

Attachment G

Appeal of Denial of Tentative Subdivision Map

Case Number WTM18-004



LAND SURVEYORS
CIVIL ENGINEERS
LAND USE PLANNERS

HAND DELIVERED

May 11, 2018

Washoe County
1001 E. Ninth Street
Reno, Nevada 89512

RE: APPEAL OF CASE WTM18-004 (LEMMON DRIVE ESTATES) TO WASHOE COUNTY BOARD OF COMMISSIONERS

On behalf of the project site owner and applicant (Chuck Bluth/The Lakes at Lemmon Valley, LLC), CFA has submitted this appeal application for ultimate review of the above referenced project/application by the Washoe County Board of Commissioners. This appeal is requested and has been submitted as a placeholder since it is required that any appeal be submitted within 10 calendar days of the date the decision is filed with the Commission or Board Secretary (or Director), which was May 2, 2018. The reason for the requested delay of the appeal review hearing by the Board of Commissioners is due to the fact that an issue associated with some grading work on the property was identified at the Planning Commission hearing. The property owner/applicant requests the opportunity to go through the necessary process to address that issue (albeit, after the fact) prior to a hearing on the overall application at an appeal hearing.

Request for Abeyance to BOCC Hearing

Through the course of the planning commission hearing, it was identified that the property owner/applicant had large construction equipment on the property, removing some rocks from his property. In doing so, he graded a section of roadway and crushed some existing native vegetation in an area that had been proposed to be an area to remain undisturbed. This was unknown to the design team and the consultant/presenter (Dave Snelgrove from CFA) prior to the presentation of testimony and photos by a couple members of the public during the public comment period associated with the case. Mr. Snelgrove has visited the site with Washoe County staff and agrees with staff that a special use permit and grading permit should have been applied for. CFA will be preparing a special use permit to address this recognized mistake that was made by the property owner prior to requesting that the appeal matter move forward to the Board of Commissioners. CFA has discussed this matter, in detail with the property owner and he now understands the need to check whether such similar work can be done without a permit prior to commencing such work. The long and short is that the property owner and his representative (CFA, Inc.) look to appropriately address the error that was made and to move forward proactively and productively after satisfactory address to this situation is accomplished.

Following is an identification and response to the questions from the appeal application form where insufficient space is provided within the form for a complete response.

State the specific action(s) and related finding(s) you are appealing:

The planning commission's decision of denial has been appealed based upon the legal finding that was specified in the motion for denial. The specific finding that was identified after the motion for denial was finding #8, Access, which states:

8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles.

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

The recommendation from all reviewing agencies was for approval of the project (typically with conditions). It is the applicant's contention that the decision of denial based on this finding was made without consideration of the fact that the traffic access for the project is a Regional Transportation Commission (RTC) requirement. Additionally, the planning commission did not take into account the testimony presented that this is an RTC requirement and the fact that all associated agency reviews and recommendations were for approval, inclusive of the RTC and the Truckee Meadows Fire Protection District (TMFPD) who both look at access and emergency access during tentative map review.

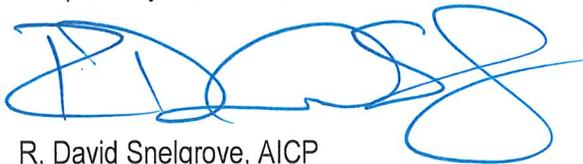
The classification as a moderate access control arterial is defined by the RTC in their 2040 Regional Transportation Plan, which is identified within the Traffic Impact Analysis that was included in the application package and staff report. This classification is mirrored in Washoe County's North Valleys Area Plan, which was identified during the applicant's presentation for the project. It is the classification as a moderate access control arterial that necessitated RTC's directive to make the two project access points right-in, right-out, which further necessitated a U-turn movement at Lemmon Drive and Military Road. This was explained by the applicant's representative during a question from the planning commission. Additionally, it was explained that the widening plans for Lemmon Drive will take the total number of travel lanes to 6 (from 4) with a median down the middle, which will cut off left turn movements, unless RTC accepts traffic control or turn pockets. The detail for the future roadway section was provided by RTC in their review memo and included in the staff report for the project. RTC's review of the spacing from the two existing traffic signals indicated that this project does not meet the spacing requirement for full movement or another signal. Therefore, the RTC required the right-in, right out only for the project. The decision by the Planning Commission, if upheld would constitute hardship by the land locking of a property that is located directly adjacent to an arterial classified street.

Cite the specific outcome you are requesting with this appeal

The applicant is requesting that the decision by the Planning Commission be overturned noting that the requirements for access for this project are made by the Regional Transportation Commission with a paramount responsibility of creating a transportation network that is both efficient and safe for the public.

I greatly appreciate your review and future consideration of this case and our review of the information that was presented via written, Powerpoint and staff report/review testimony. Should you have any questions regarding the information provided, please feel free to contact me at either number provided on the application form.

Respectfully submitted,



R. David Snelgrove, AICP
Planning and Right-of-Way Manager

Att: Planning Commission Action Order



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Planning Program

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6100
FAX (775) 328.6133

Planning Commission Action Order
Tentative Subdivision Map Case Number WTM18-004

Decision: Denial
Decision Date: May 1, 2018
Mailing/Filing Date: May 2, 2018
Property Owner: Lakes at Lemmon Valley, LLC
Attn: Chuck Bluth
4655 Longley Lane, Suite 107
Reno, NV 89502
Assigned Planner: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Tentative Subdivision Map Case Number WTM18-004 (Lemmon Drive Estates) – For possible action, hearing, and discussion to approve a tentative subdivision map for a 98-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 5,218 square feet (± .12 acres) to a maximum size of 10,811 square feet (± .25 acres) with an average size of 6,011 square feet (± .14 acres). Front yard setbacks are proposed to be reduced from a minimum of from 20 feet to a minimum of 10 feet adjacent to a public street or common driveway, and maintain 20 feet in front of each garage. Rear yard setbacks are proposed to be reduced from a minimum of 20 feet to a minimum of 10 feet. Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet. Required lot widths are proposed to be reduced from a minimum of 80 feet to a minimum of 75 feet.

- Applicant: Lakes at Lemmon Valley, LLC
- Property Owner: Lakes at Lemmon Valley, LLC
- Location: On the east side of Lemmon Drive, approximately 700 feet south of its intersection with Military Road
- Assessor's Parcel Number: 552-210-18
- Parcel Size: ± 33.97 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS, 3 dwellings per acre)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in: Article 608, Tentative Subdivision Maps; Article 408, Common Open Space Development and Article 424, Hillside Development



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

To: Lakes at Lemmon Valley, LLC
Subject: WTM18-004
Date: May 2, 2018
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- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 09, T20N, R19E, MDM, Washoe County, NV

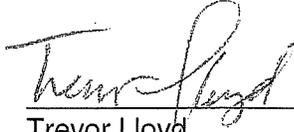
Notice is hereby given that the Washoe County Planning Commission denied the above referenced case number based on the inability to make the findings required by Washoe County Code Section 110.608.25:

1. Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
3. Type of Development. That the site is physically suited for the type of development proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days after the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

To: Lakes at Lemmon Valley, LLC
Subject: WTM18-004
Date: May 2, 2018
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Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Planning Commission

TL/RP/ks

xc:

Applicant: Lakes at Lemmon Valley, LLC, Attn: Chuck Bluth, 4655 Longley Lane, Suite 107, Reno, NV 89502

Property Owner: Lakes at Lemmon Valley, LLC, Attn: Chuck Bluth, 4655 Longley Lane, Suite 107, Reno, NV 89502

Representative: CFA, Inc., Attn: Dave Shelgrove, 1150 Corporate Boulevard, Reno, NV 89502

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Tim Simpson, Utilities; Leo Vesely, Engineering and Capital Projects; North Valleys Citizen Advisory Board, Chair

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 checked="" type="checkbox"/> Planning Commission	<input 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>5/11/18</u>	
Date of action by County: <u>5/1/18</u>	
Date Decision filed with Secretary: <u>5/2/18</u>	
Appellant Information	
Name: CFA, Inc - Attn. Dave Snelgrove, AICP	Phone: 775-856-7073
Address: 1150 Corporate Blvd.	Fax:
	Email: dsnelgrove@cfareno.com
City: Reno State: NV Zip: 89502	Cell: 775-737-8910
Describe your basis as a person aggrieved by the decision: CFA is the property owner/Applicant's representative for Case No. WTM18-004 (Lemmon Drive Estates) and Mr. Snelgrove presented powerpoint and verbal testimony at the May 1, 2018 Planning Commission hearing.	
Appealed Decision Information	
Application Number: WTM18-004	
Project Name: Lemmon Drive Estates	
State the specific action(s) and related finding(s) you are appealing: See attached letter.	

Appealed Decision Information (continued)	
Describe why the decision should or should not have been made: See attached letter	
Cite the specific outcome you are requesting with this appeal: See attached letter	
Did you speak at the public hearing when this item was considered?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appellant Signature	
Printed Name: R. David Snelgrove, AICP	
Signature:	
Date:	5/11/18