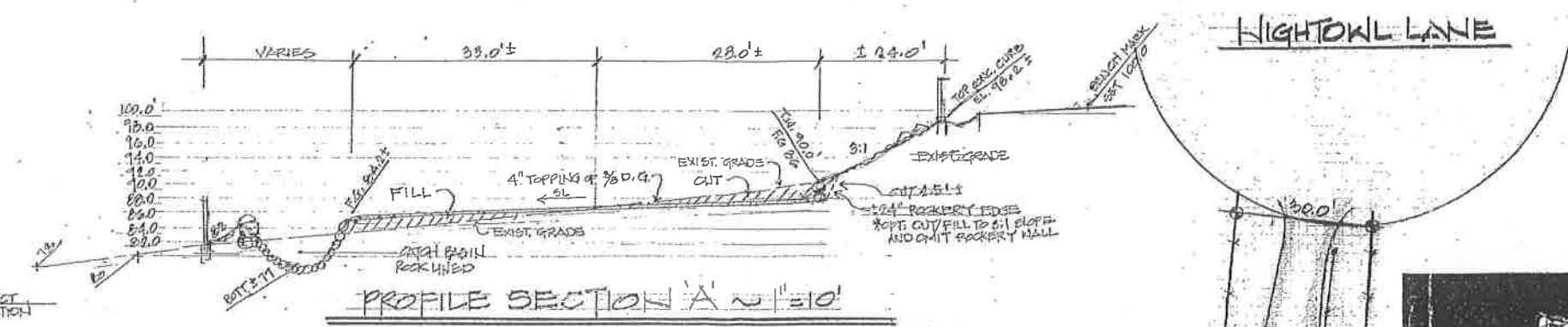
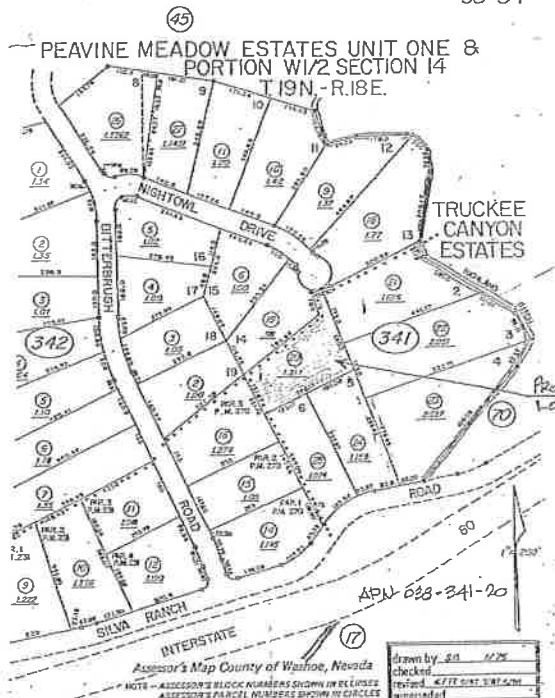
OFFICE COPY

ISRT

9-31-12

SHEET

1.1



A.P.N. 038-341-20
 Lot Size: 52,708 sq. ft.
 Land Coverage: 25% = 13,277 sq. ft.
 Total Bldg./Land Coverage = 6,407 sq. ft.

EXCAVATION CALCS		
CUT 1.5 x 120 x 24	SQ. FT. 4,320	CU. YDS. 160
FILL 1.3 x 140 x 25 (No export)	SQ. FT. 4,550	CU. YDS. 169
Import 4" D.G. Topping: .33 x 260 x 45	3,861	143

- LEGEND**
- EXISTING GRADE & CONTOUR
 - FINISH GRADE PAINT & CONTOUR
 - DRAINAGE SHALE LINE (2%)
 - EXISTING GRADE POINT BY SURVEY
 - EXISTING FENCE LINE
 - ELEVATION OF SURFACE

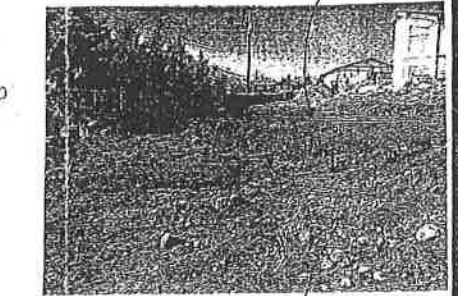
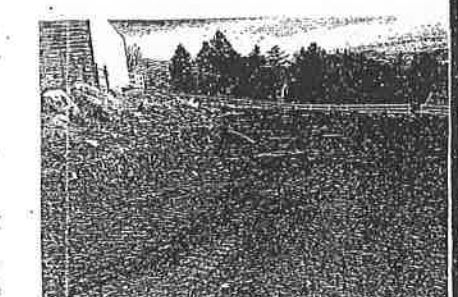
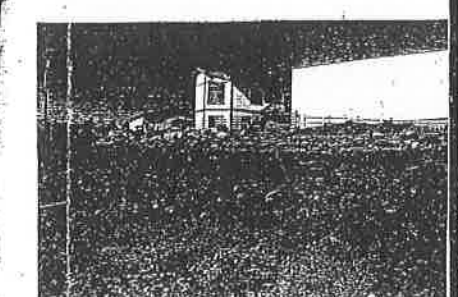
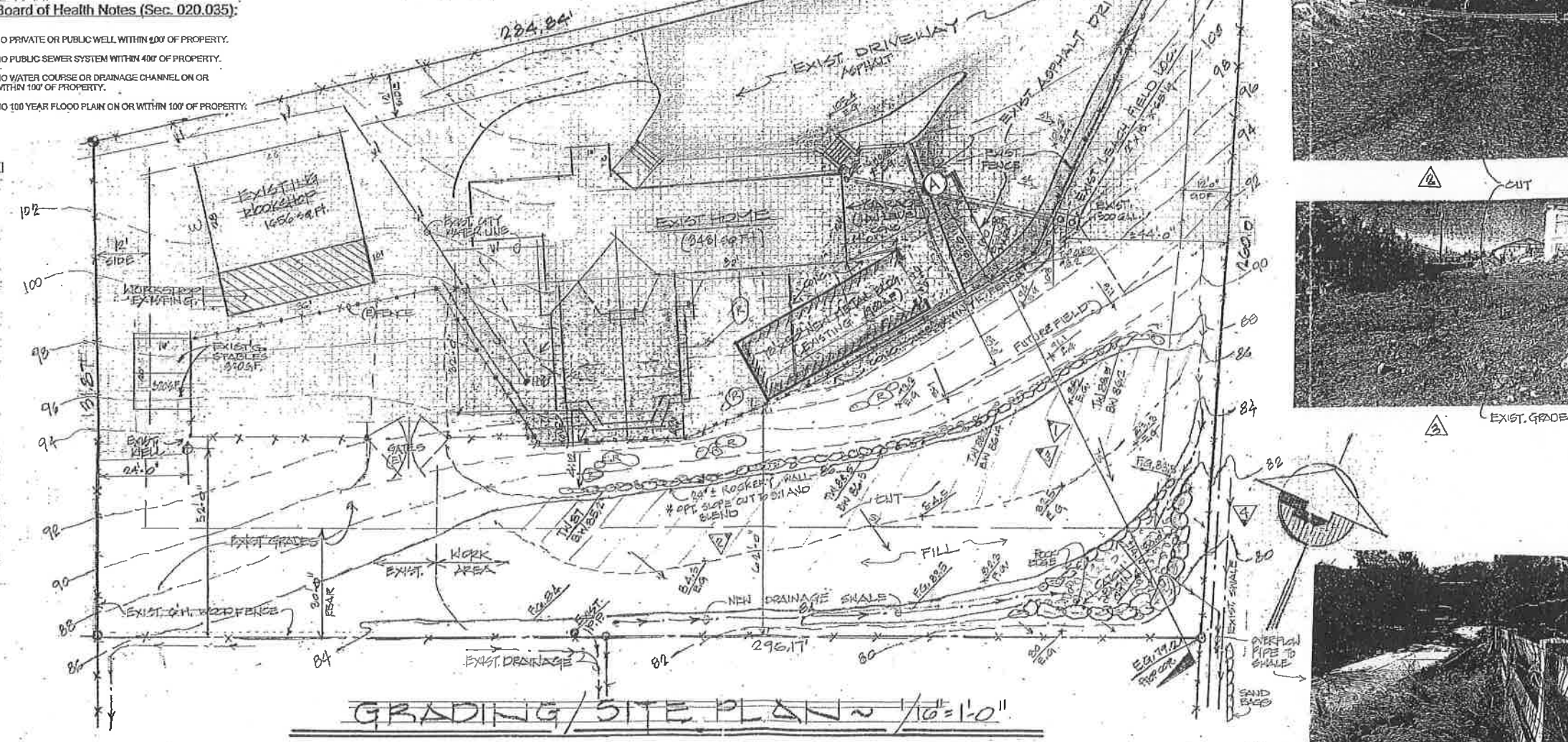
VICINITY MAP
DRAINAGE NOTES

- DRAINAGE MUST DRAIN AWAY FROM ANY BUILDINGS TO AN APPROVED DRAINAGE EASEMENT OR STREET.
- ALL IMPROVEMENTS WITHIN THE COUNTY RIGHT-OF-WAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST COUNTY CODE AND THE LATEST COUNTY STANDARD SPECIFICATIONS AND DETAILS.
- IT IS THE OWNERS' RESPONSIBILITY TO PERPETUATE EXISTING DRAINAGE.

Board of Health Notes (Sec. 020.035):

- NO PRIVATE OR PUBLIC WELL WITHIN 100' OF PROPERTY.
- NO PUBLIC SEWER SYSTEM WITHIN 400' OF PROPERTY.
- NO WATER COURSE OR DRAINAGE CHANNEL ON OR WITHIN 100' OF PROPERTY.
- NO 100 YEAR FLOOD PLAIN ON OR WITHIN 100' OF PROPERTY.

WYOMING COUNTY ASSessor's PROPERTY DATA		09/22/2015
APN: 038-341-20	Class 100	
Owner Information & Legal Description		
Owner: 2510210101		
Owner: 1. FOWLER, GREGORY & SHERA A		
Map Address: 2510210101		
RENO, NV, 89523		
Owner: 2. FOWLER, GREGORY & SHERA A		
Map Address: 444145		
RENO, NV, 89523		
Owner: 3. FOWLER, GREGORY & SHERA A		
Map Address: 444145		
RENO, NV, 89523		
Owner: 4. FOWLER, GREGORY & SHERA A		
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Owner: 100. FOWLER, GREGORY & SHERA A		
Map Address: 444145		
RENO, NV, 89523		



YARD GRADING PLAN For:
 Greg & Sheila Powning
 25 Nighthowl Lane
 Reno, NV 89523
 Contact: Greg Powning (345-0134)

PAUL LUKSZA
 RESIDENTIAL DESIGN
 1800 MacCloud Avenue, Reno, NV 89522-1023
 (775) 323-3791 (775) 323-3450
 paul@renoResidentialDesign.com

PAUL LUKSZA, A PROFESSIONAL ENGINEER, HAS PREPARED THIS PLAN. THE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE GRADING PLAN. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF THE GRADING PLAN. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN OF THE GRADING PLAN. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED OR THE RESULTS OF THE GRADING PLAN.

REVISION:
 DATE: 8-20-17
 BY: PL
 SHEET
 91 OF 1

23

9



Regional Licensing & Permits

[Announcements](#) [Register for an Account](#) [Login](#)

[Help](#) [FAQ](#) [Contact Us](#)

[Home](#) [Building](#) [Business Licensing](#) [Enforcement](#) [Engineering](#) [Fire](#) [Health District](#)[Planning](#) [Public Works](#)[Search Applications](#)

Record WBLD17-100687:

Like 0

[Tweet](#)

Grading Permits

Record Status: Issued

Expiration Date: 10/13/2018

Record Info ▼

Payments ▼

Conditions 1 Custom Component

A notice was added to this record on 03/27/2017.

Condition: Historic District Severity: Notice

Total Conditions: 1 (Notice: 1)

[View Condition](#)

Processing Status

✱ ▼ Application Submittal

Due on 03/20/2017, assigned to TBD

☒ Marked as Accepted – Plan Review Req on 03/27/2017 by Bert Soffiotto

✓ ▼ Plans Distribution

Due on 03/27/2017, assigned to TBD

☒ Marked as Routed for Review on 03/27/2017 by Bert Soffiotto

Comment: ROUTED TO PLANNING / ENG / PC

✓ ▼ Planning Review

Due on 03/27/2017, assigned to TBD
Marked as Approved on 03/30/2017 by Trevor Lloyd

✓ ✓ Building Review

Due on 03/27/2017, assigned to TBD
Marked as Approved on 03/27/2017 by Sam Arevalo

✓ ✓ CSD Engineering Reviews - Subprocess

Due on 03/27/2017, assigned to TBD
Marked as In Review on 03/27/2017 by JC

Due on 03/27/2017, assigned to TBD
Marked as Approved on 03/29/2017 by Kimble Corbridge

✓ ✓ Engineering Plans Distribution

Due on 03/27/2017, assigned to TBD
Marked as Routed for Review on 03/27/2017 by JC

✓ ✓ Engineering Utility Review

Due on 03/27/2017, assigned to TBD
Marked as Not Required on 03/27/2017 by JC

✓ ✓ Roads Review

Due on 03/27/2017, assigned to TBD
Marked as Not Required on 03/29/2017 by Kimble Corbridge

✓ ✓ Engineering General Review

Due on 03/27/2017, assigned to TBD
Marked as Approved on 03/29/2017 by Kimble Corbridge

✓ ✓ Engineering Plans Coordination

Due on 03/29/2017, assigned to TBD
Marked as Approved on 03/29/2017 by Kimble Corbridge

GID Review

Environmental Control (ECS) Review

▶ Fire Reviews - Subprocess

▶ Health Reviews - Subprocess

✓ ✓ Plans Coordination

Due on 04/13/2017, assigned to TBD
Marked as Ready to Issue on 04/13/2017 by Christopher McMillan

✓ ✓ Permit Issuance

Due on 04/13/2017, assigned to TBD
Marked as Issued on 04/13/2017 by Christopher McMillan

▶ Inspection

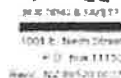
▶ Renewal Request

24

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Department of Building & Safety
"Dedicated to Excellence in Public Service"
BUILDING PERMIT
INSPECTION LINE (775) 325-8000
www.washcoounty.us/building



Address 25 NICHOLSON DR
Location
Parcel No 038-347-20

Agreement No.	WMA 2117-120617
Parent Type	Grading Materials
Unit	Nonstructural

Applied: 03/20/18
Issued: 04/13/18
Status: issued
Expiry: 12/13/18

အိမ်ထောင်ရေး
အိမ်ထောင်ရေး

Occupancy

Unit Cost:

OWNER: FOWNING FAMILY TRUST
FOWNING TRUSTEE: GREGORY V
& SHELIA A
22 SIGHTSON DR
RINGO, NJ 08523

On-line

CONTRACTOR Name:

Figure

APPLICANT GREG KENNEDY
POWNING TRUSTEE, GREGORY W
8 STEEA
29 NIGHTOWL DR
HEND, NY 09521

Stone*

100 CUBIC YARDS OF GRADING

Volunteer 50 50

October 17

Type

Factor

3q Font

November

T-tests

FTEs	Building Fee	\$0.00	Renewal Fee	0.00	TOTAL FEES	\$176.47
	Reimbursement Fee	\$0.00	Impact Fee	0.00	PAYMENTS	\$170.47
	Water Resources Fee	\$0.00	Violation Fee	0.00	BALANCE DUE	\$0.00
	Pan Check Fee	\$0.00	Other Fee	\$170.47		
	Transfer Fee	\$0.00				

5/13/2011 *[Signature]*

Permanently of hereby granted to the Pet. work for the building described in the application, in accordance with the Rules, Regulations, and Ordinances of the County of Volusia, and with the plans and specifications hereon.

IMPORTANT TIME DEADLINES *ls* (initial)

UNDERSTAND THAT FINAL INSPECTION OF REMAINS OF TWO VEHICLES MUST BE MADE PRIOR TO THE EXPIRATION DATE. IN NEW YEARS MUST BE SUBMITTED AND
REMARKS MUST BE ENTERED TO FINAL INSPECTION. REMARKS SHOULD BE SUBMITTED BY THE DATE OF YOUR OFFICIAL VISUAL INSPECTION OF THE DATE OF EXPIRATION
DATE FOR A VEHICLE OR VEHICLES. THE REMARKS MUST BE REMARKED IN THE CASE. BUSINESS CAR MUST BE THE EXPIRATION DATE. UNDERSTANDING THIS IS THE ONLY
DATE AND DATE OF EXPIRATION OF THE REMARKS MUST BE REMARKED IN A VEHICLE OR VEHICLES. REMARKS MUST BE REMARKED IN A VEHICLE OR VEHICLES.

DISCLAIMERS: INDENTIFICATION: ACKNOWLEDGMENTS BY PERMITTEE. API

1. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THESE STATEMENTS WAS OBTAINED FROM THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

1. I REMAIN ABOVE THE CRIME AND THE LAW. I REMAIN SAFE WITH WHATEVER THE CRIME OF MURDER MAY BE. I REMAIN SAFE AND AGENTS WILL NOT



From: **Tom Bradley** tom.bradley@virginia.com
Subject: **February 23, 2018 at 1:51 PM**
To: isehodley@charter.net



Sent from my iPhone



14

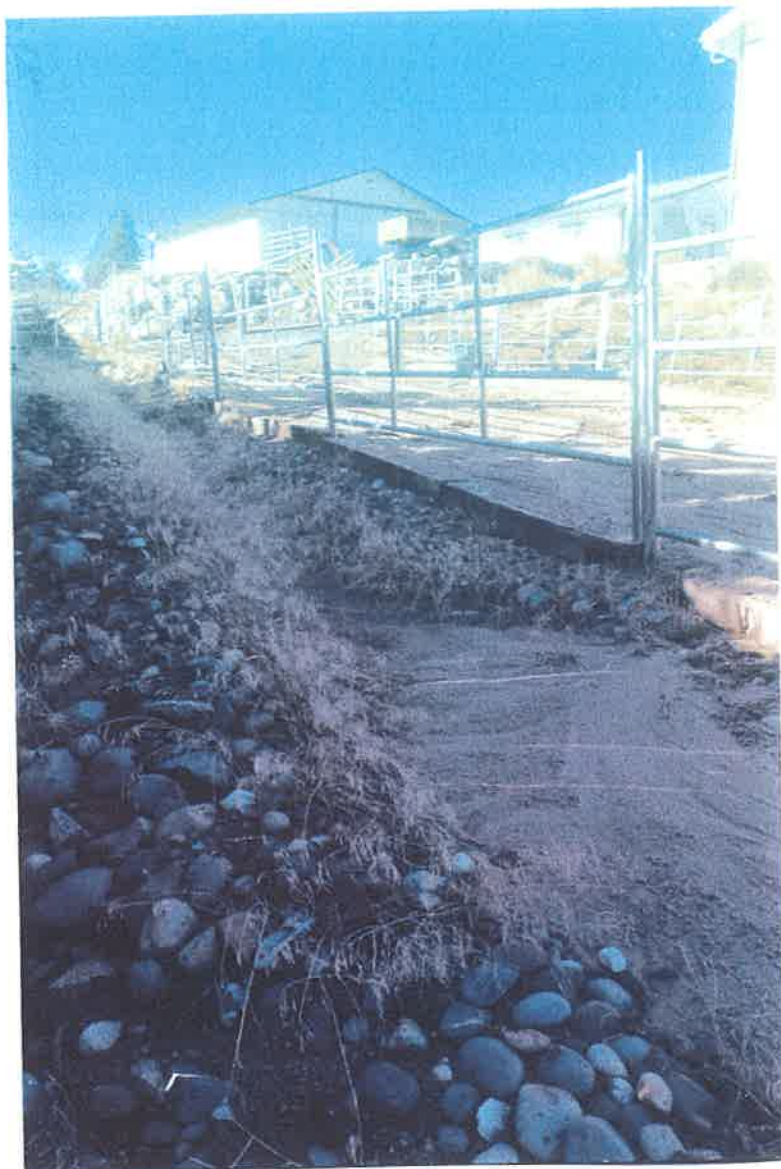
151

South Drainage Swale

Exhibit C



16



17

Retention Basin

Exhibit C



18



19





20



22



23

PAUL LUKSZA RESIDENTIAL DESIGN, LLC

1890 McCloud Avenue, Reno, NV 89512-1923

O) 775-323-8791 © 775-232-8450

Paul@RenoResidentialDesign.Com

July 30, 2018

Washoe County Building & Safety
1001 E. Ninth Street, Bldg A
Reno, NV 89512

RE: 25 Nightowl Drive
Permit # WBLD 17-100687 (Issued 4/13/17)
Gregory & Sheila Powning, Owners

Ref: Grading Permit

Attn: John Cello
CSD Engineering Review

This is to advise the completion of all work required for the above permit. Per my inspection of the property on 7/27/18:

1. The rockery wall (as shown on the grading plan) was substituted with a 3:1 slope which was blended into the leveled area at the south end of the property.
2. The slope of the graded area is $\pm 3\%$ in the direction of the two rock lined swales which flow into the rock lined catch basin (as shown on the grading plan). The catch basin was made slightly larger than shown on plan.
3. A variety of twenty (soil stabilization) shrubs were planted along the undisturbed strip between the house and graded area in back yard.

It is my post inspection determination that all work including slopes, drainage swales, catch basin, and landscaping have been properly installed to provide for rear yard drainage as per my grading plan.

Thank you for your attention to this matter.

Paul Luksza

Legend

Ponding water

Diversion ditches

Detention basin

Water point of entry

24

038-341-20

Detention basin

038-341-24

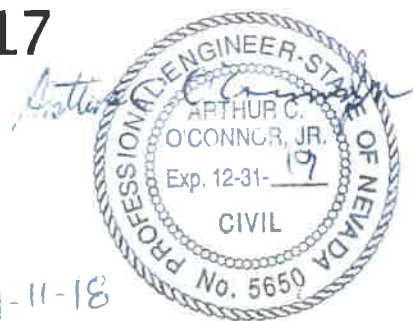
038-341-25



ANALYSIS OF DRAINAGE TRUCKEE CANYON ESTATES



AUGUST 2017



9-11-18

CONCLUSIONS

1. The native grades upon the creation of Lot 1 of the Truckee Canyon Estates subdivision prevented Lot 1 from draining to any public drainage facilities.
- + 2. There are no recorded drainage easements in the Truckee Canyon Estates subdivision.
- + 3. While the original surveyor for all the subdivisions in this area was the same, Alan Means, and, while he provided drainage easements on all the other 8 subdivision maps in this area, there no such easements on Truckee Canyon Estates.
4. While the review process for the subdivision adjacent to the northerly boundary of Truckee Canyon Estates, Peavine Meadows Estates Unit 1, which was recorded over a year prior to Truckee Canyon, indicates Washoe County required the addition of drainage easements on that map, the County review did not catch that omission on Truckee Canyon.
5. Notations and provisions on Peavine Meadows indicate the intent was to extend Nightowl Drive as a public road to join Silva Ranch Road. However, that extension was omitted when Truckee Canyon was platted. This resulted in the lack of a public right-of-way for Lot 1 of Truckee Canyon to use to discharge its runoff.
- + 6. Prior to the development of Lot 1, the native runoff was sheet flow uniformly distributed along Lot 1's entire southerly and easterly boundaries. with there being essentially no runoff.
- + 7. Upstream development has greatly increased the rainfall event runoff quantity onto the Elliott, Bradley and Gilbertson parcels.
- + 8. Upstream development has greatly increased the runoff velocity.

- + ⑨ Upstream development has greatly increased the deposition of runoff debris onto downstream parcels.
- + ⑩ The policies in the Truckee Meadows Regional Drainage Manual require, when a parcel is developed, any increase in the flow amount or velocity of runoff (because of said development) be mitigated as part of that development.
- ⑪ Since the Powning parcel (Lot 1 of the Truckee Canyon Estates) is directly upstream from four other Lots in that subdivision, the conversion on the Powning parcel of the native loam into impervious and semi-pervious surfaces by a series of construction projects, has altered the character of the runoff onto those downstream parcels.
- + ⑫ The two Powning permits in Appendix F do not adequately mitigate the altered runoff sufficiently to ensure no change from the pre-development flows.
- + ⑬ The current Powning grading plan under permit WBL D17-100687 has no provisions for stabilization of slopes in excess of 2:1 as shown on that plan.
- 14. The current Powning grading plan under permit WBL D17-100687 shows a point discharge onto Elliott via an unsized pipe to be installed partially on Elliott's property.
- 15. The current Powning grading plan under permit WBL D17-100687 shows an existing drainage swale on Elliott's property from near Elliott's northwest property corner to join the pipe in Item 11 above that does not exist.
- 16. The current Powning grading plan under permit WBL D17-100687 shows all of Powning's runoff being concentrated into a single discharge into an "existing swale" on Elliott's property. Said "existing swale" was not in existence prior to the January 2017 floods when Elliott, in an emergency to divert the Powning runoff from Elliott's home

constructed a small swale adjacent to the upper edge of his concrete apron, by hand. There is no drainage easement for this "swale" that would grant Powning the right to discharge his increased flows into it.

- + (17) Discharge of the increased Powning runoff onto the Elliott and Bradley parcels causes significant flooding that did not occur prior to the development of upstream parcels.
- (18) Discharge of the increased Powning runoff onto the Elliott and Bradley parcels causes significant deposition of runoff debris that did not occur prior to the development of the Powning parcel.
- (19) The fence along the northerly boundary of the Bradley parcel is a wood slat fence and is not suitable for use as a retaining wall.
- (20) The current state of construction on the Powning parcel has deposited significant material along the Bradley fence, causing said fence to function as a retaining wall, which it was not designed or built to handle.
- + (21) There is little ground stabilization on most of the Powning parcel, resulting in constant considerable erosion. Most of the products of this erosion are eventually deposited on the Bradley, Shepphird and Elliot parcels.

RECOMMENDATIONS

Discharge of the Powning runoff onto the Elliott property causes a major changes in the characteristics of runoff. Per the Regional Drainage Manual, it is the responsibility of Powning to fully mitigate his increased runoff before discharging onto an adjacent parcel. One way for Powning to do this would be to install a public underground storm drain system to receive his runoff and channel it to the Highland Ditch. One location for this storm drain system would begin at Powning's southeast property corner and route down Zane Grey Lane to the Highland. This would require granting of a public storm drain easement by Elliott, Bradley and Gilbertson. Maintenance of the new storm drain system should not be incumbent on Powning or any of the properties through which it passes because experience has been that private individuals do not assume responsibility, even when there are legal agreements. Instead, the system should be dedicated to Washoe County and maintained by the County.

Another possible solution would be for Powning to re-route all his runoff to the Bradley-Shepphird property line, and construct a drainage swale on Shepphird along the Bradley fence to Silva Ranch Road, which drains into the Highland. This would require Shepphird to grant an easement. As a private drainage swale, a maintenance agreement between Shipphird and Powning would be required. The flowline of this swale should be a minimum of one foot below the bottom of Bradley's fence with the westerly bank of the swale not being any higher than said bottom of Bradley's fence. In the re-routing, care should be taken to insure that all the debris currently piled against Bradley's northerly fence is removed and the revised Powning grading is such that accumulation of debris along the Bradley fence will not re-occur in the future.







