

Pelham, Roger

From: Cilia Suhayda <suhayda@aol.com>
Sent: Thursday, January 25, 2018 1:29 PM
To: Pelham, Roger
Subject: Case # WSUP17-0023 Williams Grading

Dear Roger Pelham,

We just received our notice for the Board of Adjustment hearing. We will be present at the hearing. Our view on the issue follows.

The ideal conclusion to this issue would be returning the property to its original state prior to 2015 stopping the water runoff that has occurred.

Because we do not believe the contractor that did the faulty grading and rock wall construction in 2015 (Gail Willey) is capable, and has been hired again as stated on the grading permit submitted, this is possible.

Staff Report Page 12 of 14 # 4 states "will not be significantly..... injurious to the property of adjacent properties". This has already happened with the original 2014 Grading Permit that was RED TAGGED. Water has run under our driveway and if this continues it is a matter of time before there is a cave in or our driveway washes out.

We do not want Williams property runoff water, weeds or soil. Make the county responsible to hold them to the requirements of Development Code at 110.438.35 and 110.438.36 (a) (5) (iii) (iv) (vi) (B) at the least and any other code that the county believes applies. Make the county responsible to supervise the work as it progresses to insure that the re-grading will stop any water runoff, weeds or soil from coming onto our property. Washoe County is obligated to protect our property from intrusions from other property owners asking for permits.

Why should we allow or accept the loss of our driveway ingress and egress due to runoff water, weeds and soil because Williams wants a flat spot for a barn or greenhouse which will generate more hard surfaces and more runoff water.

Thank you for your time, if there are any questions, I will try to answer.

Cilia Suhayda
suhayda@aol.com

I have passed out to everyone some pictures and correspondence with the county pertaining to this issue.

In 2014-2015 a Grading Permit was given to the homeowner (Lisa Williams and the contractor Gail Willey) of this property. That permit was RED TAGGED by the county because the grading work, rock walls and vegetation removal that was being done was not approved by the granted permit.

Due to that grading, walls and vegetation removal there is water runoff that flows from Williams's property towards the east and under our driveway. The county has been on site several times to witness the runoff but has not offered a solution.

The ideal conclusion to this issue would be returning the property to its original state prior to 2015 stopping the water runoff.

We have no confidence in the owner or contractor in this matter. The contractor lied to us in 2015 when he assured us that the grading work would have no effect on our land and he knew what he was doing. The owner becomes difficult to speak to and assures us that all she wants to do is make the land more beautiful.

Before the 2015 grading the contour of the land had a swale and was covered with sage, trees and native material that absorbed any and all water and there was never an issue. County photos in the Staff Report show the land prior to grading.

This Staff Report Page 12 of 14 # 4 states "will not be significantly..... Injurious to the property of adjacent properties". This has already happened with the original 2014 Grading Permit that was RED TAGGED.

As the neighbor directly to the east of this property we do not want Williams's runoff water, weeds or soil. On this grading permit: make the county responsible to hold them to the requirements of Development Code 110.438.35 and 110.438.36 and any other code that the county believes applies. Make the county responsible to supervise the work to insure that the re-grading will stop any issues. Washoe County is obligated to protect our property from intrusions from other property owners.

SB
WSUP17-0023

If this is allowed to continue there will come a day when our driveway develops a sink hole or washes away, causing no access to our property because Williams wants a flat spot for a barn or greenhouse.

Thank you for your time, if there are any questions, I will try to answer.



Swale being filled in on Williams
Property 2015



flowing from north to south, SE
from Williams property onto
Subayda property

Spring 2016



Flowing west to east from
Williams property
Spring 2016

July, 2015

Roger Pelham, (rpelham@washoecounty.us)
County Planner
Washoe County, NV
RE: 14-3246 SW15-003 AB15-003

This is written to express concerns regarding the grading of land and removal of vegetation on two parcels 150-021-10 and 150-021-12. Permit # 14-3246. This work was done during April through June of 2015. The contractor Gail Willey assured us that the grading would not pose a drainage issue which would cause water and other materials to run onto our property in the event there was runoff, which would result in adverse impacts to our property.

Since it was built, runoff from 4775 Mount Rose Highway has run down the driveway, across the highway easement but not caused any damage. Before the grading and removal of vegetation at 5435 and 4775 Mount Rose Highway there was no runoff issue. There is a large elevation difference between our parcel and 5435 and 4775 Mount Rose Highway. Now that the driveway at 4775 Mount Rose Highway is covered with paver stones, 5435 Mount Rose Highway grading has been changed, the vegetation has been completely removed and a rock wall was built we are concerned that should there be an issue with water, there is potential for runoff and adverse impacts to our property.

There was some water run off on July 2, 2015. We received .015 of rain in 15 minutes which ran down the paved driveway, across the highway easement and entered our property.

Whites Creek is a critical riparian corridor. Work done in close proximity should be approved and monitored by the appropriate state/federal agencies. A new bridge and removal of vegetation that was done between April and June were not addressed as part of the grading permit # 14-3246 and therefore were not monitored and could adversely impact Whites Creek. Was a NDEP obtained?

We have read the applications SW15-003 and AB15-003 and have some concerns.

1. The proposed 60 x 60 barn and building additions at 5435 Mount Rose will create more hardscape and added drainage concerns.
2. The proposed abandonment of the east easement of 5435 Mount Rose Highway would be a concern if utility/power lines need to be run to serve future structures. Would those utility/power lines use our remaining easement causing adverse impacts to our property?
3. The numerous new structures, additions to existing structures, gazebos and ATV trails on this application and the rumor of this complex being developed as a halfway house facility or other commercial venture are a concern. All of Saddlehorn is also zoned LDS, would a complex such as this be allowed there?
4. Abandoning easements, moving lines and subdividing parcels sets a precedent that everyone in the area should be able to follow.

Thank you for your attention. Sincerely,
Nicholas and Cilia Suhayda
5425 Mount Rose Highway
Reno, NV 89511 775-849-1944

Nov 16, 2015 - 3p.m.

Kimble Corbridge, Harold Stone and Joe Theaman from the engineering department for Washoe County came to discuss the issue of water runoff from 5435 Mount Rose Highway onto 5425 Mount Rose Highway. They spent about one hour reviewing pictures of the property, discussing what the county did and then walking the properties. The three men then walked the 5435 property for some time then left.

The DA's opinion about water according to Kimble Corbridge is that water goes downhill and where ever it lands it's yours. If that runoff causes a problem it is up to you to discuss the problem with the upslope landowner and either resolve the issue or go to court.

Mr. Corbridge's statement, resolve the issue with the upslope land owner or go to court is a simplistic statement. I don't believe the landowner would have the intent to just dump water on my parcel washing out my only access road and flooding my property because it sits lower.

It's my experience in 30 of my 80 years in the local real estate business that when a property owner has an idea to develop their property they make an arrangement with a contractor to make it happen. The contractor presents the plan to the county for approval, review and changes. The project is inspected before, during and after. Part of this process is that a project will do no harm to adjoining property owners. The subject property owner and I shouldn't be put in a position to have to litigate over this when professionals are supposedly looking out for everyone's interests.

As a young man I was drafted into the US Army. I spent two exciting years as a combat engineer and did learn that water flows toward least resistance. Mr. Corbridge stood in my driveway with the back drop of a graded lot that funnels water onto my lot, a faulty rock wall, and water well developed on the easement and tells me I get to keep what water I get. I expected solutions from an engineer. We have been contacting Washoe County since July when we were aware the subject property was being left as is. We expect Washoe County to see this is corrected before a runoff issue occurs.

The permit that was granted to the contractor "Gail Willey" was red tagged by the county because the work asked for on the permit was false. The land that was to be graded, per the permit, was a small area at the southwest corner of 5435 Mount Rose, no rock wall or vegetation removal was on the permit. When the land was graded a complaint was received by the county and observed by Harold Stone. The entire southeast to southwest side of the land had been graded, all the vegetation was removed and a two stage rock wall was built. Harold Stone said today that the red tag still stands today.

Kimble Corbridge did not want any of the photos because he said he had his own. He and Harold Stone said that the owner is working with an engineering company to develop the property and they would be bringing the plans to the county for review. They said that they would carefully review the plans to make sure that a plan was in place to address any runoff.

Question: What would the DA say about an upslope property owner whose contractor purposefully altered the slope, contour and nature of land that caused an adverse condition to the downslope property? All this action was approved by a grading permit issued by Washoe County, not supervised or reviewed until a complaint was made. The work is red tagged because of false information on the permit and sits with no correction for several months.

From: Cilia Suhayda <suhayda@aol.com>

To: rpelham <rpelham@washoecounty.us>

Subject: Special Use Permit WSUP17-0023

Date: Mon, Jan 8, 2018 3:51 pm

Dear Mr. Pelham,

I am responding to the above referenced Special Use Permit. As the neighbor directly to the east of this property I have several concerns regarding the grading that is proposed in the permit.

In 2014-2015 a Grading Permit was given to the homeowner (Lisa Williams and the contractor Gail Willey) of this property. That permit was Red Tagged and stopped by the county because the grading work, rock walls and vegetation removal that was being done was not approved by the granted permit. However, not one thing has ever been done to correct the Red Tagged permit.

Due to that grading, vegetation removal and rock walls there is water run off that flows from Williams property towards the east and under my driveway. This run off is also causing erosion along the south side of the property along the Mount Rose Highway. The county has been on site several times to witness the runoff but has not offered a solution. We have had correspondence with several county officials on this matter in the past three years.

Before the grading, wall building and removal of all vegetation was done during 2015 the contour of the land had a swale and was covered with sage, trees and native material that absorbed any and all water and there was never an issue. We have owned our property since the late 1970's, it was destroyed in the 1979 Zolezzi fire and rebuilt in 1990. County photos from the County web site show a record of what the land looked like prior to 2015 and then after the grading. Google Earth also can provide historical photos of the land.

The latest Special Use Permit is requesting more grading, brush removal and the repositioning of faulty retaining walls built during 2015. This Special Use Permit does not explain how the faulty grading that was done during 2015, will be repaired or how the land will be returned to its original condition prior to 2015 so as to stop the run off.

I have no confidence in the owner or the contractor in this matter. The contractor lied to us in 2015 when he assured us that the grading work would have no effect on our land and he knew what he was doing. The owner becomes difficult to speak to when there is any conversation and assures us that all she wants to do is make the land more beautiful. Her idea of beautiful has created weeds, run off and erosion all ending up on the surrounding properties.

A solution to this situation would be for the county to require the applicant to follow county requirements; require that the applicants actions not cause any other property to have a negative impact; provide written verification by someone who does know what they are doing that the actions of the applicant will not have a negative impact on others property. The best solution would be to return the land to the original condition (prior 2015) as shown on the photo with her application (Washoe County Assessor Property Data Property Photo).

If this is allowed to continue there will come a day when my driveway develops a sink hole or washes away, causing me to have no access to my property.

Thank you for your time.
Sincerely,

Cilia Suhayda
suhayda@aol.com