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September 28, 2021

Hope Sullivan
Planning Manager
Growth Management Commission
City of Carson City
Planning and Community Development
108 East Proctor Street
Carson City, NV 89701

Via Email and Hand Delivery
hsullivan@carson.org
planning@carson.org

Re: GM-2021-0131; 3390 S. Carson Street, APN 009-111-28

Dear Ms. Sullivan and Members of the Growth Management Commission:

As you may know this law firm represents Raceway Car Wash Company (“Raceway”), the owner and operator of Sierra Car Wash located at 3130 S. Carson Street. Raceway is once again respectfully requesting that the Growth Management Commission (“GMC”) deny the request to utilize more than 15,000 gallons of water per day for the operation of a drive-through car wash at 3390 S. Carson St.

As stated in our earlier correspondence, Raceway operates 37 car washes in the western United States and has continuously operated the Sierra Car Wash on S. Carson St. for more than six years. During that time, the Sierra Car Wash has never, on average, utilized more than 11,000 gallons of water per day over any single month. Specifically, in June of this year, Sierra Car Wash washed 11,700 cars and utilized an average of 26 gallons per car. This is an average water use of only 10,400 gallons per day (“gpd”) during what was Sierra Car Wash’s busiest month in the past six years.

It appears the applicant in this matter, Metro Car Wash, has reduced its request for daily water usage from 46,000 gpd to 29,500 gpd. This amount of 29,500 gpd is still nearly double the maximum daily water usage threshold for commercial and industrial uses of 15,000 gpd as set by the Board of Supervisors. As you recall, after hours of discussion about this planned carwash and whether or not this was an appropriate use of Carson City’s very limited water resources, the matter was continued.

As the operator of an existing car wash also located on the west side of Carson Street only 200± yards north of this new proposed car wash, Raceway is very concerned about the impact of drawing an additional 29,500 gallons per day from the existing water delivery infrastructure. In recent months, at times of high volume at Sierra Car Wash, there has been a lack of adequate water pressure to supply sufficient water to the system. In this regard, Sierra Car Wash has recently

installed its own equipment to ensure the adequate flow of water.¹ Adding a user of nearly twice the maximum daily usage that will be served by the same supply line will undoubtedly have a negative effect on other users in the vicinity.

With regard to the amount of water being requested by this applicant, it cannot be emphasized enough that the City's own analysis of three similar businesses in Carson City shows an average daily use of 9,336 gpd and upper daily use of 14,904 gpd. There is simply no justification for this business to utilize twice as much water as other similar operations in Carson City. The City's analysis also shows that this applicant is seeking to utilize approximately 16.5 acre-feet more water annually than is allowed by Carson City's existing ordinance. Based upon the Carson City Municipal Code definition of Water Equivalent Residential Customer, this 16.5 acre-feet is enough water to supply 34 residential units in Carson City. This proposed use of another car wash in Carson City is simply not a sufficient basis to justify the amount of water being requested.

Sierra Car Wash and others have clearly demonstrated that car wash facilities can be effectively and successfully operated in Carson City while staying within the water use constraints that have been thoughtfully established by this Commission and the Board of Supervisors. In order to protect the precious and finite water resources of our region and to ensure a level playing field with other businesses in Carson City, the request to use 29,500 gallons of water per day at the above-referenced location should be denied.

In addition to reducing the amount of water being requested since your meeting in August, the applicant is also now offering that if its water demand exceeds the requested 29,500 gpd, the applicant will utilize non-City well water or possibly "license to the City" water rights to exceed 29,500 gpd. This first option of somehow combining or comingling private well water with the City's municipal water being utilized on the property seems very unrealistic.² The Nevada State Engineer would simply not permit a private well to be utilized to supplement the water being provided by an existing municipal water system. Certainly, Carson City should not even consider accepting and imposing such a condition without explicit, written confirmation that this sort of comingling of private well water with a municipality's urban water system would be allowable. To my knowledge this has not been obtained or even sought at this point.

With regard to "licensing" water to the City, which we presume means actually dedicating water rights to Carson City, if the applicant is willing to do this for any amount of usage over 29,500 gpd, it seems logical that the applicant should be required to dedicate water for any amount over 15,000 gpd, the current maximum daily water usage threshold for a commercial use. If this applicant were required to permanently dedicate 16.5 acre-feet of water (the equivalent of approximately 14,500 gpd for one year) to Carson City and assurances exist that the system can effectively deliver the requested water without negatively impacting other users, then the applicant should be permitted to utilize up to 29,500. By placing this requirement on the applicant, the Growth Management Commission would ensure that Carson City retains sufficient water resources to continue to successfully implement Carson City's Growth Management scheme over the life of the plan.

¹ Enclosed is correspondence from the vice-president of maintenance and facilities for Sierra Car Wash describing the water pressure issues being experienced at Sierra Car Wash in Carson City.

² According to the Carson City's Assessor's office, the well located on the subject property was a domestic well established in 1965. It is simply not possible under Nevada water law that a domestic well that has not been utilized in decades could be re-established for the purpose that this applicant is proposing.

In evaluating this application, the Growth Management Commission is charged with approving, approving with conditions, or denying this request. As stated in the Staff Report for this matter, that decision must be based on, among other things, “[o]ther effects of water usage.” CCMC 18.12.070. The Staff Report also states that the Growth Management Commission is not to apply the policy established by the Board of Supervisors in Resolution 2021-R-23 adopted on July 15, 2021. As you know that policy provides you with some specific guidance in considering these requests to utilize excess water, like whether “the use will promote health, welfare, safety or quality of life; or create quality jobs; or promote recreation or tourism.” Although, as the Staff Report states that this policy is not explicitly applicable to the current application because of the timing of the application, I would suggest that the language of the policy is appropriate to consider in determining the “other effects” of this water usage.

Simply put, Carson City does not have “extra” water resources. It has an established finite amount of water available. The Board of Supervisors, over the past generation, has established a growth management plan, in large part, to protect that finite resource. As the Growth Management Commission, it is your job to make policy decisions about how that resource should be utilized generally. And specifically, you are to determine whether requests to utilize more than the accepted or normal amount of water should be granted based upon the value of that proposed use to our community as a whole.

Based upon the information in this correspondence, I would respectfully submit that the establishment of a car wash on South Carson Street does not justify the use of nearly twice the amount of water used by any similar operation in Carson City. A new “state of the art” car wash is not a sufficient reason to permanently allocate approximately 16.5 acre-feet of water that could be used for another business or up to 24 residential units in Carson City. If Carson City did have “extra” water, this would not be a sensible use of that water. On this basis, the current application should be denied.

Thank you for your careful consideration of this very important issue. As you are all aware, the protection of and prudent use of our limited water resources remains paramount to the ongoing success of our city and our region.

Please feel free to contact me with any questions or comments.

Very truly yours,

Allison MacKenzie, Ltd.

By: 
JAMES R. CAVILIA, ESQ.

JRC/sp
Encl.

cc: Raceway Car Wash Company
4815-8206-4381, v. 1



To Whom it May Concern:

September 27, 2021

At times Sierra Car Wash located at 3130 S Carson Street suffers from lack of water pressure supplied to the site through the municipal water system. This phenomenon seems to happen during intervals when there seems to be high demand on the water system caused by local use, including the car wash. The typical hours that the wash is affected by low water pressure are between 10am - 4pm. It's not uncommon to see water pressure drop below 10 psi as measured with local gauges.

During these intervals of low water pressure, the car wash is affected in several ways. The most prominent way the wash is affected is in the soap, detergents, and wax applications delivered in the car wash tunnel. Without sufficient water pressure supplied to the site, the mixing stations cannot properly dilute these products, thus the performance of car wash cleaning process is severely diminished.

These issues caused by low water pressure have caused a strain on the business in terms of customer complaints, equipment service and replacement costs as well as service costs associated with the cleaning of clogged drains.

In recent months, because of this low pressure, the car wash has made capital improvements to increase the water pressure at the site and to enhance the delivery process of the cleaning products. These improvements have been necessitated by the poor incoming water pressure. Eight of the other regional Sierra Car Wash locations have not needed these improvements because they are supplied with sufficient water pressure to properly run the operations.

Sincerely,

A handwritten signature in blue ink, appearing to read "JP Perrault", is written over a light blue horizontal line.

Josh Perrault

VP Maintenance and Facilities – Raceway Car Wash Company

From: [Public Comment](#)
To: [Planning Department](#)
Subject: FW: Planning Commission Agenda for 9/29/2021
Date: Tuesday, September 28, 2021 8:16:56 AM

Rachael Evanson | Office Specialist
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From: Elizabeth Small <bitaylor3@sbcglobal.net>
Sent: Monday, September 27, 2021 1:19 PM
To: Public Comment <PublicComment@carson.org>
Subject: Planning Commission Agenda for 9/29/2021

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Dear Planning Commission Members.

I would like to voice my objections to items on your upcoming agenda via this email.

1. Metro Car Wash - Vote No

We have enough car wash locations in town already. With all the new housing projects, water & sewer demand continues to increase. Metro proposes using more water than other car wash businesses.

2. Carson Valley Meats Slaughterhouse - Vote No

I find this business proposal to be grossly absurd due to:

- *it's demand for water & sewer use
- *lack of jobs created
- *location near Eagle Valley Golf neighborhood which will impact home values negatively
- *meat processing & stockyard odors

Please be reasonable and smart in your consideration of these projects.

Carson City residents deserve better!

Sincerely,
Elizabeth Small