

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89520

Telephone: 775.328.6100

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) <div style="border-bottom: 1px solid black; width: 100%;"></div>
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>July 16, 2018</u>	
Date of action by County: <u>July 3, 2018</u>	
Date Decision filed with Secretary: <u>July 5, 2018</u>	
Appellant Information	
Name: Lansing-Arcus, LLC	Phone: 702-305-8638
Address: 5190 Neil Road, Suite 420	Fax:
	Email:
City: Reno State: NV Zip: 89592	Cell: 702-305-8638
Describe your basis as a person aggrieved by the decision: Lansing-Arcus, LLC is the applicant/developer of the proposed project.	
Appealed Decision Information	
Application Number: WTM18-002	
Project Name: Prado Ranch North	
State the specific action(s) and related finding(s) you are appealing: The Planning Commission's decision to deny based on four Tentative Map findings. Specifically, Commissioner Lawson indicated he could not make Finding 2 - Design or Improvement, Finding 4 - Availability of Services, Finding 6 - Public Health, and Finding 8 - Access.	

Appealed Decision Information (continued)

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

The Washoe County Planning Commission denied the proposed project stating that the proposed project was not in keeping with the master plan or nature of the community. The decision by the Planning Commission was arbitrary and capricious and should be overturned based on Staff's recommendation for approval and the information presented.

Please refer to attached Exhibit A for additional information.

Cite the specific outcome you are requesting with this appeal:

That the Board of County Commissioners overturn the Planning Commission denial of WTM18-002 and approve the Prado Ranch North tentative subdivision map application based on compliance with all prescribed tentative map findings.

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:

WILLIAM ROBERTS

Signature:



Date:

7/16/2018

EXHIBIT A

APPEAL OF PLANNING COMMISSION DECISION ON JULY 3, 2018 WITH REGARD TO TENTATIVE MAP WTM18-002 (PRADO RANCH NORTH)

On July 3, 2018, the Washoe County Planning Commission considered a tentative subdivision map application for Prado Ranch North, a 490 lot Common Open Space residential development located in the Lemmon Valley Suburban Character Management Area. Washoe County Planning and Engineering Staff recommended that the project be approved, concluding that all ten of the findings enumerated in WCC 110.608.25 could be made. Without substantial evidence to the contrary – in fact, despite acknowledging on several occasions that the tentative map satisfied every requirement of the Washoe County Code and is a “good” project - the Planning Commission arbitrarily determined that findings related to the design of the subdivision, the availability of public services, preservation of public health, and public access could not be made. The decision is largely based on the presence of water in Swan Lake and infrastructure impacts generated by other development in the area, but the record is clear: the Prado Ranch North project, as submitted, mitigates more than its own impacts and improves the conditions cited by the Planning Commission as the basis for denial. The Planning Commission’s capricious disregard of long-standing policy and development standards established by the Board of County Commissioners is wholly unsupported by the evidence in the record and must be reversed.

The Lemmon Valley Suburban Character Management Area (a part of the broader North Valleys Area Plan) is specifically identified as having “[a] mix of land uses, including large and small lot residential,” and “some higher density residential opportunities.” This is objectively true for the project site, which has been assigned a regulatory zoning designation of Medium Density Suburban – Four (MDS 4) more than a decade, authorizing development up to four dwelling units per acre. As designed, Prado Ranch North is more than twenty percent less dense than this ceiling. Resultantly, the relevant inquiry for the Planning Commission, and now the Board of County Commissioners, is whether the proposed tentative map satisfies the design requirements of the Washoe County Development Code and adequately mitigates the impacts

The Use and Design of Prado Ranch North is Consistent with the Master Plan

The Prado Ranch North tentative subdivision map is consistent with the site’s current Suburban Residential designation under the Washoe County Master Plan, which is intended “to provide for a predominantly residential lifestyle with a mix of nonresidential and residential uses. This category also protects the stability of existing unincorporated neighborhoods and encourages compatible smart growth development while *allowing diversity in lifestyle that is manifested in a variety of lot sizes, density, levels of mixed use and land use patterns.*” (Emphasis supplied). Prado Ranch North is also designed to meet goals and policies outlined in the Lemmon Valley Suburban Character Management Area regarding parcel sizes, residential density, limiting dwellings to single story on the perimeter when adjacent to or across the street from existing residential development, landscape design, and lighting area. NV 6.1; 6.4.

More generally, Prado Ranch North directly advances the following Master Plan policies:

LUT2.3 and LUT4.4 - The project is designed with open space corridors that include paths and trails located throughout the project. There are several locations around the project that promote pedestrian connectivity internally and externally (around the perimeter) that would be available to anyone in the surrounding areas. All paths and trails within the project have been designed to accommodate horses, bicycles, and pedestrians.

LUT.3.3 - The North Valleys Area Plan and MDS 4 zoning designation limits the project to a maximum of four dwelling units per acre. As designed, the overall project has a gross density of 3.17 dwelling units per acre, and each village independently complies with the four dwelling units per acre limitation.

LUT3.4 - Development of the subject site is infill development that strengthens the existing neighborhoods by bringing utility infrastructure to the area and providing parks to the region.

LUT4.2 - The project is designed to accommodate the needs of all users including young, aging, handicapped and special needs populations by including a pocket park within each village of the subdivision to allow young and old to take advantage of the outdoors and enjoy the natural scenery of the area. Sidewalks throughout the development will include handicap ramps as required by code.

LUT4.3 – Prado Ranch North provides a mix of housing types through varying lots sizes but stays below the allowable density. Although the nearest retail/commercial sites are approximately 5 miles from the site, commercial uses are allowed in the MDS 4 regulatory zone so it is possible that retail/commercial could be developed immediately adjacent to the project in the future.

LUT4.1 and 6.1 – Prado Ranch North is designed with a mix of lot sizes and potential housing products which contributes to the region's ability to sustain a viable economic base by providing housing for a broad socio-economic population. Smaller lots and mix of product will help address the "missing middle" or attainable housing component found throughout Northern Nevada. Smaller lots are becoming attractive to millennials and the aging population, who often do not want to maintain larger lots but still want to be away from the urbanized areas.

Prado Ranch North is consistent with the Master Plan, the North Valleys Area Plan, and the Lemmon Valley Suburban Character Management Area. The project represents a realization of the long-standing development preference established on the site by Washoe County-sponsored planning and zoning designations and advances the goals and policies of every relevant planning document associated with the area.

Public Facilities and Services will be Concurrently Available with Development of Prado Ranch North

Prado Ranch North is designed to ensure that public infrastructure necessary to support the project is available concurrently with the impacts of the project without causing the level of service to fall

below adopted standards; the conditions of approval suggested by Washoe County Planning and Engineering Staff ensure these standards are met.

Water

Water is available for delivery to Prado Ranch North:

PSF.1.13 - A Discovery analysis conducted by TMWA indicates that the proposed project can be served from the Fish Springs Ranch via TMWA's high pressure supply main in Matterhorn Boulevard.

PSF.1.13.8 - The Developer will purchase water rights to serve the development. New lots will be designed with landscaping that emphasizes native vegetation with xeriscape options for front yards to further advance the goals and policies of the Lemmon Valley Suburban Character Management Plan.

Wastewater

At build-out, Prado Ranch North is anticipated to require treatment of approximately 110,250 gallons of wastewater per day. The Developer will construct new sewer infrastructure including a force main and lift station(s) extending from the northern project boundary to the Reno Stead Wastewater Treatment Plant to serve the project. No sewer will-serve will be issued unless treatment capacity exists within a permitted facility.

PSF.2.2 The above-described facilities/infrastructure will be constructed by the Developer to Washoe County standards concurrent with development to ensure that sanitary sewer service is provided to all new dwelling units. No certificate of occupancy will be issued for any unit until all sewer collection, conveyance, and treatment facilities to serve each final map have been accepted by the utility.

Storm Water

Approximately 19.8% of the site has been identified by FEMA as Zone A Floodplain. Zone A Floodplains are those areas studied by FEMA using approximate methodologies but estimated to be inundated during a 100-year flood event. To account for development within the existing Zone A floodplain, the Truckee Meadows Regional Drainage Manual requires the project design to provide mitigation in the form of detention, retention, or volume off-set. Since the Developer also holds property rights to approximately 300 acres of open space directly adjacent to the proposed project and within the Swan Lake flood storage area, the project will use volume off-set techniques to mitigate increased storm water flows. FEMA must approve a Conditional Letter of Map Revision (CLOMR) prior to any earthwork (cut or fill) on this site. If the CLOMR is not approved by FEMA, there will be no development of this site.

To determine the current storm flows on the subject property, the Developer hired Cardo, Inc., a local firm that has conducted several hydrologic reports in this area. The Cardo, Inc report was based on a HEC-HMS analysis which is a known acceptable practice nation-wide for measuring runoff on properties under existing and proposed conditions. Based on build out of the proposed

490 lot subdivision, the study found that approximately 30,000 cubic yards (19-acre feet) of material needs to be removed to mitigate for the increased runoff due to development of the project and the loss of existing flood storage within the 100-year floodplain due to placement of fill material. The Developer plans to utilize the adjacent open space under their control to provide mitigation in the form of a 1.25:1 volume off-set ratio, which is significantly more than currently required by the Truckee Meadows Regional Drainage Manual. Due to its size, the Developer-controlled open space directly west of the project site provides more than eight times the required volume off-set area to mitigate for increased storm water runoff due to development of this site and others.

Traffic

As required by the Washoe County Tentative Map application, a traffic study scoping meeting with Washoe County Staff was conducted and a preliminary traffic report was prepared in connection with the application. The report estimated that this project would generate 4,939 average daily trips with 386 PM peak hour trips at build out. Further the study found that the levels of service met current Washoe County policy. The traffic study was reviewed by Washoe County Staff and the Regional Transportation Commission (RTC) as part of the Agency Review process. The staff report provided by Washoe County Planning accepted the study conditioned on the Developer's provision of an updated study at the 400th lot, which protects the County's ability to address actually realized traffic impacts as the project builds out. As designed, this project will contribute nearly \$2 million in Regional Road Impact Fees that are used to mitigate regional traffic capacity needs.

Although the traffic study found that the levels of service at build out met current policy levels, as a part of this project, the Developer will fix an existing problem by elevating Lemmon Drive two feet above the 100-year flood zone elevation from the northern project boundary south approximately 2 miles to Deodar Way. This improvement is above and beyond what is standard but the developer understands that this improvement, coupled with the new Prado Ranch Parkway that aligns with RTC's plans for a connection to Spanish Springs via Eagle Canyon will benefit the region and provide mitigation for future flooding in this area.

It is also worth noting that with the rapid growth in the North Valleys, the RTC recently completed an update study to address perceived traffic concerns in the North Valleys. In that study, RTC prioritized improvements on the Capital Improvement Program which included a new signal at the US-395 Lemmon Interchange southbound ramp intersection. As a result of the proposed project, plus many other recently approved projects in the North Valleys, RTC has placed the Lemmon Drive widening project on the 5-year CIP, which means widening improvements related to Lemmon Drive could coincide with the Developer-funded improvement of elevating Lemmon Drive for this project.

Public Safety

Fire services will be provided by the Truckee Meadows Fire Protection District Station 13. A volunteer Washoe County fire department is located adjacent to the property and is referred to as Truckee Meadows Fire Station 223 located at 130 Nectar Street just west of the intersection of

Nectar Street and Redpine Road. The proposed project was reviewed by Truckee Meadows Fire Department as part of the Agency Review process.

While it was noted that the project site is classified as moderate to high hazard, no additional improvements were requested by the Fire Protection District.

The Design of Prado Ranch North is not Likely to Cause Significant Public Health Problems

Prado Ranch North is designed in accordance with environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water service and sewer service. All necessary infrastructure to serve the proposed project will be constructed by the Developer and the conditions of approval suggested by the Washoe County Health District ensure that the project will not cause significant public health problems. Specifically, Prado Ranch North will mitigate storm water runoff at a ratio of 1.25:1 (instead of the 1:1 required by the Truckee Meadows Regional Drainage Manual), will elevate Lemmon Drive two feet above current 100-year floodplain to ensure safe and continued access for this area, and will extend water service to the area, which support fire suppression through the use and placement of hydrants to aid in response efforts.

The Planning Commission's denial is not based, as the law requires, on the anticipated impact of the Prado Ranch North project, but instead on the infrastructure burdens of other development:

“There [are] too many unmitigated issues in the entire Lemmon Valley area, and not the fault of this developer by any stretch of the imagination. A lot of it has to do with development that's gone on in Reno that's been unregulated or poorly regulated.” Commissioner Larry Chesney, 4:10:00.

“I appreciate the tentative map that's been put together on behalf of this project, and it does meet county code.” Commissioner Sarah Chvilicek, 2:11:20.

Holding the Prado Ranch North project responsible for the perceived planning deficiencies and impacts of other developments is arbitrary, fundamentally unfair, and contrary to law. The record is clear: as designed, the Prado Ranch North tentative subdivision map more than sufficiently mitigates its own impacts and does not contribute to the areas of concern identified by the Planning Commission as its reason for denial. In other words, there is no nexus between the proposed development and the regulatory interest and the Planning Commission's outright denial of the Prado Ranch tentative map application is not a roughly proportional response to the project's specific impact on the area. Application of the Washoe County Development Code in this fashion strips the developer and property owner of their legitimate, reasonable, investment-backed expectations in their land and deprives the site of its economic value.

The Design of Prado Ranch North Provides Access to Surrounding Adjacent Land and Secondary Access for Emergency Vehicles

Prado Ranch North is designed to align future roadways with existing access easements on or adjacent to the site as proposed with the primary north/south artery connecting to the existing

alignment of Matterhorn Drive. This connection will perpetuate access for residents living in the Antelope Valley area that currently use Matterhorn to access Lemmon Drive. The project also includes a new road, Prado Ranch Parkway, that is designed to connect with a future road identified as Eagle Canyon Connector by RTC. In the interim, this road will continue to connect to Chickadee Drive to ensure that residents currently using Chickadee maintain their existing access. Prado Ranch North will not eliminate any existing access to surrounding properties.

In addition to vehicle access, public access via existing dirt roads surrounding the site will remain open, and new public trails/paths will be constructed with the project. Master Plan Policy LUT.10.3. As required in the Lemmon Valley Suburban Character Management Area, an 8-foot wide decomposed granite path designed to accommodate horses, bicycles, and pedestrians will be constructed around the perimeter of the project. This path will connect to surrounding areas and to sidewalks inside the project boundary that provide access to the parks within each village. These internal sidewalks and paths will ultimately provide access to the multi-use path that extends along Lemmon Drive.

Primary access to the site is off Lemmon Drive from the south; the project may also be accessed from the north via existing local roads around the west side of Swan Lake that ultimately connect to Lemmon Drive. Deodar Way provides an alternate, secondary access for emergency vehicles from Lemmon Drive, approximately 2 miles south of the proposed project. RTC RTP has identified a 4-lane arterial connecting Eagle Canyon to Lemmon Drive in the 2027-2040 timeframe. This road will align with Prado Ranch Parkway and provide additional access to this general area.

The Planning Commission may not simply dissolve the property rights of the Prado Ranch North developer and land owner based on a Commission-sponsored criticism of the prior planning practices of Washoe County and City of Reno. The tentative map application under review satisfies every standard imposed by the Washoe County Development Code, is supported by both County Engineering and County Planning Staff, and there is no empirical evidence to the contrary. In fact, throughout the July 3, 2018, hearing, individual commissioners explicitly and unabashedly acknowledged that the Prado Ranch North project meets every legal requirement for development in Washoe County. The Planning Commission then voted to hold the project as a political prisoner in an infrastructure dispute that (1) has nothing to do with Prado Ranch North, and (2) cannot be resolved without the funding new development provides.

The arbitrary and capricious denial of the Prado Ranch North tentative map eschews the substantial evidence in the record for the personal, unenumerated policy preferences and opinions of individual planning commissioners. The result renders 154.65 acres of land planned and zoned for exactly this type of development, valueless – stripped of all economically viable use by an unelected body based on emotion and opinion rather than law and facts. This outcome cannot stand. The reasonable, investment-backed expectations of the developer and property owner depend on the uniform application of the development code; having purchased land zoned MDS 4 and designed a project that conforms to the requirements established by the Board of County Commissioners with respect to both impact mitigation and compatibility with surrounding uses,

the developer of the project and the property owner are legally entitled to an approved tentative map. The Planning Commission's denial of WTM 18-002 must be reversed.