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June 1, 2017

WASHOE COUNTY PLANNING COMMISSION

1001 E. 9th Street, Ste. A-275

Reno, NV 89512

RE: Ascenté Tentative Map and Special Use Permit, 225 Acres/225 lots (Project)
Case Nos. TM16-009 and SW16-003 (Application)
Symbio Development, LLC (Developer, Applicant)
NNV1 Partners, LLC (Owner)
Gary Nelson and Jeannie Janning, Trustees (Owner)

Dear Commissioners:

This office represents the Applicants in the above matter. The following are some of the salient points and legal framework that are applicable as you consider the proposed Tentative Map and Special Use Permit referenced above. The Applicants support County staff's recommendation for approval of the Application as set forth in the Planning Commission Staff Report dated as of May 22, 2017 (Staff Report).

1. **Recent Historical Context.** The proposed Application was originally filed with the Washoe County Planning Department on September 15, 2016 (Original Application). Subsequently, Applicants and their consultants had numerous meetings with Washoe County Staff and the neighboring community to address issues and concerns. The Applicant then redesigned the Project to gain Staff support, and thereafter filed their redesigned Application on April 17, 2017. The history of the proposed Application is relevant because it demonstrates the Applicant's desire to work with the County and the public to find acceptable middle ground despite having met the County's tentative map design and technical requirements from its Original Application. The History of the Application and approval process to date is summarized as follows:

A. **County Meetings.** 27 Meetings over a 19-month period (see Exhibit 1).

B. **Three Redesigns.** Three (3) engineering site design revisions between August 2015 and April 2017 to respond to extensive County Staff work sessions, public comments from numerous voluntary public meetings and private in-home and site meetings, comments received at the first CAB meeting, and meetings with County Commissioners.

C. **Two Applications, TM16-009, SW16-003.** Original Application, September 15, 2016 and revised Application from last redesign, April 17, 2017.

D. Two Citizens Advisory Board (CAB) Meetings. November 10, 2016 and May 11, 2017.

2. Legal Framework. The Application is in full conformance with the following Master Plan and development codes with specific references contained herein:

A. Forest Area Plan, (FAP). Comprehensive Plan Amendment Case No. CP10-002, Resolution No. 10-11, September 9, 2010

B. Land Use and Transportation Element (LUTE). Master Plan Amendment Case No. MPA11-005, Resolution 11-11, September 27, 2011

C. Washoe County Development Code (Washoe County Code, Chapter 110).

i) Article 106. Master Plan Categories and Regulatory Zones

- *Specifically*, Section 110.106.05 Master Plan Categories and Regulatory Zones

ii) Article 408. Common Open Space Development

- *Specifically*, Section 110.408.20 Density and Intensity

iii) Article 420. Storm Drainage Standards

iv) Article 424. Hillside Development

- *Specifically*, Section 110.424.30 Site Development Standards and Section 110.424.35 Grading and Drainage Standards.

v) Article 432. Open Space Standards

vi) Article 436. Street Design Standards

- *Specifically*, Sections 110.436.25 Street Sections, 110.436.30 Grades, 110.436.35 Intersections, 110.436.45 Street Curves, 110.436.95 Emergency Access Roads, 110.436.110 Private Streets, 110.436.120 Cul-de-sacs and Knuckles

vii) Article 438. Grading Standards

- *Specifically*, Section 110.438.45 Grading of Slopes,

D. Truckee Meadows Regional Drainage Manual. The analysis, planning, and design in the drainage report for the proposed Application has been prepared in accordance with the Truckee Meadows Regional Drainage Manual.

E. Master Plan, Regulatory Zoning, and Common Open Space Development.

The proposed Application covers two parcels, APN's 045-252-14 and 045-252-15, located within the Forest Area Plan. The current Master Plan and regulatory zoning allows for a total of 632 dwelling units on the two parcels, which total 632 acres. The application proposes a Common Open Space development, which allows the total number of dwelling units to equal the total number of dwelling units allowed by the underlying regulatory zones (Article 408, Section 110.408.20), permits variation of lot sizes, and density transfer to provide open space, protect natural and scenic resources, achieve a more efficient use of land, minimize road building, and encourage a sense of community. The application meets this criteria as it proposes 225 units on 225 acres, clusters the development to protect natural and scenic resources, provides wide corridors and open space areas for wildlife and habitat, provides variation of lots sizes, maximizes the dwelling unit count while minimizing the impacts of grading, reduces roadway construction, but provides connectivity to adjoining

neighborhoods and new gated emergency vehicle access, provides new trails and signage through the development that connects adjoining neighborhoods to trails outside of the project limits, and provides design guidelines that maintain a rural character. The remaining 407 acres of property will therefore have 407 dwelling units remaining for future applications per its Master Plan and regulatory zoning.

F. Legal Significance of Forest Area Plan (FAP) and Requirements of the TM and SUP Process. The proposed application is subject to the current update of the Forest Area Plan (FAP), specifically the Comprehensive Plan Amendment Case No. CP10-002, Resolution No. 10-11, September 9, 2010 and constitutes the baseline criteria that governs the Application. Exhibit 2 is a chronology of all public meetings and governmental approvals that occurred during an extensive process which concluded with the adoption of the FAP in 2010. A summation of issues from public comment from the two CAB meetings held on November 10, 2016 and May 11, 2017 can be categorized into three County approval processes: 1.) the Master Plan process, which includes the FAP and regulatory zoning processes; 2.) the Tentative Map and SUP process, and; 3.) the Final Map and construction permit process. A significant amount of public comment seem to revisit issues previously addressed during the extensive FAP update process. Those issues governed by the Master Plan/Forest Area Plan are separate from those related to the Tentative Map, SUP, Final Map and the construction permit process. Among the many references to issues addressed in the FAP, the Board of County Commissioners finding No. 2 states, "*The proposed amendment to the Forest Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety, or welfare.*". As such, this delineates what issues can be reviewed in this Application and which issues have been previously settled as a result of the FAP approval and adoption.

The FAP is significant because it was adopted as a result of the court settlement process in Case No. CV02-03469, County of Washoe v. Truckee Meadows Regional Planning board, et al. This process continued from 2002 through 2010 and resulted in a global Settlement Agreement and the adoption of the FAP, together with other area plans in Washoe County.

G. Grading – FAP Goal 2 Policy and County Development Code Interpretation. On November 11, 2016, the Applicants submitted, at the request of the County Staff, an analysis and interpretation of the FAP Goal 2 Policy and the applicable Washoe County Development Codes regarding grading requirements to support their Original Application. The Director of Community Development, in a letter dated December 15, 2016, Staff stated that they agreed with the analysis and that two of the four villages within the Project conform to the FAP and Development Code. The Applicant further agreed to undertake a redesign of the other Villages that took an additional seven months and resulted in revisions that reduced the area of grading disturbance by 46 acres, reduced the earthwork cuts and fills volume by 64%, and reduced the total proposed lot count from 281 to 225, a loss of 56 lots.

H. History of the 632-Acre Ascenté Parcel Entitlements, and Promises Made Regarding Access Roadway Infrastructure. The Applicants submitted, on January 10, 2017, at the request of the County Staff, the history and supporting documentation of the Matera Ridge entitlements and promises made regarding roadway access. The findings from the research provide the following framework (Also see Pages 12 and 13 of the Staff Report):

i) County Collector Designations and Public Roads. The traffic study in the Application identifies Fawn Lane and Callahan Road as the primary ingress/egress collector roadways to Mt. Rose Highway. Public records show Washoe County designated Fawn Lane as a Collector 1992 and Callahan Road as a Collector in 1998.

ii) Precedence, Previous Approvals. Previously approved projects on this property that were not built, utilized Fawn Lane and Shawna Lane for their access roads, as well as the Callahan Ranch neighborhood roads to the Callahan Road Collector. The approvals included CP03-007 Comprehensive Plan Amendment, the TM03-013 Tentative Map, the TM006-3 Tentative Map, the CP05-005 Comprehensive Plan Amendment, and the CR09-022 Regional Plan Conformance Review, which establishes clear precedence for the current Application roadway access proposals.

iii) FAP Requires LUTE Compliance. There are nine references in the FAP that clearly require compliance to the County Land Use Transportation Element (LUTE) and directs the Community Development Department to *"require new developments that are adjacent to older neighborhoods to connect to existing roads and trails"*. The Application complies with the LUTE and therefore the FAP, regarding use of adjacent and existing infrastructure, roadways, and trails.

iv) Traffic Study Levels of Service. The traffic study included in the Application shows that Fawn Lane, Shawna Lane and the other neighborhood roads used to access Callahan Road are well within County level of service standards for acceptable traffic impacts and meet the County's livability threshold standards that maintain rural character.

v) FAP Use of Roadway Language Requirements. As part of the County Staff's request, the Applicant was asked to respond to the assertion that there was an implied condition that the proposed Project was obligated to only use a future roadway to connect directly to Mt. Rose Highway at the Thomas Creek Road intersection. There is no language anywhere within the FAP or the MRMUOD that specifies any such condition or obligation on the Project property while there are three other project references within the FAP do have specific section language that clearly identifying specific roadway requirements.

3. Code Compliance, Redesign Iterations, and Concessions. The Project Application is in full conformance with the cited Forest Area Plan (FAP), LUTE, and the Washoe County Development Code. The Applicant has demonstrated a willingness to work with the County and the public to find acceptable middle ground despite having met the County's technical and policy requirements. Unprecedented for a tentative map application are the significant events iterated in the Application History and the Applicant's agreed upon concessions. An overview comparing the changes from the October design (TM/SUP submitted 9/15/16) and the April redesign (TM/SUP

resubmittal 4/17/17) by area of impact and their respective improvements is detailed in the table on page 8 of 28 of the Staff Report.

4. List of Exhibits.

Exhibit 1. Ascenté Meeting Log with County staff (27 mtgs. over 19 months)

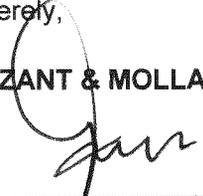
Exhibit 2. Forest Area Plan Chronology and meetings

5. Conclusion. The Applicant requests that the Planning Commission place its trust in the extensive due diligence, factual and planning judgments conducted by Staff and presented in the Staff Report, and approve its recommendation and conditions of approval for the Application.

Thank you for your consideration. Should you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

PREZANT & MOLLATH

By 

Stephen C. Mollath, Esq.

SCM/ja

Enclosures

cc: John Slaughter, County Manager
Nate Edwards, Esq., Deputy District Attorney
Mojra Hauenstein, Director of Planning and Development
Carl Webb, Planning Manager
Trevor Lloyd, Senior Planner
Kelly Mullin, Planner
Gary Nelson Trustee, Owner
Jeannie Janning Trustee, Owner
NNV1 Partners, LLC, Owner
Symbio Development, LLC, Applicant
Angela Fuss, Applicant Representative

EXHIBIT 1

Ascenté Meeting Log with Washoe County Officials

Applicant: Symbio Development, LLC

Case No.: TM16-16-009, SW16-003

12 Months - August, 2015 to August, 2016 to TM/SUP Submittal

- | | | |
|----|---------|--|
| 1. | 8/12/15 | First Pre-Design Meeting with County Staff |
| 2. | 5/12/16 | First Pre-Application Meeting with County Staff |
| 3. | 5/26/16 | Pre-Application Meeting with Mr. Lucey, County Commissioner District 2 |
| 4. | 6/25/16 | First Voluntary Community Meeting |
| 5. | 7/27/16 | Second Pre-Application Meeting with County Staff |
| 6. | 8/4/16 | Second Voluntary Community Meeting |

September 15, 2016 - ORIGINAL ASCENTÉ TM/SUP Application

7 Months – September, 2016 to April 2017 to TM/SUP Resubmittal

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|-----|----------|---|
| 7. | 9/30/16 | Site visit meeting with Planning staff |
| 8. | 10/6/16 | Meeting with Planning staff |
| 9. | 10/11/16 | Agency review meeting |
| 10. | 10/18/16 | Meeting with Parks staff |
| 11. | 10/21/16 | Meeting with Planning staff |
| 12. | 10/24/16 | Dwayne Smith, Co. Engineering on Traffic |
| 13. | 10/25/16 | First Meeting with County Staff whereat Applicants were Staff could not support Application as submitted. |
| 14. | 11/10/16 | CAB meeting |
| 15. | 11/22/16 | Meeting with Planning staff |
| 16. | 12/6/16 | Meeting with Planning staff |
| 17. | 12/16/16 | Meeting with Planning staff |
| 18. | 1/5/17 | Meeting with Planning staff |
| 19. | 1/13/17 | Meeting with Planning staff |
| 20. | 1/13/17 | Meeting with TMFPD staff |
| 21. | 1/27/17 | Meeting with Planning staff |
| 22. | 2/2/17 | First Redesign Meeting with Mr. Lucey and Mrs. Berkbigler, County Commissioners |
| 23. | 2/14/17 | Meeting on Galena Creek Trail with County Parks & Trails |
| 24. | 2/24/17 | Meeting with Planning & Engineering staff |
| 25. | 2/24/17 | Second Redesign Meeting with Mr. Lucey, County Commissioner District 2. Scheduled Redesign Tentative Map and Special Use Application Date |
| 26. | 4/7/17 | Meeting with Planning staff |
| 27. | 4/14/17 | Ascenté Project Tour with Nv. Dept. of Wildlife |

April 17, 2017 - RESUBMITTAL of REDESIGNED ASCENTÉ TM/SUP Application

EXHIBIT 2

2010 Forest Area Comprehensive Plan Amendment Events Timeline *Compilation of Public Record - Not a Complete List*

1. 2005 County Staff began work of the FAP Amendment CP05-005
2. June 14, 2007 Galena Steamboat CAB
3. August 9, 2007 Galena Steamboat CAB
4. August 23, 2007 Tour of Matera Ridge property
5. September 5, 2007 Joint meeting to discuss Forest Area Plan /SWTM Area Plan at Bartley Ranch
6. February 9, 2008 Forest Area Community Fair
7. April 10, 2008 Joint PC/Galena-Steamboat CAB
8. May 8, 2008 Galena Steamboat CAB
9. May 20, 2008 PC Meeting – CONTINUED with direction to form subcommittee
10. June 5, 2008 PC Committee Meeting
11. June 14, 2008 PC Committee Meeting
12. June 16, 2008 PC Committee Meeting
13. June 18, 2008 Chair VanderWell met with Matera Ridge Developers & Steering Committee
14. June 23, 2008 PC Committee Meeting
15. July 1, 2008 PC Committee Meeting
16. July 28, 2008 PC Meeting – APPROVED adoption of FAP as amended
17. January 23, 2009 Citizens' Group Meeting – Facilitated by Erica Olsen
18. January 27, 2009 BCC Meeting
19. February 26, 2009 Staff/Citizen's Group Meeting – Facilitated by the Neighborhood Mediation Center
20. March 9, 2009 Staff/Citizen's Group Meeting – Facilitated by the Neighborhood Mediation Center
21. March 17, 2009 Meeting with Citizens Group to review recommendations
22. April 6, 2009 Meeting with Citizens Group to review recommendations
23. April 14, 2009 BCC Meeting
24. April 28, 2009 BCC Meeting
25. June 2, 2009 PC Meeting
26. July 14, 2009 BCC Meeting
27. October 28, 2009 RPC Meeting – Conformance Review, CR09-022
28. May 20, 2010 PC Meeting – Adopted CP10-002, Resolution 10-11
29. July 13, 2010 BCC Meeting - Adopted CP10-002, Resolution 10-11
30. September 8, 2010 RPC Meeting – Conformance confirmation CP10-002, Resolution 10-11

Source: Washoe County Public Records