

Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>April 21, 2022</u>	
Date of action by County: <u>April 11, 2022</u>	
Date Decision filed with Secretary: <u>Unknown</u>	
Appellant Information	
Name: Emanuela Heller-MacMeilage	Phone: _____
Address: 10295 Mogul Road	Fax: _____
	Email: emanuelahellermacneilage@gmail.com
City: Reno State: NV Zip: 89523	Cell: 775-303-3761
Describe your basis as a person aggrieved by the decision: For Mogul residents - I am speaking as a neighbor, but also as the co-chair of the MNA (Mogul Neighborhood Assocoation) - this SUP for grading and the following development would be detrimental to life quality of not only Mogul, but also to surrounding neighborhoods like Somerset, West Emerald, Belli Ranch, Verdi, Stan Mortensen, Quindici/Santerra. Life in Mogul and surrounding neighborhoods would be detrimentally impaired by noise, light and air pollution, and especially traffic and safety. Please read the Appendix.	
Appealed Decision Information	
Application Number: WSUP22-0006	
Project Name: Reno Tahoe Business Gateway	
State the specific action(s) and related finding(s) you are appealing: This appeal is being filed to preserve the right to file for Judicial Review under NRS 278.3195(4).	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:
It is good that this decision has been made.

The Board of Adjustment unanimously denied WSUP22-0006 on April 7th 2022. This decision is based on the inability to make 3 findings required by Washoe County Code (WCC) Section 110.810:30. The Board was unable to make findings #1 (Consistency), #2 (Improvements) and #4 (Issuance not detrimental). Additionally, I also cannot make finding #3 (Site Suitability). Please see attached Appendix.

Cite the specific outcome you are requesting with this appeal:
Please do not uphold the applicant's appeal/SUP.

Did you speak at the public hearing when this item was considered?

Yes
 No

Did you submit written comments prior to the action on the item being appealed?

Yes
 No

Appellant Signature

Printed Name: **Emanuela Heller-MacNeilage**

Signature:



Date: **4-21-2022**

Appendix

Describe why the decision should or should not have been made:

The Board of Adjustment denied WSUP22-0006 on the inability to make 3 findings required by Washoe County Code (WCC) Section 110.810:30: the Board was unable to make findings #1 (Consistency), #2 (Improvements) and #4 (Issuance not detrimental). Agreeing with the BOA, I also cannot make findings #1, #2, and #4. Additionally, I also cannot make finding #3 (Site Suitability).

Regarding Finding #1 (Consistency): The denied case is inconsistent with the Verdi Area Plan of the Washoe County Masterplan. According to Goal Four of the Verdi Area Plan of the Washoe County Masterplan, "public and private development will respect the value of cultural and historic resources in the community". This grading SUP and development would not respect the prehistoric petroglyphs and Washoe Indian Artefacts found on these flats. Historical Marker #62 of the Nevada State Historic Preservation Office, that referenced these cultural and historical resources, has been illegally removed recently. This SUP and development would also not respect the reference of the Lincoln Highway overseeing that land, and the Emigrant Trail maker on one of the 2 lots. The SUP and development would also not respect the scenic resources described in the Washoe County Masterplan. The "Scenic Overlook" sign has been placed to point out the scenic resource on this piece of land, overlooking the Truckee River Valley, with the Toiyabe National Forest in the background. This referenced scenic resource would be mutilated, which would be inconsistent with the Verdi Area Plan and the Washoe County Masterplan.

Regarding Finding #2 (Improvements): Adequate roadway improvements have not been provided. According to the "Policy on Geometric Design of Highways and Streets", aka known as the "AASHTO", or "Green Book", the west bound on-ramp at the Mogul interchange 7 of I80 is not up to code. The west bound on-ramp is significantly too short. An elongation of this ramp would first require the extension of the narrow underpass. Both east and west bound on-ramps are on uphill slopes, making this a dangerous merge for any additional car or truck traffic, especially for traffic of an industrial or commercial development. Crash data and traffic predictions from RTC reflect the danger and short coming, especially of the west bound on-ramp.

Stan Mortensen and Quindici/Santerra developments will even add more traffic to I80. Surrounding neighborhoods like Somerset, and parts of Verdi already use the Mogul exit west bound on-ramp due to a lack of east bound exits coming from California (Boomtown exit does not properly serve Verdi). Coming from California, Somerset residents have no exit. They have to use the Mogul exit, take the intersection with the narrow underpass and use the short west bond on-ramp.

Additionally, the 5-way intersection with 2 ungated railroad tracks going in both directions provides very low visibility for cars crossing the tracks, but also for cars in the intersection. The incoming, rail-crossing traffic coming from the south has the right of way, but those cars are barely visible from the intersection due to the elevation of the railroad tracks. There will be even more traffic crossing the railroad tracks, due to the Carcione-Canepa Open Space, located south of the tracks. Traffic coming from all other sides cannot see the cars crossing the tracks in time. This intersection provides insufficient visibility and

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unclear right of way. The railroad-crossing traffic coming from the south would be cut off by traffic coming out of the development on Mogul Road, resulting in a high risk for either car-car or car-train collisions. Industrial, commercial or construction related traffic would additionally impair visibility and decrease safety.

Crossing from the south are also school kids on the way to their bus stop at this very intersection. Trucks and traffic coming from Reno taking the eastbound exit would be crossed from bicyclists riding the Tahoe-Pyramid Biketrail. Additional traffic from an industrial or commercial development and its construction will be detrimental for the safety of citizens, including school kids, using this interchange and intersection.

Regarding Finding #4 (Issuance not detrimental): The SUP and development will be detrimental for property values for all Mogul and Somersett residents because of increased traffic and decreased safety. Noise, light, visual, and air pollution would further decrease property values detrimentally. In the day, the development will be visible, and in the night the light pollution would be affecting all the surrounding neighborhoods included but not limited to: Mogul, Somersett, Belli Ranch, West Emerald. The SUP and development would be detrimental to residents from Mogul and surrounding City and County who use Mogul Road as a Green Corridor to access the Truckee River and Toiyabe National Forest, and the Canepa-Carcione Open Space. Mogul Road cannot be widened because of the proximity to the railroad. Mogul Road is under an easement with Union Pacific (to my knowledge). Mogul Road is too narrow to be shared by pedestrians, bicyclists and industrial/commercial traffic going both ways. Mogul Road is not wide enough for a sidewalk, a bikeway, and industrial/commercial and recreational traffic going both ways. Industrial/commercial traffic on Mogul Road would be detrimental to the safety of pedestrian, bicyclists, and school kids on their way to and from school.

The SUP/development of industrial or commercial facilities on Mogul Road would also be detrimental to the safety of Mogul, Somersett and Belli Ranch residents in the case of a wildfire. We have seen an increasing number of wildfires within the past few years, coming very close to Mogul and Belli Ranch. During the fire of 1984, one evacuation road for Belli Ranch residents was the bridge feeding into Mogul Road. This evacuation route via Mogul Road would be detrimentally impacted by additional traffic coming from the development and clogging interchange 7, making this a potential death trap like in Paradise, CA.

Additionally to findings #1, #2, and #4 not being met, I also cannot make finding #3 (Site Suitability): "That the site is physically suitable for a mix of industrial type uses, and for the intensity of such a development."

The quite undisturbed site is not suitable for industrial, not even commercial development. Wedged in the Truckee River valley, where I-80, backroads, evacuation routes, residential and recreational traffic, the Union Pacific Railroad, and wildlife share this narrow corridor, industrial or commercial development is not suitable. The intensity of the development cannot be predicted. This developer's predictions and promises in Somersett, to not build on ridgelines, and to have big lot sizes, have NOT been held. It has

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been practice in the past by some developers, to just get the SUP, and then sell the land to a third party who is not bound to previous promises and concessions.

The site is not physically suitable for industrial or commercial type use because most basic standard safety policies for traffic and freeway on and off ramps have not been met, and Mogul Road itself is too narrow.

The 2 lots have been zoned industrial decades ago. The owner did not develop that land during all this time. In the meantime, hundreds of new residential homes have been added within closest proximity. Hundreds of families, thousands of people have made their home in this residential area. The City of Reno acknowledged the change in the surroundings and put a mixed-employment land use over the parcels with the introduction of the ReImagine Masterplan, which would translate into commercial zoning in the County. The applicant prevented the implementation of this mixed-employment land use overlay and initiated the premature SOI removal in 2021 behind closed doors. We understand that the applicant, S3 Development, is a potential buyer and that the sale is contingent upon these parcels being zoned industrial in Washoe County, and upon the granting of this SUP for grading. To our knowledge, the sale price is around \$5 million, four times the purchase price that the actual current owner, Riverview Estates, had paid.

In 2019, the City of Reno turned down the development on those parcels due to incompatibility of the surrounding uses and traffic. The surrounding uses, which are residential and recreational, have increased in that time.

Citizens were asked by the City of Reno in 2019 for input for alternative uses. Citizens would be happy to work together with Washoe County to find a suitable use for this challenging piece of land, possibly involving an SAD, land swap, collaboration with BLM, mobilization of federal, state, and local funds, and a collaboration with the Washoe Indian Tribe to preserve the above mentioned cultural and historical resources.



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Washoe County COMMUNITY SERVICES DEPARTMENT

Planning and Building Division


Administrative Permit Application Extended Public Hearing Time Frame Acknowledgement

I, Emannela Heller-MacNeillage Applicant or Representative
(Print name) (circle one)

acknowledge and understand that the hearing for this Administrative Permit application before the Washoe County Board of Adjustment or Washoe County Planning Commission will occur later than the 50 day time frame set forth in Washoe County Code Section 110.808.40(b). I further understand that this application will be scheduled for a public hearing at the next available meeting date, which occurs _____ days from this application submittal date. I agree to this extended time frame for the public hearing for this Administrative Permit application.

Property Address or APN: 038-181-01 and 038-172-14

Date Application Submitted: 4-21-2022

Signature: 



Washoe County
Community Services Department
1001 E 9th Street
Reno, Nevada 89512

Planning & Development Division
Phone: (775)328-6100

RECEIPT OF PAYMENT

Date: 04/21/2022

Receipt # 722241

Cashier ID: KSTARK

Application Type: Special use

Payee: Emanuela Heller-Macneilage

LicensePermit #	Invoice #	Description/Address	Amount
WSUP22-0006	580297, 580299	Reno Tahoe Gateway 0 INTERSTATE 80, WASHOE COUNTY, NV 89523	
		Appeal of Decision - Planning Fee	\$803.00
		Appeal of Decision - Planning Noticing Fee	\$200.00
		WC Planning Regional Tech Fee	\$40.12
		WASHOE Total	\$1,043.12
		Total Amount	\$1,043.12

Date	Method	Reference #	Confirm No. / Invoice #	Amount Paid
4/21/22	Credit Card Emanuela Heller-Macneilage		580297, 580299	\$1,043.12
			Payment Total	\$1,043.12

BALANCE DUE
\$0.00

THANK YOU FOR YOUR BUSINESS