

## Attachment C

Appeal of Denial of Tentative Subdivision Map Case  
Number WTM18-005

and

Special Use Permit Case Number WSUP18-0005



Washoe County  
Community Services Department  
P.O. Box 11130  
Reno, Nevada 89520-0027

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

**RECEIPT OF PAYMENT**

**Date:** 07/13/2018

**Receipt #** 602127

**Cashier ID:** JOLANDER

**Application Type:** Special use

**Payee:** DR Horton

License/Permit #	Invoice #	Description/Address	Amount
WSUP18-0005	436049, 436050	Jeppson Lane Detention Basin ZOLEZZI LN, RENO, NV 89511	
		Appeal of Decision - Planning Fee	\$803.00
		Appeal of Decision - Planning Noticing Fee	\$200.00
		WC Planning Regional Tech Fee	\$40.12
		<b>WASHOE Total</b>	<b>\$1,043.12</b>
		<b>Total Amount</b>	<b>\$1,043.12</b>

Date	Method	Reference #	Confirm No. / Invoice #	Amount Paid
7/13/18	Check	630147	436049, 436050	\$1,043.12
	DR Horton			

<b>Payment Total</b>	<b>\$1,043.12</b>
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**BALANCE DUE**  
**\$0.00**

**THANK YOU FOR YOUR BUSINESS**

1001 East Ninth Street, Reno, Nevada 89512  
[www.washoecounty.us](http://www.washoecounty.us)

## 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.

<b>Appeal of Decision by (Check one)</b>	
<b>Note:</b> 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>
<b>Appeal Date Information</b>	
<b>Note:</b> 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.	
<b>Note:</b> The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>July 13, 2018</u>	
Date of action by County: <u>July 3, 2018</u>	
Date Decision filed with Secretary: <u>July 5, 2018</u>	
<b>Appellant Information</b>	
Name: D.R. Horton, Attn: Tom Warley	Phone: 775-856-8423
Address: 5588 Longley Lane	Fax: 844-566-3365
	Email: thwarley@drhorton.com
City: Reno                      State: Nv                      Zip: 89511	Cell: 775-225-9283
Describe your basis as a person aggrieved by the decision: D.R. Horton owns the subject property and is the applicant for WSUP18-0005.	
<b>Appealed Decision Information</b>	
Application Number: WSUP18-0005	
Project Name: Jeppson Lane Storm Water Detention Basin	
State the specific action(s) and related finding(s) you are appealing:  This appeal contests the Washoe County Planning Commission's July 3, 2018, denial of WSUP18-0005 (Jeppson Lane Storm Water Detention Basin), which would authorize a major grading project undertaken to mitigate storm water impacts associated with the Autumn Wood residential subdivisions and generally improve certain downstream conditions related to flooding on Whites Creek. Despite the Project's unequivocal support from planning staff, and without evidence or explanation, the Planning Commission concluded that it could not find that the Project conforms to Master Plan (WCC 110.810.30).	

### Appealed Decision Information (continued)

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

See attached.

Cite the specific outcome you are requesting with this appeal:

Reversal of the Planning Commission's July 3, 2018, decision and approval of WSUP18-0005.

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:

THOMAS H. WARLEY

Signature:



Date: July 13, 2018



Although the special use permit at issue in this appeal was packaged with WTM 18-005 (Autumn Wood – Phase 2 Tentative Map) for the Planning Commission’s consideration, it is a stand-alone application proposing to establish a collection channel and detention facilities to mitigate the overland sheet flow drainage on both Phase 1 of the Autumn Wood subdivision, which was approved in 2006, and Phase 2 of the Autumn Wood subdivision, which was denied by the Planning Commission concurrently with the special use permit. Both the Southwest Truckee Meadows Area Plan and Washoe County Code require mitigation of storm water runoff by new development to “ensure that the flood hazard to existing developed properties is not exacerbated.” See SWAP Goal 14; WCC 110.420.20. a special use permit is required for grading projects involving the excavation of 5,000 cubic yards or more (except when the grading is earthwork performed by the developer of an approved subdivision). WCC 110.438.35(a)(1)(ii)(A); (b)(1). In this case, the proposed drainage facilities mitigate the flood hazard posed by Whites Creek to both the Autumn Wood parcels and the developed sites east of Jeppson Lane.

Washoe County Planning Staff explained that the special use permit application “is for the creation of necessary facilities for storm water detention and drainage,” and the County Engineer supports the design of the facilities (subject, of course, to final review against a final hydrology report for the Autumn Wood subdivision). By contrast, the Planning Commission denied the application as inconsistent with the Master Plan. The denial is arbitrary, capricious, and not supported by the evidence in the record. There is no serious argument that mitigating the drainage impacts generated by new development and reducing the effect of certain existing storm water conditions on Whites Creek is contrary to the Master Plan – it is required by law. Because the special use permit at issue contemplates off-site improvements for an already approved subdivision (Autumn Wood Phase 1) and not just the concurrently denied Autumn Wood Phase 2, the Planning Commission was required to evaluate it as such and not merely draw the same vague, unsupported conclusion that the drainage improvements do not conform to the Master Plan.

The Planning Commission’s overt hostility to the County Commission’s preservation of the Autumn Wood Phase 1 tentative map by development agreement cannot be ignored. The existing map and regulatory zone designations of both parcels (Autumn Wood Phases 1 and 2) represents a reasonable investment-backed expectation with respect to the development of the site. The Planning Commission may not simply ignore more than a decade worth of planning policy sponsored, in large part, by the elected County Commission. The special use permit application under review satisfies every standard imposed by the Washoe County Development Code and is supported by both County Engineering and County Planning Staff, and there is no empirical evidence to the contrary. The Planning Commission’s denial of WSUP 18-0005 must be reversed.