



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 24, 2018

DATE: April 5, 2018

TO: Board of County Commissioners

FROM: Roger Pelham, MPA, Senior Planner, Planning and Building Division, Community Services Department, 328-3622, rpelham@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, 328-3619, mahuenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Planning Commission's approval of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights). The project is a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres). Side yard setbacks are reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

The Board of County Commissioners (Board) may affirm, reverse, or modify the decision of the Planning Commission. The Board's analysis may also include a finding on the issue of standing to bring the appeal in the first place. If the Board modifies or reverses, it may remand the matter back to the Planning Commission with instructions.

The applicant is JDS, LLC. The property owners are JDS, LLC and Jennifer Jory and Sunrinder Preet. The address is 1200 Estates Road. The Assessor's Parcel Numbers are 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07. The project area is \pm 128.5 acres total. The Master Plan Categories are Rural (R) and Suburban Residential (SR), the Regulatory Zones are General Rural (GR, \pm 59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, \pm 68.64 acres, 3 dwellings per acre). The project is located within the North Valleys Plan Area, within the North Valleys Citizen Advisory Board boundary and within Sections 34 and 35, T21N, R19E, MDM, Washoe County, NV. The subdivision is authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development. (Commission District 5.)

AGENDA ITEM # _____

SUMMARY

The applicant, JDS, LLC, applied for approval of a tentative subdivision map. That map was approved by the Washoe County Planning Commission on March 6, 2018.

The appellant, Tammy Holt-Still, has appealed that approval, based upon concerns over public safety.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On February 12, 2018, the subdivision was considered by the North Valleys Citizen Advisory Board (NV CAB). The NV CAB took action to recommend approval of the project with a vote of four in favor and one opposed. Roger Edwards moved for approval, Teresa Aquila seconded and Jean Harris opposed.

On March 6, 2018, the subdivision was considered, in a public hearing, before the Washoe County Planning Commission (PC). The PC took action to approve the project, with conditions, with a vote of five in favor and two opposed. Commissioner Chesney moved for approval, Commissioner Donshick seconded, and Commissioners Lawson and Bruce opposed.

BACKGROUND

The Washoe County Planning Commission has approved the proposed subdivision map, having made all required findings including:

- 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.

Please see the Planning Commission staff report, included as Attachment B, for discussion of each of these findings.

The appellant has stated that the reasons for the appeal are:

“The project does not meet the criteria for flood risk. The area has been in flood waters for nearly a year. The proposed catch basins incorporated in the plan will be ineffective for reducing the risk of flooding posed by the additional development and impenetrable surface area produced.

The project does not meet the public safety risk. The area is flooded with water partly composed of partly-treated sewage effluent. The water treatment plant itself is below grade, sits below the waterline, and only protected by emergency berms.

Lemmon Drive is proposed to be raised two feet and serve as the emergency access. However, only a small portion of Lemon Drive will be raised rendering this strategy ineffective as an emergency access provision.”

Please see the appeal application, included as Attachment C, to this report.

LEGAL STANDING FOR APPEAL

In analyzing this appeal, the threshold issue of "standing" must be addressed. Standing is the legal right to bring a challenge in the first place. In courts it is treated as part of the analysis of subject matter jurisdiction, meaning that without it, the court has no power to even hear the challenge. It is the burden of the appellant to establish standing.

NRS chapter 278 limits appeals of Planning Commission decisions to "aggrieved persons." See NRS 278.310, 278.3195 and 278.328. The statutes do not go on to give a detailed definition of "aggrievement" but rather leave it to the local governments to enact ordinances, which can broaden the scope of standing under chapter 278, but cannot narrow it. See *City of North Las Vegas v. District Court*, 122 Nev. 1197, 147 P.3d 1109 (2006). The county has enacted such an ordinance. Like NRS chapter 278, the Development Code limits standing to "aggrieved persons." WCC 110.910.02 gives useful guidance on the definition of an "aggrieved person." That definition provides in pertinent part as follows:

Aggrieved Person. “Aggrieved person” means a person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or
- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.

In the North Las Vegas case cited above, the Nevada Supreme Court determined there was no standing to appeal the Planning Commission's approval of a special use permit for a check cashing business. The Court appeared to take into account both the distance of the property from the proposed project, as well as the stated basis of the appeal. The appellant lived over 900 feet from the project. North Las Vegas' ordinance apparently presumed standing for property owners within 300 feet, but required anyone beyond that distance to make a particularized showing by affidavit of the nature of injury or damage to their property a project would cause. The appellant stated the basis of her appeal as an "oversaturation" of similar businesses in the area. According to the Nevada Supreme Court, this was inadequate to give her standing under the North Las Vegas ordinance or chapter 278. Her appeal was thus invalid.

On the issue of distance from the proposed land use in this case, Washoe County's ordinances include similar recognition of the presumed effects of development projects on neighboring properties based on proximity. WCC 110.608.16 requires that written notice be given to property owners "within 500 feet" of the property where the subdivision will be. It follows from this provision and numerous authorities that the farther away someone is from a subdivision, the less likely they have standing to challenge it. Conversely, residents living in "close proximity" to a proposed land use unquestionably have standing. See *Citizens for Cold Springs v. City of Reno*, 125 Nev. 625, 630, 218 P.3d 847, 851 (2006). Where the exact line is, however, depends on the facts and circumstances of each particular case.

The appellant's property in this case is listed at 11493 Tupelo St. The subdivision itself is listed at 1200 Estates Road. The distance between these addresses is approximately 2.5 miles, or 13,200 feet. Thus the appellant's property is roughly 26 times farther from the proposed subdivision than the properties within 500 feet that are entitled to written notice, and almost 15 times farther than the property was in the North Las Vegas case where there was no standing.

Turning to the stated basis of standing, the appellant argues that the proposed subdivision will pose an increased flood risk for her property. Proposed mitigation of flood risk in the project, including increasing the elevation of Lemmon Drive and constructing water detention basins on-site, are inadequate according to the appellant. And the hydrology report prepared in support of the project is "suspect and has not been subjected to an independent review." Notably, while the appellant apparently disagrees with or does not trust the evidence submitted in support of the project, the record does not, for example, include contrary reports of experts on the hydrological issues presented, unlike *Red Rock Valley Ranch, LLC v. Washoe County*, 127 Nev. 451, 254 P.3d 641 (2011) (conflicting hydrology report submitted by project opponents).

In deciding the standing issue, the Board may take into account the distance of the appellant's property from the proposed subdivision. The Board may also take into account the type of harm alleged in the appeal itself, as well as its likelihood of occurring

based on the evidence. Additionally, the Board may also take into account the record before it and before the Planning Commission.

If the Board finds there is standing, it must then analyze the merits of the appeal. If it finds no standing, the Board is free to deny the appeal without analyzing the merits. Alternatively, in the interest of completing the record in case of any possible future legal challenges, if the Board finds no standing it may nonetheless also indicate what its findings on the merits would be if standing did exist.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners affirm the decision of the Planning Commission and uphold the approval of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights).

POSSIBLE MOTION

Should the Board of County Commissioners agree with the Planning Commission's approval of Tentative Subdivision Map Case Number WTM18-0001 (Lemmon Valley Heights), staff offers the following motion:

"Move to affirm the approval, with conditions, of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights), having found that the appellant lacks standing and/or having not found that the decision of the Planning Commission:

- (A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;
- (B) Exceeds the jurisdiction or statutory authority of the deciding official or body;
- (C) Was made on unlawful procedure;
- (D) Is affected by an erroneous interpretation or other error of law;
- (E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
- (F) Is arbitrary or capricious or characterized by abuse of discretion."

Should the Board of County Commissioners disagree with the Planning Commission's approval of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights), staff offers the following motion:

"Move to reverse the approval of Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights), having found that the appellant has standing, and having found that the decision of the Planning Commission:

- (A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;

- (B) Exceeds the jurisdiction or statutory authority of the deciding official or body;
- (C) Was made on unlawful procedure;
- (D) Is affected by an erroneous interpretation or other error of law;
- (E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
- (F) Is arbitrary or capricious or characterized by abuse of discretion.”

Attachments:

Attachment A: Planning Commission Action Order dated 3/7/2018

Attachment B: Planning Commission Staff Report dated 3/6/2018

Attachment C: Appeal Application dated 3/13/18

Attachment D: DRAFT Planning Commission Minutes of 3/6/2017

Cc: Appellant: Tammy Holt-Still, 11493 Tupelo Street, Reno, NV 89506

Applicant: JDS LLC, attn.: Derek Larson, 7500 Rough Rock Road, Reno, NV 89502

Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet, 7500 Rough Rock Road, Reno, NV 89502

Applicant Representative: Manhard Consulting, attn.: Karen Downs, 9580 Double R Boulevard, Suite 101, Reno, NV 89521

Attachment A

Planning Commission Action Order dated 3/7/2018



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 WTM18-001

Decision: **Approval with Conditions**

Decision Date: March 6, 2018

Mailing/Filing Date: March 7, 2018

Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet
 7500 Rough Rock Road
 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 WTM18-001 (Lemmon Valley Heights) – For possible action, hearing, and discussion to approve a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (± .10 acres) to a maximum size of 17,206 square feet (± .39 acres) with an average size of 6,540 square feet (± .15 acres). Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

- Applicant: JDS LLC
- Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet
- Location: 1200 Estates Road
- Assessor's Parcel Numbers: 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07
- Parcel Size: ± 128.5 acres total
- Master Plan Categories: Rural (R) and Suburban Residential (SR)
- Regulatory Zones: General Rural (GR, ±59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, ±68.64 acres, 3 dwellings per acre)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: 34 and 35, T21N, R19E, MDM, Washoe County, NV



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

To: JDS LLC
Subject: WTM18-001
Date: March 7, 2018
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Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Code Chapter 110 (Development Code) Article 608, *Tentative Subdivision Maps*, and Article 408, *Common Open Space Development*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912, *Establishment of Commissions, Boards and Hearing Examiners*, of the Development Code. This decision is based on having made all ten findings in accordance with 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.

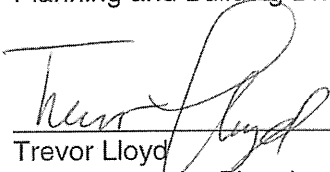
This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within seven days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy or final approval shall not be issued until all of the Conditions of Approval (attached) are satisfied. Additionally,

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compliance shall be required with all federal, state and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize any development, to include building construction and grading, without the required permits from the Washoe County Planning and Building Division, Building Program.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Planning Commission

TL/RP/ks

xc:

Applicant: JDS LLC, Attn: Derek Larson, 7500 Rough Rock Road, Reno, NV 89502

Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet, 7500 Rough Rock Road, Reno, NV 89502

Representatives: Manhard Consulting, Attn: Karen Downs, 9580 Double R Boulevard, Suite 101, Reno, NV 89521

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.



Conditions of Approval

Tentative Subdivision Map Case Number WTM18-001

The project approved under Tentative Subdivision Map Case Number WTM18-001 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on March 6, 2018. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Tentative Subdivision Map shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this Tentative Subdivision Map is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Tentative Subdivision Map may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Tentative Subdivision Map should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies:

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

STANDARD CONSIDERATIONS FOR SUBDIVISIONS
Nevada Revised Statutes 278.349

Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335; and
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, (775) 328-3622

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.

- b. The subdivision shall specifically be in substantial conformance with the provisions of Washoe County Development Code Article 604, Design Requirements, Article 608, Tentative Subdivision Maps, Article 424 Hillside Development, Article 406, Common Open Space Development, Article 438, Grading as well as all other generally applicable provisions of Washoe County Code.
- c. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
- d. In accordance with NRS 278.360, the sub-divider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within four years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by two years if the extension request is received prior to the expiration date.
- e. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority.
- f. All final maps shall contain the applicable portions of the following jurat:

The Tentative Map for TM case number for map name was APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON DATE.

THIS FINAL MAP, MAP NAME AND UNIT/PHASE #, MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS, IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP, EXCEPT THAT THE "OPERATIONAL CONDITIONS" CONTAINED IN THE RECORDED ACTION ORDER SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

IF ALL LOTS ON THIS MAP ARE REVERTED TO ACREAGE AND A NEW SUBDIVISION APPROVAL IS OBTAINED AT A FUTURE DATE, THE PROVISIONS OF THIS APPROVAL SHALL BE NULL AND VOID, UPON APPROVAL BY WASHOE COUNTY OF THOSE ACTIONS.

[Omit the following paragraph if this is the first and last (only) final map.]

THE NEXT FINAL MAP FOR <TM CASE NUMBER> MUST BE APPROVED AND ACCEPTED FOR RECORDATION BY THE

PLANNING AND BUILDING DIVISION DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE ____ DAY OF _____, 20____, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS ____ DAY OF _____, 20____ BY THE PLANNING AND BUILDING DIVISION DIRECTOR. THE OFFER OF DEDICATION FOR STREETS, SEWERS , ETC. IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

MOJRA HAUENSTAIN, DIRECTOR, PLANNING AND BUILDING

- g. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- h. The final map shall designate faults that have been active during the Holocene epoch of geological time, and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

- i. The developer and all successors shall direct any potential purchaser of the site to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Planning and Building Division of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
- j. Lot standards for this development shall include: Minimum Lot Dimension: 45 feet; Front Yard Setbacks: 20 feet; Side Yard Setback: 5 feet; Rear Yard Setback: 20 feet. Minimum lot width shall be 45 feet.
- k. Failure to comply with all conditions of approval shall render this approval null and void.

- i. Grading shall comply with all applicable provisions of Article 438, of the Washoe County Development Code. Specifically, no slopes shall be greater than 10 feet in elevation. Retaining walls are required. All retaining walls shall be stained with a permanent desert varnish product to mimic the color of the surrounding undisturbed hillside.
- m. At least one tree shall be installed with irrigation on each residential lot. Trees and irrigation shall be shown on each building permit application for a dwelling.
- n. Street trees shall be installed as shown in the application materials. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Building Division, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- o. When adjacent to or across a street from residential development in existence as of the final adoption of this plan, provide a minimum 30-foot wide open-space buffer, containing a minimum 8-foot wide decomposed granite trail, on the perimeter AND maintain a minimum parcel size of 15,000 square feet for any parcel located on the perimeter; OR, provide for perimeter parcel sizes that match the existing residential parcels.
- p. Limit all dwellings to a single story located on the perimeter when adjacent to or across a street from residential development in existence as of the final adoption of this plan.
- q. In regulatory zones LDS 1; LDS 2; MDS 3 and MDS 4, new residential parcels shall not front on existing streets.
- r. Vary setbacks and driveway design.
- s. Construct no more than 25% of the total residential units in the same architectural elevation.
- t. Limit the use of block, concrete, or similar material to posts, pillars and similar uses when constructing fences and / or walls. These materials are not to be used for panel or wall sections. Plans for the maintenance of perimeter fences will be submitted with tentative map applications.
- u. Minimize the use of street lighting. Any lighting proposed must show how it is consistent with current best practice "dark-sky" standards. Exterior lighting fixtures mounted on the homes or units shall be no higher than the line of the first story eave or, where no eave exists, no higher than 15 feet above finished grade. Lights shall be shielded to prevent light spillage onto adjacent properties or streets.
- v. Establish landscape designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Homebuilders must offer at least two separate xeriscape options.

- w. Conditions, covenants, and restrictions (CC&Rs); including any supplemental CC&Rs, shall be submitted to Planning and Building staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to Planning and Building with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
1. Maintenance of public access easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
 - a. Vegetation management;
 - b. Watershed management;
 - c. Debris and litter removal;
 - d. Fire access and suppression; and
 - e. Maintenance of public access and/or maintenance of limitations to public access.
 2. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
 3. All open space identified as common area on the final map shall be privately maintained and perpetually funded by the homeowners association. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
 4. The project and adjacent to undeveloped land shall maintain a fire fuel break of a minimum 30 feet in width until such time as the adjacent land is developed.
 5. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
 6. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.

7. No motorized vehicles shall be allowed on the platted common area.
8. Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.
9. Mandatory solid waste collection.
10. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
11. At least one tree shall be installed with irrigation on each residential lot. Trees and irrigation shall be shown on each building permit application for a dwelling.
12. Street trees shall be installed as shown in the application materials. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Building Division, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
13. When adjacent to or across a street from residential development in existence as of the final adoption of this plan, provide a minimum 30-foot wide open-space buffer, containing a minimum 8-foot wide decomposed granite trail, on the perimeter AND maintain a minimum parcel size of 15,000 square feet for any parcel located on the perimeter; OR, provide for perimeter parcel sizes that match the existing residential parcels.
14. Limit all dwellings to a single story located on the perimeter when adjacent to or across a street from residential development in existence as of the final adoption of this plan.
15. Provide a statement regarding how the proposed design responds to the community input received during the tentative map review process must be made available to staff and the Planning Commission.
16. In regulatory zones LDS 1; LDS 2; MDS 3 and MDS 4, new residential parcels shall not front on existing streets.
17. Vary setbacks and driveway design.
18. Construct no more than 25% of the total residential units in the same architectural elevation.
19. Limit the use of block, concrete, or similar material to posts, pillars and similar uses. These materials are not to be used for panel or wall

sections. Plans for the maintenance of perimeter fences will be submitted with tentative map applications.

20. Minimize the use of street lighting. Any lighting proposed must show how it is consistent with current best practice "dark-sky" standards. Exterior lighting fixtures mounted on the homes or units shall be no higher than the line of the first story eave or, where no eave exists, no higher than 15 feet above finished grade. Lights shall be shielded to prevent light spillage onto adjacent properties or streets.

21. Establish landscape designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Homebuilders must offer at least two separate xeriscape options

- x. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The deed shall be presented with the CC&Rs for review by Planning and Building staff and the District Attorney.
- y. Construction activities shall be limited to the hours between 7AM and 7PM on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays. Construction activities shall be limited to the hours between 8AM and 5PM on Sundays.
- z. Address numbers shall be clearly marked on each dwelling and on the curb in front of each dwelling.
- aa. The applicant shall develop a Fence Plan that ensures that all fencing installed adjacent to existing development is durable, wind resistant, and obtain approval of the Fence Plan from Washoe County. Fencing materials may include metal posts, metal rails, pressure-treated posts, pressure-treated rails, or similar durable materials. Special consideration shall be given to post spacing and depth and appropriate bracing. Fence details shall be shown on all building permits for all dwellings.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division (Traffic Engineer), which shall be responsible for determining compliance with these conditions.

Contact Name – Clara Lawson, PE, PTOE, Licensed Engineer, 775.328.3603

- a. Make a street connection between Fremont Way and the north section of the subdivision.
- b. Place speed humps or other traffic calming on Kess Way, Patrician Way and Palace Dr. both the new proposed sections and the existing streets to the satisfaction of the County Engineer

- c. Straighten out Deodar Way at the Lemmon Dr. intersection. Future alignment should be further north where Lemmon Dr. has less of a curve.
 - d. Deodar Way should be constructed to either County or City of Reno standard, whichever is greater along the whole frontage of the property to the satisfaction of the County Engineer.
 - e. Relocation of the existing 60' wide access easement for parcels 080-730-290 and 080-730-09 to the satisfaction of the County Engineer and affected property owners.
3. The following conditions are requirements of the Engineering Division (Land Development), which shall be responsible for determining compliance with these conditions.

Contact Name – Leo R. Vesely, PE, CFM, 775.328.2313

GENERAL CONDITIONS

- a. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
- b. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering and Capital Projects Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
- c. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
- d. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
- e. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.
- f. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer

- shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
- g. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
 - h. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
 - i. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
 - j. With each affected final map, provide written approval from NV Energy for any improvements located within their easement or under their facilities. The County Engineer shall determine compliance with this condition.
 - k. Appropriate easements shall be granted for any existing or new utilities, with each affected final map. This includes, but is not limited, to electrical lines, water lines, and drainage maintenance access. The County Engineer shall determine compliance with this condition
 - l. Appropriate easements shall be granted to perpetuate/relocate existing access roads and easements. The County Engineer shall determine compliance with this condition.
 - m. A design level geotechnical investigation with fault study shall be provided with the submittal of each final map.
 - n. Cut slopes, fill slopes, and berms shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438. The County Engineer shall determine compliance with this condition.
 - o. Slope easements shall be provided for areas of cut or fill that fall outside of the subdivision boundary.
 - p. TMWA shall approve any grading in existing waterline easements and any proposed access road relocations.

DRAINAGE and STORM WATER DISCHARGE PROGRAM
(COUNTY CODE 110.420 and 110.421)

- q. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.

- r. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The County Engineer shall determine compliance with this condition.
- s. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- t. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite. The County Engineer shall determine compliance with this condition.
- u. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering and Capital Projects Division.
- v. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering and Capital Projects Division.
- w. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
- x. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
- y. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
- z. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

- aa. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
- bb. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- cc. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- dd. Maintenance access roadways and drainage easements shall be provided for all existing and proposed drainage facilities. All drainage facilities located within Common Area shall be constructed with an adjoining minimum 12' wide gravel access road. Maintenance access road shall be provided to the bottom of proposed detention basins as well as over County owned and maintained storm drainage facilities. County Engineer shall determine compliance with this condition.
- ee. The project shall mitigate the increased stormwater volume produced from the development based on the 100 year–10 day storm event. Alternatives for mitigation include on-site retention with infiltration, excavation of material within or adjacent to the existing flood zone creating additional effective flood volume, or, other means subject to approval by the County Engineer. For on-site storm water retention to be approved, the engineer must demonstrate through appropriate analyses (which may include, but not be limited to, geotechnical investigation, groundwater transport modeling, or other appropriate analysis) that infiltrated storm water runoff will not be transmitted to Swan Lake via groundwater. Excavations for storm water retention basins shall not be located within the 100-year floodplain or within the groundwater table or groundwater table which could be expected to occur during flood conditions.
- ff. The project shall mitigate the loss of Swan Lake flood pool volume and flood pool area for any portion of the development where fill is placed within areas located at or below the current FEMA designated 100-year water surface elevation or future revised 100-year flood plain elevation approved by the County Engineer. Mitigation of lost flood pool area shall provide at least equivalent storm water volume lost through evaporation.
- gg. A note shall be added to the final map and similar language contained with the project CC&R's stating that owners of parcels created by final map within this development shall not protest the formation of a Storm Water Utility District, Flood Control District, Special Assessment District or other funding mechanism which is approved and created for the purpose of storm water and/or flood water management.

- hh. The FEMA 100-year floodplain shall be shown on the final map and grading plan to the satisfaction of the County Engineer. All grading and construction in these areas shall be in conformance with the Washoe County Code Article 416.
- ii. Offsite drainage and common area drainage draining onto residential lots shall be perpetuated around the residential lots and drainage facilities capable of passing a 100-year storm shall be constructed with the subdivision improvements to perpetuate the storm water runoff to improved or natural drainage facilities. The maintenance of these drainage facilities shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office. The County Engineer shall determine compliance with this condition.
- jj. Prior to the finalization of the first final map, a maintenance and operation plan for the maintenance of the projects detention/retention basins shall be developed in accordance with the Washoe County Code Article 421.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

- kk. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- ll. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- mm. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
- nn. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
- oo. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
- pp. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
- qq. All retaining walls that are within the slope failure wedge from Washoe County right-of-way shall be constructed of reinforced masonry block or reinforced

concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition. The maintenance of the retaining walls shall be by Homeowners Association and the CCR's shall clearly identify the HOA's maintenance responsibilities of retaining walls

- rr. No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.
 - ss. No direct access from individual lots shall be allowed onto Lemmon Drive, Deodar Way and Estates Road.
 - tt. Deodar Way shall be constructed to residential collector standards.
 - uu. Deodar Way shall be constructed to half street improvements from Street 'A' to Estates Road.
 - vv. Appropriate curve warning signs and/or a lower speed limit shall be determined and posted on all horizontal roadway curves that do not meet the standard Washoe County 25-mile per hour design speed. The minimum centerline radius allowed shall be 100'. The County Engineer shall determine compliance with this condition.
 - ww. Appropriate transitions shall be provided between the existing and proposed improvements at all proposed street connections. This may include removal of existing pavement. The County Engineer shall determine compliance with this condition.
 - xx. A note shall be added to the final map and similar language contained with the project CC&R's stating that access to the site may be limited during flood events to emergency access routes.
 - yy. The portions of Lemmon Drive adjacent to the project boundary shall be raised and reconstructed to provide 2 travel lanes at an elevation of 4926' above mean sea level. All existing or new culvert pipes located within this area shall include the ability to close providing a water-tight seal, designed and constructed to the satisfaction of the County Engineer and the City of Reno Public Works Director. Following Washoe County and City of Reno roadway design and permitting requirements, the roadway subgrade shall be constructed for the 4-lane ultimate road improvement.
4. The following conditions are requirements of the Engineering Division (Utilities), which shall be responsible for determining compliance with these conditions.

Contact Name – Timothy Simpson, P.E., 775.954.4648

- a. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.

- b. All fees shall be paid or deferred in accordance with Washoe County Ordinance prior to the approval of each final map.
- c. Improvement plans shall be submitted and approved by CSD prior to approval of the final map. They shall be in compliance with Washoe County Design Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.
- d. The applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time. The files must be in a format acceptable to Washoe County.
- e. The applicant shall construct and/or provide the financial assurance for the construction of any on-site and off-site sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the CSD.
- f. Approved improvement plans shall be used for the construction of on-site and off-site sanitary sewer collection system. The CSD will be responsible to inspect the construction of the sanitary sewer collection system.
- g. The sanitary sewer collection system must be offered for dedication to Washoe County along with the recordation of each final map.
- h. Easements and real property for all sanitary sewer collection systems and appurtenances shall be in accordance with Washoe County Design Standards and offered for dedication to Washoe County along with the recordation of each final map.
- i. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
 - i. The estimated sewage flows generated by this project;
 - ii. Projected sewage flows from potential or existing development within tributary areas;
 - iii. The impact on capacity of existing infrastructure;
 - iv. Slope of pipe, invert elevation and rim elevation for all manholes; and
 - v. Proposed collection line sizes, on-site and off-site alignment, and half-full velocities.
- j. No Certificate of Occupancy will be issued until all the sewer collection facilities necessary to serve each final map have been completed, accepted and engineer prepared as-built drawings are delivered to the utility. As-built drawings must be in a format acceptable to Washoe County.
- k. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.

- l. A minimum 30-foot sanitary sewer and access easement shall be dedicated to Washoe County over any facilities not located in a dedicated right of way.
- m. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.
- n. The developer will be responsible to fund the design and construction of major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains, interceptor and wastewater treatment facilities necessary to accommodate the project. However, the actual design will be the responsibility of the CSD. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The CSD may either provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the CSD and the Developer shall jointly select that consultant.
- o. The CSD shall reserve the right to over-size or realign the design of infrastructure to accommodate future development as determined by accepted engineering calculations. Funding shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate dollar amount to the Developer at the time of recordation of the subdivision map.

Washoe County Health District

- 5. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name – James English, 775.328.24.34, jenglish@washoecounty.us

- a. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to Health District. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.
 - i. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
 - ii. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application.
- b. Mass grading may proceed after approval of the Tentative Map and after a favorable review by this Health District of a grading permit application.

- i. The final map submittal shall include a Truckee Meadows Water Authority annexation and discovery with the mass grading permit.
- c. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by this Health District.
 - i. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal.
- d. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to this Health District for approval per NAC 278.290 and NAC 445A.66715.
- e. The WCHD requires the following to be submitted with the final map application for review and approval:
 - i. Construction plans for the development must be submitted to this Health District for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of this Health District.
- f. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction this Health District an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal:
 - i. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
 - ii. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to this Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
 - iii. The developer must bear the cost of the inspections; and
 - iv. The developer may select a third-person inspector but the selection must be approved by the Health District or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
- g. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to this Health District. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge

permit requirements by this added service, or the facility will be expanded to provide for the added service.

- i. A copy of this letter must be included with the final map submittal.
- h. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to this Health District.
 - i. A copy of this letter must be included with the final map submittal.
- i. The final map submittal must include a letter from Nevada Division of Environmental Protection to the Health District certifying their approval of the final map.
- j. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
- k. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution.
 - i. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
- l. Prior to approval of the final map, the applicant must submit to the Health District the final map fee.
- m. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases.

*** End of Conditions ***

Attachment B

Planning Commission Staff Report dated 3/6/2018



Planning Commission Staff Report

Meeting Date: March 6, 2018

Agenda Item: 8A

TENTATIVE SUBDIVISION MAP CASE NUMBER: WTM18-001 (Lemmon Valley Heights)

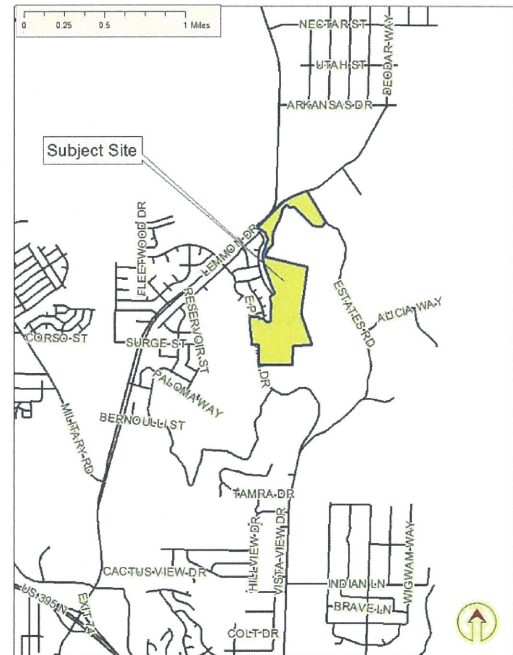
BRIEF SUMMARY OF REQUEST: 206-lot single-family residential, common open space subdivision.

STAFF PLANNER: Planner's Name: Roger Pelham, MPA, Senior Planner
 Phone Number: 775.328.3622
 E-mail: rpelham@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (± .10 acres) to a maximum size of 17,206 square feet (± .39 acres) with an average size of 6,540 square feet (± .15 acres). Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

Applicant: JDS LLC
 Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet
 Location: 1200 Estates Road
 APNs: 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07
 Parcel Size: ± 128.5 acres total
 Master Plan Categories: Rural (R) and Suburban Residential (SR)
 Regulatory Zones: General Rural (GR, ±59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, ±68.64 acres, 3 dwellings per acre)
 Area Plan: North Valleys
 Citizen Advisory Board: North Valleys
 Development Code: Authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development
 Commission District: 5 – Commissioner Herman
 Section/Township/Range: 34 and 35, T21N, R19E
 MDM, Washoe County, NV



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number WTM18-001 for JDS LLC, having made all ten findings in accordance with Washoe County Development Code Section 110.608.25

(Motion with Findings on Pages 13 and 14)

Staff Report Contents

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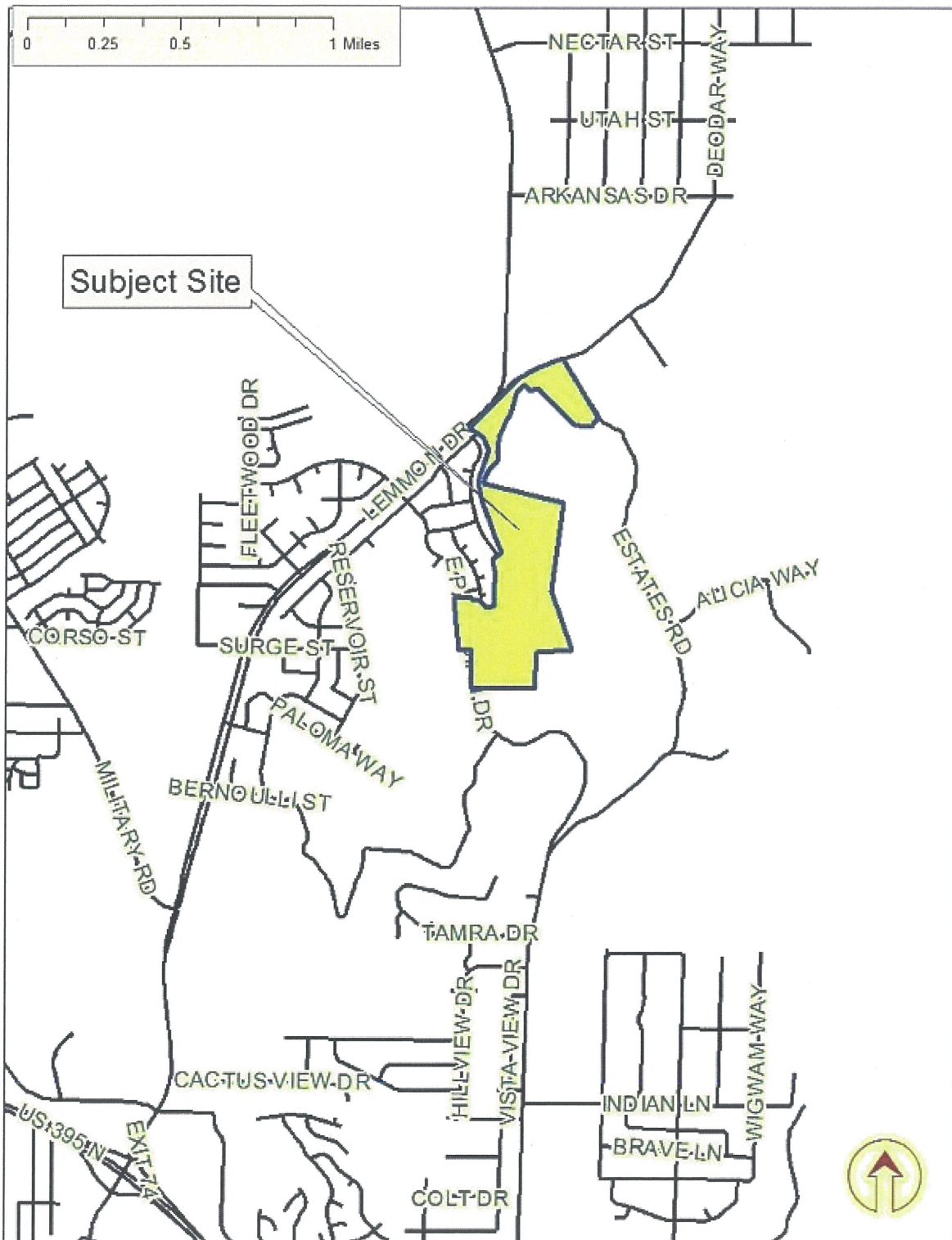
Public Notice Exhibit D

Public Comment Exhibit E

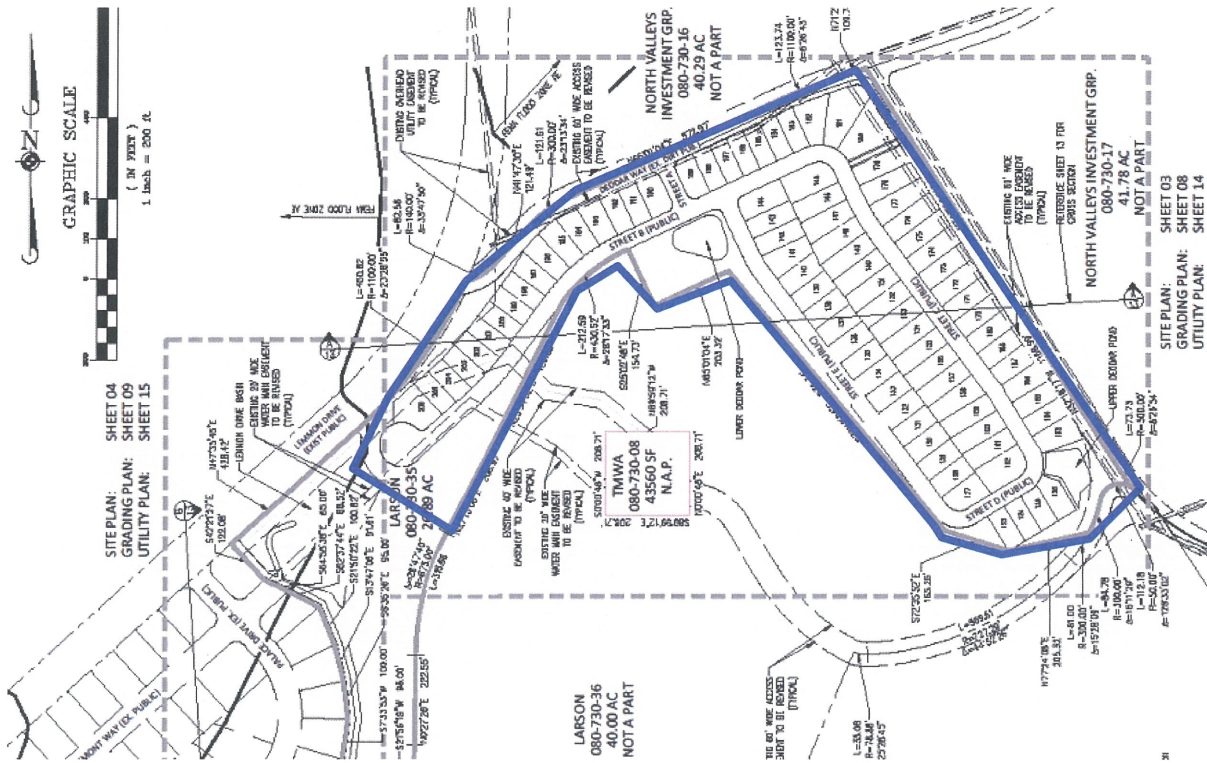
Approved, Unbuilt Subdivision Map Exhibit F

The complete application for this project can be viewed at: <http://bit.ly/2npyEGc>

The complete plan set for this project can be viewed at: <http://bit.ly/2GwhDBX>



Vicinity Map



Detail Site Plan (Northern Development Area)

Tentative Subdivision Map Explanation

The purpose of a Tentative Subdivision Map is:

- To allow the creation of saleable lots;
- To implement the Washoe County Master Plan, including the Area Plans, and any specific plans adopted by the County;
- To establish reasonable standards of design and reasonable procedures for subdivision and re-subdivision in order to further the orderly layout and use of land and insure proper legal descriptions and monumenting of subdivided land; and;
- To safeguard the public health, safety and general welfare by establishing minimum standards of design and development for any subdivision platted in the unincorporated area of Washoe County.

If the Planning Commission grants an approval of the Tentative Subdivision Map, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project.

The Conditions of Approval for Tentative Subdivision Map Case Number WTM18-001 are attached to this staff report and will be included with the Action Order, if the Tentative Subdivision Map is approved by the Washoe County Planning Commission.

The subject property includes regulatory zones of Medium Density Suburban (MDS) and General Rural (GR). The total number of residences allowed, based upon the existing zoning is 206. The applicant is requesting to create 206 residential lots. This is permissible based upon the approval of a Tentative Subdivision Map by Washoe County and compliance with all generally applicable provisions of the Development Code.

Article 406, Common Open Space Development, allows general development standards to be varied with the approval of a tentative subdivision map. In this case, side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

Project Evaluation

The applicant has requested approval of a Tentative Subdivision Map to create a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres). The project area includes approximately 68.64 acres of area that has a regulatory zone of Medium Density Suburban (MDS) which allows three dwellings to the acre. The MDS area allows a total of 205 dwelling units. The project area also includes approximately 59.95 acres of General Rural (GR) and allows one dwelling for each 40 acres. The GR area allows one additional dwelling unit. Dwellings are proposed to be developed in an area of approximately 31 acres. The remaining

area of approximately 88 acres will be used as common open space and will include infrastructure that supports the proposed development, particularly drainage improvements. The common areas and drainage improvements are proposed to be maintained by a Home Owners Association (HOA) that will be established by the developer.

In 2017 a Master Plan Amendment and Regulatory Zone amendment were approved on the subject site which moved the MDS regulatory zone from the steeper slopes to the flatter areas to facilitate development with minimal disturbance of steep slopes.

The proposed configuration of the subdivision seeks to create minimal disturbance of steep slopes. Because more than 20 percent of the site includes slopes that are 15 percent or greater this proposed subdivision is subject to Hillside Development standards as required by Article 424 of the Washoe County Development Code.

Among the requirements of Article 424 is the requirement for a site analysis, map of the developable area of the project site and a slope map. Those maps and analysis are included with the application materials (see Exhibit C to this report). The analysis indicates that development is proposed to take place on the suitable areas and is proposed to leave most of the steep hillsides in a native condition.

Article 424 also requires that any portion of a hillside development which has been deemed unsuitable for development must be designated as permanent open space and the uses shall be limited to paths, trails, outdoor recreation, utilities and drainage improvements. The land is also required to be offered for dedication. However, it is unlikely that the County will accept the dedication at this time. The proposed subdivision application materials comply with these requirements.

Article 424 also requires standards for the locations of dwellings, including clustering, placing dwellings on the natural slope and preserving the hillside. Likewise, there are standards for parking, building envelopes, fences, preservation of natural features, open space and trail easements, grading must mimic the natural contour of the land and all areas are required to be revegetated. The proposed subdivision application materials, along with the proposed conditions of approval (see Exhibit A to this report) will ensure that the development complies with these requirements. The design of the proposed subdivision also complies with the generally applicable standards for fire protection and for street design.

The proposed configuration of the subdivision also seeks to create common open space. For this reason the project is subject to Common Open Space Development standards as required by Article 406 of the Washoe County Development Code. As previously stated, among the provisions of Article 406 is the requirement for a site analysis and map of the developable area of the project site. The proposed subdivision application materials comply with these requirements and the proposed configuration of the subdivision seeks to create minimal disturbance of steep slopes. Conditions of approval are required by Article 406 to provide for on-going maintenance of the common open space area by the HOA. These conditions have been included in the recommended conditions of approval (see Exhibit A to this report).

Article 438, Grading, includes many standards regarding the proposed changes to the landform that are applicable to this project. The proposed subdivision application materials indicate many proposed cut-and-fill slopes that are greater than ten feet in height. Retaining walls will be required in all such cases. The inclusion of retaining walls will reduce the disturbance of the hillsides and will reduce the amount of grading overall. Retaining walls must be setback from existing property lines in accordance with Article 438. The application materials also indicate

that all proposed slopes are 3 horizontal to 1 vertical (3H:1V) which is compliant with the provisions of Article 438.

Article 420, Storm Drainage Standards, provides standards for managing storm water on projects like the proposed tentative subdivision map. The County Engineer is primarily responsible for ensuring compliance with these standards. The Lemmon Valley area has experienced substantial flooding within the last year. The proposed subdivision application materials indicate that the improvements proposed will not only account for the additional storm water runoff created by the new development, but will also detain some of the existing storm water flow at the subject site. Code requires that new development retain any increase in storm water runoff; however, the plans submitted by the applicant exceed that standard. Thus, it is anticipated that storm water runoff which contributes to flooding in the area may be reduced after the project is completed, as the applicants are proposing to exceed the minimum code requirements for storm water detention. The plans for this subdivision have been reviewed by the County Engineer who has recommended approval, subject to a stringent set of conditions to ensure that storm water runoff is appropriately mitigated.

Article 422, Water and Sewer Resource Requirements, provides standards for provision of water and sewer to new subdivisions. The County Engineer is primarily responsible for ensuring compliance with sewer requirements. The County Engineer has reviewed the plans for this development and has recommended approval with conditions. Those conditions of approval have been included in the recommendation attached to this report. The proposed subdivision application materials indicate that the necessary services are available and will be extended to serve the new dwellings. Water will be provided by the Truckee Meadows Water Authority (TMWA) to the new dwellings. Again, service will be extended to the new dwellings and all applicable provisions requiring dedication of water rights will be required to be complied with, prior to approval of new dwellings.

The proposed configuration of the lots and grading of the land within the subdivision is also subject to the requirements of the North Valleys Area Plan. Among the applicable provisions are requirements for the grading to: Minimize disruption to natural topography; utilize natural contours and slopes; complement the natural characteristics of the landscape; and preserve existing vegetation and ground coverage to minimize erosion and minimize cuts and fills. The proposed subdivision application materials show general compliance with these requirements.

The North Valleys Area Plan includes several design features that are required to be included in subdivisions in the "Lemmon Valley Suburban Character Management Area." These policies require that the applicant shall: provide for perimeter parcel sizes that match the existing residential parcels; limit all dwellings to a single story located on the perimeter when adjacent to or across a street from existing residential development; vary setbacks and driveway design; construct no more than 25% of the total residential units in the same architectural elevation; limit the use of block, concrete, or similar material to posts, pillars and similar uses for fence construction; minimize the use of street lighting; establish landscape designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Homebuilders must offer at least two separate xeriscape options. These provisions have been addressed in the application materials and have been included in the recommended conditions of approval (see Exhibit A to this report). One tree in the front yard of each dwelling and additional street trees are also required. Appropriate recommended conditions of approval have been included.

Traffic on Lemmon Drive has been identified as a concern during the review of this project. The application materials include a traffic study that indicates that, "Traffic generated by the

proposed Lemmon Valley Subdivision will have some impact on the adjacent street network. The following recommendations are made to mitigate the project traffic impacts. It is recommended that any required signing, striping or traffic control improvements comply with Washoe County Requirements. It is recommended that the segment of Deodar Way adjacent to the site and all internal subdivision streets be constructed per Washoe County standards.” The report indicates that all existing intersections are shown to perform within policy level of service with the proposed project.

The North Valleys is well known for occasional strong winds. One concern is the durability of fencing between the new subdivision and existing dwellings. Fencing between existing and new dwellings helps to mitigate the impact of the new dwellings on the existing residents. Staff has worked with the applicant to craft a condition of approval to require durable materials for fences in those locations.

Impact upon existing school capacity is an issue that is often discussed during the review of new residential subdivisions. The Washoe County School District provided comments indicating that the additional students that are anticipated to live in the new subdivision would not increase capacity in any of the zoned schools to above the rated capacity of those schools. With the addition of students from the proposed subdivision, Lemmon Valley Elementary School would be at 96% capacity, O'Brien Middle School would be at 80% capacity and North Valleys High School would be at 99% capacity.

Fire services will be provided by the Truckee Meadows Fire Protection District (TMFPD). The nearest fire station is located on Silver Lake Boulevard approximately 3 miles from the development site. Fire hydrants will be required to meet minimum location and fire flow requirements. TMFPD will review proposed landscaping and fencing materials pursuant to Fire Codes. Any developments on the property shall meet the requirements of Washoe County Code Chapter 60.

Based upon the close compliance with the application materials, it is clear that the applicant has worked diligently to submit a subdivision request that conforms to all generally and specifically applicable provisions of the Development Code, Master Plan and Area Plan. For this reason staff recommends approval of the subdivision, with the conditions of approval included as Exhibit A.

North Valleys Citizen Advisory Board (NVCAB)

The proposed project was presented by the applicant's representative, Chris Baker, at the regularly scheduled North Valleys Citizen Advisory Board meeting on February 12, 2018. The attached CAB minutes reflect discussion generally in opposition to approval of the project based upon impacts to roads, schools and traffic flow. The applicant emphasized that storm water runoff will be reduced after development. The CAB took action to recommend approval of the project with a vote of 4 in favor and 1 opposed. Roger Edwards moved for approval. Teresa Aquila seconded. Jean Harris opposed.

Reviewing Agencies

- Washoe County Planning and Building Division addressed the construction hours, and compliance with grading and Development Code provisions.
Contact: Roger Pelham, 328-3622, rpelham@washoecounty.us

- Washoe County Engineering and Capital Projects Division addressed traffic calming, street connections, standards for sewer and water connections, as well as general standards and conditions for tentative subdivision maps.
Contacts: Clara Lawson, PE, PTOE, Licensed Engineer, 775.328.3603, and Leo R. Vesely, PE, CFM, 775.328.2313, and Timothy Simpson, P.E., 775.954.4648.
- Washoe County Sheriff's Office noted that, "the Sheriff's Office Patrol Division has no particular concerns with the Lemmon Valley Heights project, it is fair to anticipate the project will bring additional traffic related issues and calls for service from the new residents. As there is no trigger point or requirement to add law enforcement as a population increases, the Sheriff's Office will be further stretched to provide for the safety and needs of the community with its existing personnel."
Contact: Captain Tim O'Connor, 328-3354, toconnor@washoecounty.us
- Nevada Department of Environmental Protection provided two letters, one recommending approval based upon connection to community water and sewer services, the other recommending denial until a "will-serve" letter from the sewer provider is provided. The project will be served by Washoe County sewer services.
Contact: Patrick Mohn, 775.687.9419, pmohn@ndep.nv.gov and Taylor Adams, 775.684.4670, tadams@ndep.nv.gov
- Washoe County School District provided comments indicating that, with the addition of students from the proposed subdivision, Lemmon Valley Elementary School would be at 96% capacity, O'Brien Middle School would be at 80% capacity and North Valleys High School would be at 99% capacity.
Contact: Mike Boster, 775.789.3810, mboster@washoeschools.net
- Washoe County Planning and Building Division (Water Rights) noted that the proposed project will be annexed into the service territory for the Truckee Meadows Water Authority.
Contact: Vahid Behmaram, 775.328.3600, vbehmaram@washoecounty.us
- Washoe County Health District – Emergency Medical Services noted that the proposed project would not create any adverse impact.
Contact: Christina Conti, 775.326.6042, cconti@washoecounty.us

Staff Comment on Required Findings

Washoe County Code Section 110.608.25 of Article 608, *Tentative Subdivision Maps*, requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan.

Staff Comment: The proposed map is consistent with all goals and policies of the Master Plan including the residential density and lot design required by the Master Plan and the North Valley Area Plan. There are no specific plans associated with this property.

- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan.

Staff Comment: As detailed in this report all applicable design features that are required to be included in subdivisions in the "Lemmon Valley Suburban Character Management Area" have been included in the application submittal.

- 3) Type of Development. That the site is physically suited for the type of development proposed.

Staff Comment: The number of dwellings and configuration of the proposed subdivision is consistent with the requirements of the master plan; impacts associated with the proposed subdivision will be appropriately mitigated, based upon the imposition of appropriate conditions of approval as included at Exhibit A to this report. For this reason it is the opinion of staff 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.

Staff Comment: The proposed subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System, as sanitary sewer service will be provided to all new dwellings and there is sufficient capacity in the sewage system to accommodate the sewage created.

- 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.

Staff Comment: Neither the design of the proposed 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, because the proposed subdivision is located adjacent to existing development of a similar pattern and sufficient open space is being preserved within and around the development.

- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems.

Staff Comment: Community water service and community sewer service will be provided to all proposed dwellings. The proposed subdivision application was provided to the Washoe County Health District, and no recommendations for denial were received. Therefore staff has determined 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.

Staff Comment: Walking trails and emergency access have been included in the proposed subdivision application materials. Therefore staff has determined 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.

Staff Comment: Walking trails, emergency access and public roadways have been included in the proposed subdivision application materials. Therefore staff has determined 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.

Staff Comment: The open space associated with this proposed subdivision will remain in the ownership of the proposed Home Owners Association (HOA). Infrastructure improvements built to County standards may be accepted by the appropriate agencies. For this reason staff has determined that any land or improvements to be dedicated to the County is consistent with the Master Plan.

- 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.

Staff Comment: To the extent feasible, the design of the subdivision provides for future passive or natural heating or cooling opportunities.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Tentative Subdivision Map Case Number WTM18-001 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number WTM18-001 for JDS LLC, having made all ten findings in accordance with 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.

Appeal Process

Planning Commission action will be effective 10 calendar days after the written decision is filed with the Secretary to the Planning Commission, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant.

xc: Applicant: JDS LLC, Attn: Derek Larson, 7500 Rough Rock Road, Reno, NV 89502

Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet, 7500 Rough Rock Road, Reno, NV 89502

Representatives: Manhard Consulting, Attn: Karen Downs, 9580 Double R Boulevard, Suite 101, Reno, NV 89521



Exhibit A

Conditions of Approval

Tentative Subdivision Map Case Number WTM18-001

The project approved under Tentative Subdivision Map Case Number WTM18-001 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on March 6, 2018. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Tentative Subdivision Map shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Building Division.

Compliance with the conditions of approval related to this Tentative Subdivision Map is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Tentative Subdivision Map may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Tentative Subdivision Map should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to recordation of a final map.
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the project.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies:

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the Health District must be appealed to the District Board of Health.

**STANDARD CONSIDERATIONS FOR SUBDIVISIONS
Nevada Revised Statutes 278.349**

Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets and highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.335; and
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of the Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, (775) 328-3622

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The subdivision shall specifically be in substantial conformance with the provisions of Washoe County Development Code Article 604, Design Requirements, Article 608, Tentative Subdivision Maps, Article 424 Hillside Development, Article 406, Common Open Space Development, Article 438, Grading as well as all other generally applicable provisions of Washoe County Code.
- c. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
- d. In accordance with NRS 278.360, the sub-divider shall present to Washoe County a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within four years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by two years if the extension request is received prior to the expiration date.
- e. Final maps shall be in substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority.
- f. All final maps shall contain the applicable portions of the following jurat:

The Tentative Map for **TM case number for map name** was APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON **DATE**.

THIS FINAL MAP, **MAP NAME AND UNIT/PHASE #**, MEETS ALL APPLICABLE STATUTES, ORDINANCES AND CODE PROVISIONS, IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP AND ITS CONDITIONS, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE, AND THOSE CONDITIONS HAVE BEEN SATISFIED FOR RECORDATION OF THIS MAP, EXCEPT THAT THE "OPERATIONAL CONDITIONS" CONTAINED IN THE RECORDED ACTION ORDER SHALL REMAIN IN FULL FORCE AND EFFECT IN PERPETUITY.

IF ALL LOTS ON THIS MAP ARE REVERTED TO ACREAGE AND A NEW SUBDIVISION APPROVAL IS OBTAINED AT A FUTURE DATE, THE PROVISIONS OF THIS APPROVAL SHALL BE NULL AND VOID, UPON APPROVAL BY WASHOE COUNTY OF THOSE ACTIONS.

[Omit the following paragraph if this is the first and last (only) final map.]

THE NEXT FINAL MAP FOR <TM CASE NUMBER> MUST BE APPROVED AND ACCEPTED FOR RECORDATION BY THE PLANNING AND BUILDING DIVISION DIRECTOR ON OR BEFORE THE EXPIRATION DATE, THE _____ DAY OF _____, 20____, OR AN EXTENSION OF TIME FOR THE TENTATIVE MAP MUST BE APPROVED BY THE WASHOE COUNTY PLANNING COMMISSION ON OR BEFORE SAID DATE.

THIS FINAL MAP IS APPROVED AND ACCEPTED FOR RECORDATION THIS _____ DAY OF _____, 20____ BY THE PLANNING AND BUILDING DIVISION DIRECTOR. THE OFFER OF DEDICATION FOR STREETS, SEWERS, ETC. IS REJECTED AT THIS TIME, BUT WILL REMAIN OPEN IN ACCORDANCE WITH NRS CHAPTER 278.

MOJRA HAUENSTAIN, DIRECTOR, PLANNING AND BUILDING

- g. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- h. The final map shall designate faults that have been active during the Holocene epoch of geological time, and the final map shall contain the following note:

NOTE

No habitable structures shall be located on a fault that has been active during the Holocene epoch of geological time.

- i. The developer and all successors shall direct any potential purchaser of the site to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Planning and Building Division of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.
- j. Lot standards for this development shall include: Minimum Lot Dimension: 45 feet; Front Yard Setbacks: 20 feet; Side Yard Setback: 5 feet; Rear Yard Setback: 20 feet. Minimum lot width shall be 45 feet.
- k. Failure to comply with all conditions of approval shall render this approval null and void.

- i. Grading shall comply with all applicable provisions of Article 438, of the Washoe County Development Code. Specifically, no slopes shall be greater than 10 feet in elevation. Retaining walls are required. All retaining walls shall be stained with a permanent desert varnish product to mimic the color of the surrounding undisturbed hillside.
- m. At least one tree shall be installed with irrigation on each residential lot. Trees and irrigation shall be shown on each building permit application for a dwelling.
- n. Street trees shall be installed as shown in the application materials. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Building Division, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- o. When adjacent to or across a street from residential development in existence as of the final adoption of this plan, provide a minimum 30-foot wide open-space buffer, containing a minimum 8-foot wide decomposed granite trail, on the perimeter AND maintain a minimum parcel size of 15,000 square feet for any parcel located on the perimeter; OR, provide for perimeter parcel sizes that match the existing residential parcels.
- p. Limit all dwellings to a single story located on the perimeter when adjacent to or across a street from residential development in existence as of the final adoption of this plan.
- q. In regulatory zones LDS 1; LDS 2; MDS 3 and MDS 4, new residential parcels shall not front on existing streets.
- r. Vary setbacks and driveway design.
- s. Construct no more than 25% of the total residential units in the same architectural elevation.
- t. Limit the use of block, concrete, or similar material to posts, pillars and similar uses when constructing fences and / or walls. These materials are not to be used for panel or wall sections. Plans for the maintenance of perimeter fences will be submitted with tentative map applications.
- u. Minimize the use of street lighting. Any lighting proposed must show how it is consistent with current best practice "dark-sky" standards. Exterior lighting fixtures mounted on the homes or units shall be no higher than the line of the first story eave or, where no eave exists, no higher than 15 feet above finished grade. Lights shall be shielded to prevent light spillage onto adjacent properties or streets.
- v. Establish landscape designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Homebuilders must offer at least two separate xeriscape options.

- w. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be submitted to Planning and Building staff for review and subsequent forwarding to the District Attorney for review and approval. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to Planning and Building with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
1. Maintenance of public access easements, common areas, and common open spaces. Provisions shall be made to monitor and maintain, for a period of three (3) years regardless of ownership, a maintenance plan for the common open space area. The maintenance plan for the common open space area shall, as a minimum, address the following:
 - a. Vegetation management;
 - b. Watershed management;
 - c. Debris and litter removal;
 - d. Fire access and suppression; and
 - e. Maintenance of public access and/or maintenance of limitations to public access.
 2. All drainage facilities and roadways not maintained by Washoe County shall be privately maintained and perpetually funded by the homeowners association.
 3. All open space identified as common area on the final map shall be privately maintained and perpetually funded by the homeowners association. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The maintenance of the common areas and related improvements shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.
 4. The project and adjacent to undeveloped land shall maintain a fire fuel break of a minimum 30 feet in width until such time as the adjacent land is developed.
 5. Locating habitable structures on potentially active (Holocene) fault lines, whether noted on the recorded map or disclosed during site preparation, is prohibited.
 6. All outdoor lighting on buildings and streets within the subdivision shall be down-shielded.

7. No motorized vehicles shall be allowed on the platted common area.
8. Washoe County will not assume responsibility for maintenance of the private street system of the development nor will Washoe County accept the streets for dedication to Washoe County unless the streets meet those Washoe County standards in effect at the time of offer for dedication.
9. Mandatory solid waste collection.
10. Fence material (if any), height, and location limitations, and re-fencing standards. Replacement fence must be compatible in materials, finish and location of existing fence.
11. At least one tree shall be installed with irrigation on each residential lot. Trees and irrigation shall be shown on each building permit application for a dwelling.
12. Street trees shall be installed as shown in the application materials. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning and Building Division, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
13. When adjacent to or across a street from residential development in existence as of the final adoption of this plan, provide a minimum 30-foot wide open-space buffer, containing a minimum 8-foot wide decomposed granite trail, on the perimeter AND maintain a minimum parcel size of 15,000 square feet for any parcel located on the perimeter; OR, provide for perimeter parcel sizes that match the existing residential parcels.
14. Limit all dwellings to a single story located on the perimeter when adjacent to or across a street from residential development in existence as of the final adoption of this plan.
15. Provide a statement regarding how the proposed design responds to the community input received during the tentative map review process must be made available to staff and the Planning Commission.
16. In regulatory zones LDS 1; LDS 2; MDS 3 and MDS 4, new residential parcels shall not front on existing streets.
17. Vary setbacks and driveway design.
18. Construct no more than 25% of the total residential units in the same architectural elevation.
19. Limit the use of block, concrete, or similar material to posts, pillars and similar uses. These materials are not to be used for panel or wall

sections. Plans for the maintenance of perimeter fences will be submitted with tentative map applications.

20. Minimize the use of street lighting. Any lighting proposed must show how it is consistent with current best practice "dark-sky" standards. Exterior lighting fixtures mounted on the homes or units shall be no higher than the line of the first story eave or, where no eave exists, no higher than 15 feet above finished grade. Lights shall be shielded to prevent light spillage onto adjacent properties or streets.
 21. Establish landscape designs that emphasize the use of native vegetation, with non-native and atypical vegetation integrated sparingly into any landscaped area. Homebuilders must offer at least two separate xeriscape options
- x. The common open space owned by the homeowners association shall be noted on the final map as "common open space" and the related deed of conveyance shall specifically provide for the preservation of the common open space in perpetuity. The deed to the open space and common area shall reflect perpetual dedication for that purpose. The deed shall be presented with the CC&Rs for review by Planning and Building staff and the District Attorney.
 - y. Construction activities shall be limited to the hours between 7AM and 7PM on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays. Construction activities shall be limited to the hours between 8AM and 5PM on Sundays.
 - z. Address numbers shall be clearly marked on each dwelling and on the curb in front of each dwelling.
 - aa. The applicant shall develop a Fence Plan that ensures that all fencing installed adjacent to existing development is durable, wind resistant, and obtain approval of the Fence Plan from Washoe County. Fencing materials may include metal posts, metal rails, pressure-treated posts, pressure-treated rails, or similar durable materials. Special consideration shall be given to post spacing and depth and appropriate bracing. Fence details shall be shown on all building permits for all dwellings.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division (Traffic Engineer), which shall be responsible for determining compliance with these conditions.

Contact Name – Clara Lawson, PE, PTOE, Licensed Engineer, 775.328.3603

- a. Make a street connection between Fremont Way and the north section of the subdivision.
- b. Place speed humps or other traffic calming on Kess Way, Patrician Way and Palace Dr. both the new proposed sections and the existing streets to the satisfaction of the County Engineer

- c. Straighten out Deodar Way at the Lemmon Dr. intersection. Future alignment should be further north where Lemmon Dr. has less of a curve.
 - d. Deodar Way should be constructed to either County or City of Reno standard, whichever is greater along the whole frontage of the property to the satisfaction of the County Engineer.
 - e. Relocation of the existing 60' wide access easement for parcels 080-730-290 and 080-730-09 to the satisfaction of the County Engineer and affected property owners.
3. The following conditions are requirements of the Engineering Division (Land Development), which shall be responsible for determining compliance with these conditions.

Contact Name – Leo R. Vesely, PE, CFM, 775.328.2313

GENERAL CONDITIONS

- a. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.
- b. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering and Capital Projects Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.
- c. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.
- d. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
- e. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.
- f. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer

shall determine compliance with this condition. The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

- g. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
- h. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
- i. All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.
- j. With each affected final map, provide written approval from NV Energy for any improvements located within their easement or under their facilities. The County Engineer shall determine compliance with this condition.
- k. Appropriate easements shall be granted for any existing or new utilities, with each affected final map. This includes, but is not limited, to electrical lines, water lines, and drainage maintenance access. The County Engineer shall determine compliance with this condition.
- l. Appropriate easements shall be granted to perpetuate/relocate existing access roads and easements. The County Engineer shall determine compliance with this condition.
- m. A design level geotechnical investigation with fault study shall be provided with the submittal of each final map.
- n. Cut slopes, fill slopes, and berms shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438. The County Engineer shall determine compliance with this condition.
- o. Slope easements shall be provided for areas of cut or fill that fall outside of the subdivision boundary.
- p. TMWA shall approve any grading in existing waterline easements and any proposed access road relocations.

DRAINAGE and STORM WATER DISCHARGE PROGRAM
(COUNTY CODE 110.420 and 110.421)

- q. The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.

- r. Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The County Engineer shall determine compliance with this condition.
- s. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- t. Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite. The County Engineer shall determine compliance with this condition.
- u. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering and Capital Projects Division.
- v. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering and Capital Projects Division.
- w. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
- x. In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.
- y. Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.
- z. A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

- aa. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
- bb. All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.
- cc. Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.
- dd. Maintenance access roadways and drainage easements shall be provided for all existing and proposed drainage facilities. All drainage facilities located within Common Area shall be constructed with an adjoining minimum 12' wide gravel access road. Maintenance access road shall be provided to the bottom of proposed detention basins as well as over County owned and maintained storm drainage facilities. County Engineer shall determine compliance with this condition.
- ee. The project shall mitigate the increased stormwater volume produced from the development based on the 100 year–10 day storm event. Alternatives for mitigation include on-site retention with infiltration, excavation of material within or adjacent to the existing flood zone creating additional effective flood volume, or, other means subject to approval by the County Engineer. For on-site storm water retention to be approved, the engineer must demonstrate through appropriate analyses (which may include, but not be limited to, geotechnical investigation, groundwater transport modeling, or other appropriate analysis) that infiltrated storm water runoff will not be transmitted to Swan Lake via groundwater. Excavations for storm water retention basins shall not be located within the 100-year floodplain or within the groundwater table or groundwater table which could be expected to occur during flood conditions.
- ff. The project shall mitigate the loss of Swan Lake flood pool volume and flood pool area for any portion of the development where fill is placed within areas located at or below the current FEMA designated 100-year water surface elevation or future revised 100-year flood plain elevation approved by the County Engineer. Mitigation of lost flood pool area shall provide at least equivalent storm water volume lost through evaporation.
- gg. A note shall be added to the final map and similar language contained with the project CC&R's stating that owners of parcels created by final map within this development shall not protest the formation of a Storm Water Utility District, Flood Control District, Special Assessment District or other funding mechanism which is approved and created for the purpose of storm water and/or flood water management.

- hh. The FEMA 100-year floodplain shall be shown on the final map and grading plan to the satisfaction of the County Engineer. All grading and construction in these areas shall be in conformance with the Washoe County Code Article 416.
- ii. Offsite drainage and common area drainage draining onto residential lots shall be perpetuated around the residential lots and drainage facilities capable of passing a 100-year storm shall be constructed with the subdivision improvements to perpetuate the storm water runoff to improved or natural drainage facilities. The maintenance of these drainage facilities shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office. The County Engineer shall determine compliance with this condition.
- jj. Prior to the finalization of the first final map, a maintenance and operation plan for the maintenance of the projects detention/retention basins shall be developed in accordance with the Washoe County Code Article 421.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

- kk. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
- ll. Street names shall be reviewed and approved by the Regional Street Naming Coordinator.
- mm. Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.
- nn. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.
- oo. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.
- pp. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
- qq. All retaining walls that are within the slope failure wedge from Washoe County right-of-way shall be constructed of reinforced masonry block or reinforced

concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition. The maintenance of the retaining walls shall be by Homeowners Association and the CCR's shall clearly identify the HOA's maintenance responsibilities of retaining walls

- rr. No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.
 - ss. No direct access from individual lots shall be allowed onto Lemmon Drive, Deodar Way and Estates Road.
 - tt. Deodar Way shall be constructed to residential collector standards.
 - uu. Deodar Way shall be constructed to half street improvements from Street 'A' to Estates Road.
 - vv. Appropriate curve warning signs and/or a lower speed limit shall be determined and posted on all horizontal roadway curves that do not meet the standard Washoe County 25-mile per hour design speed. The minimum centerline radius allowed shall be 100'. The County Engineer shall determine compliance with this condition.
 - ww. Appropriate transitions shall be provided between the existing and proposed improvements at all proposed street connections. This may include removal of existing pavement. The County Engineer shall determine compliance with this condition.
 - xx. A note shall be added to the final map and similar language contained with the project CC&R's stating that access to the site may be limited during flood events to emergency access routes.
 - yy. Provide a minimum permanent paved emergency access road along Deodar or other approved alignment extending to Arkansas Drive which will allow for ingress and egress in the event of Lemmon Drive closure.
4. The following conditions are requirements of the Engineering Division (Utilities), which shall be responsible for determining compliance with these conditions.

Contact Name – Timothy Simpson, P.E., 775.954.4648

- a. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.
- b. All fees shall be paid or deferred in accordance with Washoe County Ordinance prior to the approval of each final map.
- c. Improvement plans shall be submitted and approved by CSD prior to approval of the final map. They shall be in compliance with Washoe County Design

Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.

- d. The applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time. The files must be in a format acceptable to Washoe County.
- e. The applicant shall construct and/or provide the financial assurance for the construction of any on-site and off-site sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the CSD.
- f. Approved improvement plans shall be used for the construction of on-site and off-site sanitary sewer collection system. The CSD will be responsible to inspect the construction of the sanitary sewer collection system.
- g. The sanitary sewer collection system must be offered for dedication to Washoe County along with the recordation of each final map.
- h. Easements and real property for all sanitary sewer collection systems and appurtenances shall be in accordance with Washoe County Design Standards and offered for dedication to Washoe County along with the recordation of each final map.
- i. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
 - i. The estimated sewage flows generated by this project;
 - ii. Projected sewage flows from potential or existing development within tributary areas;
 - iii. The impact on capacity of existing infrastructure;
 - iv. Slope of pipe, invert elevation and rim elevation for all manholes; and
 - v. Proposed collection line sizes, on-site and off-site alignment, and half-full velocities.
- j. No Certificate of Occupancy will be issued until all the sewer collection facilities necessary to serve each final map have been completed, accepted and engineer prepared as-built drawings are delivered to the utility. As-built drawings must be in a format acceptable to Washoe County.
- k. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
- l. A minimum 30-foot sanitary sewer and access easement shall be dedicated to Washoe County over any facilities not located in a dedicated right of way.
- m. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.

- n. The developer will be responsible to fund the design and construction of major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains, interceptor and wastewater treatment facilities necessary to accommodate the project. However, the actual design will be the responsibility of the CSD. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The CSD may either provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the CSD and the Developer shall jointly select that consultant.
- o. The CSD shall reserve the right to over-size or realign the design of infrastructure to accommodate future development as determined by accepted engineering calculations. Funding shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate dollar amount to the Developer at the time of recordation of the subdivision map.

Washoe County Health District

- 5. The following conditions are requirements of the Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

Contact Name – James English, 775.328.24.34, jenglish@washoecounty.us

- a. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to Health District. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.
 - i. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
 - ii. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application.
- b. Mass grading may proceed after approval of the Tentative Map and after a favorable review by this Health District of a grading permit application.
 - i. The final map submittal shall include a Truckee Meadows Water Authority annexation and discovery with the mass grading permit.
- c. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by this Health District.

- i. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal.
- d. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to this Health District for approval per NAC 278.290 and NAC 445A.66715.
- e. The WCHD requires the following to be submitted with the final map application for review and approval:
 - i. Construction plans for the development must be submitted to this Health District for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of this Health District.
- f. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction this Health District an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal:
 - i. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
 - ii. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to this Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
 - iii. The developer must bear the cost of the inspections; and
 - iv. The developer may select a third-person inspector but the selection must be approved by the Health District or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
- g. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to this Health District. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service.
 - i. A copy of this letter must be included with the final map submittal.

- h. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to this Health District.
 - i. A copy of this letter must be included with the final map submittal.
- i. The final map submittal must include a letter from Nevada Division of Environmental Protection to the Health District certifying their approval of the final map.
- j. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
- k. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution.
 - i. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
- l. Prior to approval of the final map, the applicant must submit to the Health District the final map fee.
- m. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases.

*** End of Conditions ***



Exhibit B

North Valleys Citizens Advisory Board

MEMORANDUM

Date: February 12, 2018
To: Roger Pelham, Washoe County Planner
Re: **Washoe County Tentative Map Case Number WTM18-001 (Lemon Valley Heights)**
From: Misty Moga, Recording Secretary

The following is an excerpt from the North Valleys Verdi Citizen Advisory Board on March 13, 2017.

6.B. Washoe County Tentative Map Case Number WTM18-001 (Lemon Valley Heights)- Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a proposal for a tentative map to allow the subdivision of a 35.85 acre parcel into a 32 lot subdivision with family residential lots ranging in size from 4,500 to 17,206 square feet.

- Applicant / Property Owner: JDS LLC/Derek Larson, Jennifer Jory and Surinder Preet
- Applicant's Representative: Karen Downs, Manhard Consulting, 775-746-350, kdowns@manhard.com
- Location: 1200 Estates Road, Lemon Valley (around Lemmon Drive, Deodar Way and Estates Road and the area continues in a southwest direction behind the existing residential subdivision to Vernoulli Street.)
- Assessor's Parcel Number(s): 080-635-01,02; 080-730-35; 080-730-21; 552-210-07
- Staff: Senior Planner Roger Pelham, 775-328-3622, rpelham@washoecounty.us
- Reviewing Body: Tentatively scheduled for Planning Commission, March 6, 2018.

Chris Baker, project representative gave a project overview

- Proposing development on MDS
- 128 total acres with 90 acres of open space
- 206 dwelling units proposed
- Chris spoke about Hydrology - the developers looked for additional storage for retention/detention basins. 7 basins.
- He said they aren't doing the bare minimum. He said they are proud from a hydrology stand point.
- Public outreach: neighborhood meetings, notifications
- Pre-development flows: 23 acre feet of volume goes to Swan Lake
- Post-development flows: Reduce by 40%, 14 acre feet volume of water would flow into Swan Lake
- The development would offset adjacent problems of flows
- No post development flows increase and it will help with other development issues.
- Cutting the CFS flows in the ditch.
- Working with Cardo to develop the hydrology study
- Meets the Lemmon Valley modifier.
- No parcel will be smaller than the adjacent parcel.
- Same size properties next to each other.
- Significant open space, retention/detention. Smaller lots are moved away from current development.
- Perpetuating access from nearby neighborhoods. There will be dedicated access to adjacent neighborhoods.
- Homeowners association will maintain the retention/detention basins

Public Comment:

Sandi McCue said this proposed development is behind them. She said she disagrees with the fact the road dead ends. It's heavily used to go into Golden Valley. She is concerned about Kess Way. She said was concerned about the 8 foot setbacks will be reduced to 5 feet. She said they are concerned about congestion. There is a utility access alley, and a lot of time was spent making RV parking. There won't be access on the alley. She said we want to maintain rural, RV parking. She asked if instead of moving lot 86 north, move it south instead. She said they have been maintaining the access alley.

Lori Beach said she is concerned about the infrastructure to the schools. 206 houses could mean 2 additional kids from each home going to the schools. They are already overcrowded, poorly rated school. Traffic is still going to be an issue. Additional 416 cars will be on the the highway. Swan Lake will be full.

Leona Galau asked a question about open space. She said its open space because it's not buildable. She said she rides her horses back there. Chris said Deodar will be paved. She said they recreate through those current retention basin and those won't do anything. She said they live in valleys and all the shit rolls down hill. She said she is concerned about traffic.

Tammy Holt-Still said the open space is unbuildable. She spoke about major flooding issues. Deodar isn't flooded because of the barriers. They are proposing to connect to a sewer plant that is already sunk.

Chuck Suter said the part of Deodar is rough when Lemmon Drive is closed. He said he was told by someone at County that they gave Lemmon Drive to Reno. He said rough roads require 4-wheel drive and become a river bed. There will be a lot of water down that natural watershed.

Rich Sasek asked about open space. He asked how much is dedicated that can be developed. Chris said it's currently designated as GR. Chris showed on the map what was developable. Identified spaces less than 15% slope. He asked about dark skies, and Chris said there won't be a street light.

Chris answered the public's questions.

- He said he can address issues with access and work with current neighbors on the easement.
- He said as far as setbacks, MDS setbacks of 20 feet will be maintained, 8 feet is the side setback and will be proposed to be 5 feet in order for lots to have bigger pads.
- Chris addressed concerns with Patrician and Kess. Majority of traffic will go to Patrician. He said the goals is to split up the traffic.
- Schools: North Valleys high isn't over crowded. The outbuilding classrooms aren't counted in their capacity. O'Brien is least crowded school in the District. Lemmon Valley elementary is overcrowded and looking for a new school site and expect in 2020-21 are expected to build a new site.
- Traffic: Patrician, Palace, Deodar are operating at A, B and C grade. He said this won't push the traffic into a D category. He said they haven't generated a staff report with conditions yet.
- Open Space: There is a significant amount of developable properties that are dedicated as open space.
- Sewer: design to Lemmon Valley plant; capacity is from buck street improvements. They are doing lift station improvements. He said they design to what is currently in place. The short term plans will allow buck street plant to allow capacity.
- City boundaries: City boundary is bordering property. Annexation was possible. This is the geographical line.
- Flooding: He said hydrology is designed to work. There will be 7 basins with additional properties off site for 3 additional basins.

Board member comments:

- Jean Harris asked about density. Chris said 1.6 homes per acre. 128 total acres with green space. 6,500 square feet average lot size. 6 homes to the acre.
- Teresa Aquila asked about Lemmon Valley residents. Chris said they were fine with the southern portion but issue with northern or vice versa. She asked about compliance with flooding. Chris said yes, they are complying with requirements. Traffic studies were conducted. Chris said scopes are included in traffic study. Intersections are already taking place at A, B,C. When they are scoped, they incorporate other projects in the works.
- Ray Lake said he would like to hear about the sewer concerns.
- Chris said as far as schools crowding: You child may be required to go to a school they currently zoned for.
- Roger Edwards said he was impressed to hear the reduction in the flooding into Swan Lake. He said in Golden Valley, we have been fighting traffic for 25 years. It has to get a level of F before it can be discussed. He said this development won't get to a level of F. All development increases traffic. It's a minimal pain.

MOTION: Roger Edwards moved to recommend approval. Teresa Aquila seconded. Jean Harris opposed. Motion carries 4 to 1.

Exhibit C WTM18-001
Agency Comments and Conditions

From: O'Connor, Tim
Sent: Monday, January 22, 2018 1:38 PM
To: Pelham, Roger
Subject: Lemmon Valley Heights

While the Sheriff's Office Patrol Division has no particular concerns with the Lemmon Valley Heights project, it is fair to anticipate the project will bring additional traffic related issues and calls for service from the new residents. As there is no trigger point or requirement to add law enforcement as a population increases, the Sheriff's Office will be further stretched to provide for the safety and needs of the community with its existing personnel.

Captain Tim O'Connor
Washoe County Sheriff's Office
Patrol Division
775-328-3354
PRIDE - Professionalism, Respect, Integrity, Dedication, Equality

From: Marc Rohus <Marc.Rohus@greatbasinwaterco.com>
Sent: Tuesday, January 23, 2018 11:16 AM
To: Pelham, Roger; Stark, Katherine
Cc: Emerson, Kathy; James T. Eason; Tim Scheidt
Subject: RE: January Agency Review Memo

Hi Roger,

We have reviewed Item 3 and it has been determined that the proposed project is not within Great Basin Water Co.'s service boundary/territory that we service. We have no additional comments to add.

Thank you,

Marc Rohus
Area Manager - Great Basin Water Co. (Northern Nevada)
Spring Creek Office: 775-753-4437
Reno Office: 775-337-1001
Cell: 775-397-8371 (Preferred)
Email:
marc.rohus@greatbasinwaterco.com

Exhibit C WTM18-001
Agency Comments and Conditions



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects
Memorandum

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328.3600
FAX (775) 328.3699

To: Roger Pelham, Senior Planner
Leo Vesley, PE, Licensed Engineer
From: Clara Lawson, PE, PTOE, Licensed Engineer
CC: Kris Klein, PE, Senior Engineer
Dwayne Smith, PE, Division Director
Date: January 24, 2018
Re: Lemmon Valley Heights Conditions of Approval

My recommendations for approval for the above subdivision are:

1. Make a street connection between Fremont Way and the north section of the subdivision.
2. Place speed humps or other traffic calming on Kess Way Patrician Way and Palace Dr. both the new proposed sections and the existing streets to the satisfaction of the County Engineer
3. Straighten out Deodar Way at the Lemmon Dr. intersection. Future alignment should be further north where Lemmon Dr. has less of a curve.
4. Deodar Way should be constructed to either County or City of Reno standard, whichever is greater along the whole frontage of the property to the satisfaction of the County Engineer.
5. Relocation of the existing 60' wide access easement for parcels 080-730-290 and 080-730-09 to the satisfaction of the County Engineer and affected property owners.



INTEGRITY



EFFECTIVE
COMMUNICATION



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Exhibit C WTM18-001
Agency Comments and Conditions



Washoe County School District

425 East Ninth Street * P.O. Box 30425 * Reno, NV 89520-3425
Phone (775) 348-0200 * (775) 348-0304 * www.washoeschools.net

Board of Trustees: Angela Taylor, President * Katy Simon Holland, Vice President * Scott Kelley, Clerk *
Debra Feenster * Veronica Frenkel * John Mayer * Malena Raymond * Traci Davis, Superintendent

25 January, 2018

Mr. Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
1001 East 9th Street
P.O. Box 11130
Reno, NV 89520

RE: WTM18-001 (Lemon Valley Heights)

Dear Mr. Pelham,

206 new single-family residential units will impact Washoe County School District facilities. This project is currently zoned for the following schools:

Lemmon Valley Elementary School

- Estimated project impact = 55 new ES students (206 single-family units x .269 ES students per unit)
- Base Capacity = 699
- 2017-2018 Enrollment = 617
- % of Base Capacity = 88%
- 2017-2018 Enrollment with PROJECT = 672
- % of Base Capacity with PROJECT = 96%
- Overcrowding Strategies:
 - Lemmon Valley ES has 2 portable buildings (4 classrooms) in use that provide temporary space for an additional 100 students.
 - Per WCSD-adopted Policy 6111, most elementary schools will transition to a multi-track year-round schedule* when their enrollment reaches 120% of capacity.
 - Assignment to the closest elementary school with available capacity may be used for students in this development.

O'Brien Middle School



Exhibit C WTM18-001
Agency Comments and Conditions

- **Estimated project impact = 10 new MS students (206 single-family units x .047 MS students per unit)**
- **Base Capacity = 1,025**
- **2017-2018 Enrollment = 808**
- **% of Base Capacity = 78%**
- **2017-2018 Enrollment with PROJECT = 818**
- **% of Base Capacity with PROJECT = 80%**
- **Overcrowding Strategies:**
 - The O'Brien MS property may be able to accommodate portable classrooms if necessary and if funding for the units is available.
 - Per adopted District Policy 6111, most middle schools will be converted to a double session^b calendar when enrollment exceeds 120% of capacity.
 - Assignment to the closest middle school with available capacity may be used for students in this development.

North Valleys High School

- **Estimated project impact = 16 new HS students (206 single-family units x .078 HS students per unit)**
- **Base Capacity = 2,061**
- **2017-2018 Enrollment = 2,032**
- **% of Base Capacity = 99%**
- **2017-2018 Enrollment with PROJECT = 2,048**
- **% of Base Capacity with PROJECT = 99%**
- **Overcrowding Strategies:**
 - North Valleys HS has 4 portable units (8 classrooms) in place that provide temporary space for an additional 200 students.
 - Per adopted District Policy 6111, high schools will convert to a double session calendar^b when enrollment exceeds 120% of capacity.
 - Assignment to the closest high school with available capacity may be implemented for students in this development.

Exhibit C WTM18-001

Agency Comments and Conditions

Three things to know as we move forward to address overcrowding and repairs:

1. **Overcrowding and needed repairs will be addressed as quickly as possible, but solutions will take time.** The District's problems with overcrowding and backlogged repair needs are the result of more than a decade without adequate capital funding, and will not be solved overnight.
 - o We should be able to avoid Double Sessions at middle and high schools.
 - o We cannot avoid Multi-Track at the elementary level, but will work to eliminate it as quickly as possible.
2. **We want to hear from you.** Capital projects must first be approved by an independent group of community members, and only then go to the school district's Board of Trustees. All discussions take place in open, public meetings. The community is invited and encouraged to attend these meetings and give input there, through our online form, or by contacting Riley Sutton, our community outreach person on these issues, at 348-0278 or rsutton@washoeschools.net.
3. **Transparency is a top priority.** Past spending and future projects are posted on our Data Gallery (<http://datagallery.washoeschools.net/>). Capital projects follow the public bidding process, which can also be viewed there. We will continue to develop these tools as we go forward to further engage the public in the work we are doing. If you have an idea for other information you would like us to present or ways we could better present current information, please let us know

Definitions:

- a) **Multi-Track Year-Round Calendar (MTYR):** The school is divided into four groups ("tracks") which start and end the school year on different dates, with only three tracks attending school at any one time. This can decrease overcrowding by as much as 25%.
- b) **Double Sessions:** Two "schools" are operated out of one building; the school is divided into two separate groups which start and end the day at different times, with no overlap. Double Sessions have not been done in WCSD for over 30 years; all details are still in process in terms of exact start and end times, division of the school, and more. Other school districts in Nevada, which have more recent experience with Double Sessions, ran the first high school session from 5:55am to 11:55am and the second session ran from approximately 12:00 p.m. to 6:00 p.m. Double Sessions can relieve overcrowding by as much as 50%.

Thank you for the opportunity to comment.

Mike Boster

Mike Boster
School Planner
14101 Old Virginia Road
Reno NV USA 89521
Washoe County School District Capital Projects
775.789.3810
mboster@washoeschools.net

Exhibit C WTM18-001
Agency Comments and Conditions



WASHOE COUNTY
COMMUNITY SERVICES
INTEGRITY COMMUNICATION SERVICE

P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-3699

January 30, 2018

TO: Roger Pelham, MPA, Senior Planner, CSD, Planning & Development Division
FROM: Vahid Behmaram, Water Management Planner Coordinator, CSD
SUBJECT: Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights)

Project description:

A 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres).

Project Location: 1200 Estates Road, adjacent to, and south of, the intersection of Lemmon Drive and Deodar Way, extending south to Bernoulli Street, in the Lemmon Valley area.
Assessor's Parcel Number(s): 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07

The Community Services Department (CSD) offers the following Water Rights conditions and /or comments regard this tentative map:

- 1) There are no water rights conditions or comments for approval.
- 2) Following the possible approval of the tentative subdivision map, the potential future project will require water supply and sewer service which in turn will require the expansion of water and sewer services and annexation to TMWA service area. This project is located within Washoe County sewer service area.
- 3) Application indicates TMWA discovery process completed.



Exhibit C WTM18-001
Agency Comments and Conditions

From: Patrick Mohn
To: [Pelham, Roger](#)
Cc: [Emerson, Kathy](#)
Subject: RE: January Agency Review Memo-Tentative Map Lemmon Valley Heights WTM18-001
Date: Tuesday, January 30, 2018 3:38:44 PM
Attachments: image003.png

Roger,

When the actual Tentative Map is submitted (with fees) for this project, the NDEP will do detailed review and will provide a formal recommendation to Washoe County.

I performed a cursory review of the sanitary sewer report. The NDEP is encouraged that the developer intends to obtain a connection to the sanitary sewer system and sewage treatment plant, despite the uncertainty in the existing and future capacity at the Lemmon Valley WWTP. Just to let you know, the NDEP will not consider the approval of subdivisions proposing individual septs in Lemmon Valley, due to shallow groundwater conditions and flooding potential.

The NDEP will require an "Intent-to-Serve" letter for sewer from Washoe County for review at the Tentative Map level. For Final Map review, the NDEP will require a formal Will Serve for sewer and water.

Regards,

Pat



Patrick A. Mohn, M.Sc., P.E.
UIC Compliance Coordinator
Bureau of Water Pollution Control (BWPC)
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701
p: 775.687.9419 fax: 775.687.4684
pmohn@ndep.nv.gov

Exhibit C WTM18-001
Agency Comments and Conditions



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources

Brian Lindoval, Governor
Bradley Crockett, Director
Tara Lewis, Administrator

February 02, 2018

Chad Westom
District Health
P.O. Box 11130
Reno, NV 89520

RECEIVED

FEB 08 2018

**WASHOE COUNTY
COMMUNITY DEVELOPMENT**

**Re: Tentative Map - Lemmon Valley Heights
206 in lots Washoe County**

Dear Mr. Westom:

The Nevada Division of Environmental Protection (NDEP) has reviewed the above referenced subdivision and recommends denial of said subdivision with respect to water pollution and sewage disposal.

Further review of the Tentative Map requires submittal of the following:

- To further process this submittal the NDEP requires an intent to serve or will serve letter from the municipal sewer service provider.

If you have any questions regarding this letter please contact me at (775) 687-9417 or tadams@ndep.nv.gov.

Sincerely,

Taylor Adams
Technical Services Branch
Bureau of Water Pollution Control

cc:

Comprehensive Planning P.O. 11130 Reno, NV 89520
Washoe County Department of Water Resources Utility Division, P.O. Box 11130 Reno, NV 89520
Engineer: Manhard Consulting 9850 Double R Blvd Ste. 101 Reno NV 89521

Control No. 11662

Exhibit C WTM18-001
Agency Comments and Conditions



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3600
FAX (775) 328.3699

January 30, 2018

To: Roger Pelham, MPA, Senior Planner
From: Timothy Simpson, P.E., Licensed Engineer
Subject: WTM18-001 – Lemmon Valley Heights Tentative Map

The Community Services Department (CSD) has reviewed the subject application and has the following comments:

1. The Applicant is proposing to develop a 206-lot subdivision. The proposed project is located on approximately 128.5 acres at the east end of Patrician Drive, Kess way, and Palace Drive as well as the southwest corner of Deodar Way and Estates Road. The parcel numbers include the following: 080-635-01, 080-635-02, 080-730-21, 080-730-35 and 552-210-07.
2. Sanitary sewer service will be provided by Washoe County.

The Community Services Department (CSD) recommends approval provided the following conditions are met:

1. The applicant shall conform to all conditions imposed by intergovernmental agreements required to provide sewer service to the subject project, and, if required, be a party to any such agreements.
2. All fees shall be paid or deferred in accordance with Washoe County Ordinance prior to the approval of each final map.
3. Improvement plans shall be submitted and approved by CSD prior to approval of the final map. They shall be in compliance with Washoe County Design Standards and be designed by a Professional Engineer licensed to practice in the State of Nevada.
4. The applicant shall submit an electronic copy of the street and lot layout for each final map at initial submittal time. The files must be in a format acceptable to Washoe County.
5. The applicant shall construct and/or provide the financial assurance for the construction of any on-site and off-site sanitary sewer collection systems prior to signature on each final map. The financial assurance must be in a form and amount acceptable to the CSD.
6. Approved improvement plans shall be used for the construction of on-site and off-site sanitary sewer collection system. The CSD will be responsible to inspect the construction of the sanitary sewer collection system.
7. The sanitary sewer collection system must be offered for dedication to Washoe County along with the recordation of each final map.



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Exhibit C WTM18-001
Agency Comments and Conditions

Memo to: Roger Pelham
Subject: WTM18-001 - Lemmon Valley Heights
Date: January 30, 2018
Page: 2

8. Easements and real property for all sanitary sewer collection systems and appurtenances shall be in accordance with Washoe County Design Standards and offered for dedication to Washoe County along with the recordation of each final map.
9. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer at the time of the initial submittal for the first final map which addresses:
 - a. the estimated sewage flows generated by this project,
 - b. projected sewage flows from potential or existing development within tributary areas,
 - c. the impact on capacity of existing infrastructure,
 - d. slope of pipe, invert elevation and rim elevation for all manholes,
 - e. proposed collection line sizes, on-site and off-site alignment, and half-full velocities.
10. No Certificate of Occupancy will be issued until all the sewer collection facilities necessary to serve each final map have been completed, accepted and engineer prepared as-built drawings are delivered to the utility. As-built drawings must be in a format acceptable to Washoe County.
11. No permanent structures (including rockery or retaining walls, building's, etc.) shall be allowed within or upon any County maintained utility easement.
12. A minimum 30-foot sanitary sewer and access easement shall be dedicated to Washoe County over any facilities not located in a dedicated right of way.
13. A minimum 12-foot wide all weather sanitary sewer access road shall be constructed to facilitate access to off-site sanitary sewer manholes.
14. The developer will be responsible to fund the design and construction of major infrastructure such as pump structures, controls, telemetry and appurtenances, lift stations, force mains, sewer mains, interceptor and wastewater treatment facilities necessary to accommodate the project. However, the actual design will be the responsibility of the CSD. Prior to initiation of design the Developer shall pay the estimated design costs to Washoe County. The CSD may either provide such design in-house, or select an outside consultant. When an outside consultant is to be selected, the CSD and the Developer shall jointly select that consultant.
15. The CSD shall reserve the right to over-size or realign the design of infrastructure to accommodate future development as determined by accepted engineering calculations. Funding shall be the responsibility of Washoe County. Washoe County shall either participate monetarily at the time of design and/or shall credit an appropriate dollar amount to the Developer at the time of recordation of the subdivision map.

Exhibit C WTM18-001
Agency Comments and Conditions

**WASHOE COUNTY
HEALTH DISTRICT**

ENHANCING QUALITY OF LIFE

January 23, 2018

Roger Pelham
Washoe County Community Services Department
1001 E. Ninth Street, Bldg. A
Reno, NV 89512

Dear Mr. Pelham:

The EMS Oversight Program received an email dated January 22, 2018, requesting a review of the January Agency Review Memo I regarding the Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights).

Based on the documentation provided, it is not anticipated that there would be adverse impacts concerning EMS and access to healthcare services and facilities with the proposed 206 single family dwelling units. However, should you need a complete Environmental Impact Assessment, please contact the Washoe County Health District's Division of Environment Health Services at (775) 328-2434. This letter does not constitute a complete Environment Impact Assessment.

Advanced Life Support (ALS) fire and EMS services are provided by Truckee Meadows Fire Protection District and ALS ambulance services are provided by REMSA through a Franchise agreement with the Washoe County Health District. For the proposed location of the Lemmon Valley Heights subdivision, REMSA's Franchise response requirement for life-threatening calls is 8 minutes and 59 seconds for 90 percent of calls.

There is one hospital within proximity to the proposed site of the Lemmon Valley Heights development, should residents require such services. The Renown Regional Medical Center is approximately 9.5 miles away from the proposed residential site. There are also several other acute care hospitals and healthcare resources available in Washoe County.

It is recommended that the address numbers are clearly marked on the curb and the structures so the residents can be quickly located by public safety agencies. Additionally, please ensure that all dwellings will meet ADA requirements, as appropriate.

Please feel free to contact me if you have any questions.

Sincerely,



Christina Conti
EMS Program Manager
cconti@washoecounty.us
(775) 326-6042

EPIDEMIOLOGY AND PUBLIC HEALTH PREPAREDNESS
1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520
EHPH Office: 775-326-6055 | Fax: 775-325-8130 | washoecounty.us/health
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Public Health



Exhibit C WTM18-001
Agency Comments and Conditions
Washoe County
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

Date: January 31, 2018

To: Roger Pelham, Planning and Development Division

From: Leo R. Vesely, P.E., Engineering and Capitol Projects Division

Re: **WTM18-001**
APN 080-635-01 & 02, 080-730-21 & 35, 552-210-07
Lemmon Valley Heights (206 Lots)

Recommended Conditions of Approval

The following conditions of approval should be applied to this proposed project. Conditions in italics are standard Engineering Conditions.

GENERAL CONDITIONS

- 1. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map.*
- 2. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider(s) and Engineering and Capital Projects Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada.*
- 3. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall be responsible for determining compliance with this condition.*
- 4. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.*
- 5. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The County Engineer shall determine compliance with this condition.*
- 6. All open space shall be identified as common area on the final map. A note on the final map shall indicate that all common areas shall be privately maintained and perpetually funded by the Homeowners Association. The County Engineer shall determine compliance with this condition.*

1001 E. 9TH Street • P.O. Box 11130, Reno, Nevada 89520-0027
Phone (775) 328-2041 • Fax (775) 328-3699

Exhibit C WTM18-001 Agency Comments and Conditions

The maintenance of the common areas shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.

7. *Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.*
8. *Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.*
9. *All existing overhead utility lines shall be placed underground, except electric transmission lines greater than 100 kilovolts, which can remain above ground. The County Engineer shall determine compliance with this condition.*
10. *With each affected final map, provide written approval from NV Energy for any improvements located within their easement or under their facilities. The County Engineer shall determine compliance with this condition.*
11. *Appropriate easements shall be granted for any existing or new utilities, with each affected final map. This includes, but is not limited, to electrical lines, water lines, and drainage maintenance access. The County Engineer shall determine compliance with this condition.*
12. *Appropriate easements shall be granted to perpetuate/relocate existing access roads and easements. The County Engineer shall determine compliance with this condition.*
13. *A design level geotechnical investigation with fault study shall be provided with the submittal of each final map.*
14. *Cut slopes, fill slopes, and berms shall be setback from parcel lines and access easements in accordance with Washoe County Code Article 438. The County Engineer shall determine compliance with this condition.*
15. *Slope easements shall be provided for areas of cut or fill that fall outside of the subdivision boundary.*
16. *TMWA shall approve any grading in existing waterline easements and any proposed access road relocations.*
- 17.

DRAINAGE and STORM WATER DISCHARGE PROGRAM (COUNTY CODE 110.420 and 110.421)

The following are drainage conditions of approval:

1. *The conditional approval of this tentative map shall not be construed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report.*
2. *Prior to finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The County Engineer shall determine compliance with this condition.*
3. *Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.*

Exhibit C WTM18-001
Agency Comments and Conditions

4. *Any increase in stormwater runoff resulting from the development and based on the 5 year and 100 storm(s) shall be detained onsite. The County Engineer shall determine compliance with this condition.*
5. *Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering and Capital Projects Division.*
6. *The developer shall provide pretreatment for petrochemicals and silt for all storm drainage leaving the site to the satisfaction of the Engineering and Capital Projects Division.*
7. *The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.*
8. *In medians with irrigated landscaping adjacent to the curb, a subdrain system shall be installed a minimum of one foot behind the back face of curb to intercept drainage from the landscaping. The system shall be tied to the storm drain system or an acceptable alternative drainage system. The County Engineer shall determine compliance with this condition.*
9. *Drainage swales that drain more than two lots are not allowed to flow over the curb into the street; these flows shall be intercepted by an acceptable storm drain inlet and routed into the storm drain system. The County Engineer shall determine compliance with this condition.*
10. *A note on the final map shall indicate that all drainage facilities not maintained by Washoe County shall be privately maintained and perpetually funded by a homeowners association. As an alternative to a homeowners association, the developer may request the establishment of a County Utility Service Area under which fees would be paid for maintenance of the proposed storm drainage detention facility. The fee amount will be based on the additional service above that normally provided by the County to maintain new stormwater facilities dedicated by the developer (i.e., curb and gutter, drop inlets and piping). The County Engineer shall determine compliance with this condition. The maintenance and funding of these drainage facilities shall also be addressed in the CC&Rs to the satisfaction of the District Attorney's Office.*
11. *The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.*
12. *All slopes steeper than 3:1 shall be mechanically stabilized to control erosion. As an alternative to riprap, an engineered solution (geofabric, etc.) may be acceptable. The County Engineer shall determine compliance with this condition.*
13. *Drainage easements shall be provided for all storm runoff that crosses more than one lot. The County Engineer shall determine compliance with this condition.*
14. *Maintenance access roadways and drainage easements shall be provided for all existing and proposed drainage facilities. All drainage facilities located within Common Area shall be constructed with an adjoining minimum 12' wide gravel access road. Maintenance access road shall be provided to the bottom of proposed detention basins as well as over County owned and maintained storm drainage facilities. County Engineer shall determine compliance with this condition.*
15. *The project shall mitigate the increased stormwater volume produced from the development based on the 100 year-10 day storm event. Alternatives for mitigation include on-site retention with infiltration, excavation of material within or adjacent to the existing flood zone creating a additional*

Exhibit C WTM18-001 Agency Comments and Conditions

effective flood volume, or, other means subject to approval by the County Engineer. For on-site storm water retention to be approved, the engineer must demonstrate through appropriate analyses (which may include, but not be limited to, geotechnical investigation, groundwater transport modeling, or other appropriate analysis) that infiltrated storm water runoff will not be transmitted to Swan Lake via groundwater. Excavations for storm water retention basins shall not be located within the 100-year floodplain or within the groundwater table or groundwater table which could be expected to occur during flood conditions.

16. The project shall mitigate the loss of Swan Lake flood pool volume and flood pool area for any portion of the development where fill is placed within areas located at or below the current FEMA designated 100-year water surface elevation or future revised 100-year flood plain elevation approved by the County Engineer. Mitigation of lost flood pool area shall provide at least equivalent storm water volume lost through evaporation.
17. A note shall be added to the final map and similar language contained with the project CC&R's stating that owners of parcels created by final map within this development shall not protest the formation of a Storm Water Utility District, Flood Control District, Special Assessment District or other funding mechanism which is approved and created for the purpose of storm water and/or flood water management.
18. The FEMA 100-year floodplain shall be shown on the final map and grading plan to the satisfaction of the County Engineer. All grading and construction in these areas shall be in conformance with the Washoe County Code Article 416.
19. Offsite drainage and common area drainage draining onto residential lots shall be perpetuated around the residential lots and drainage facilities capable of passing a 100-year storm shall be constructed with the subdivision improvements to perpetuate the storm water runoff to improved or natural drainage facilities. The maintenance of these drainage facilities shall be addressed in the CC&Rs to the satisfaction of the District Attorney's Office. The County Engineer shall determine compliance with this condition.
20. Prior to the finalization of the first final map, a maintenance and operation plan for the maintenance of the projects detention/retention basins shall be developed in accordance with the Washoe County Code Article 421.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

1. *All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.*
2. *Street names shall be reviewed and approved by the Regional Street Naming Coordinator.*
3. *Proposed landscaping and/or fencing along street rights-of-way and within median islands shall be designed to meet American Association of State Highway and Transportation Officials (AASHTO) sight distances and safety guidelines. No tree shall overhang the curb line of any public street. The County Engineer shall determine compliance with this condition.*
4. *For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street.*
5. *Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The County Engineer shall determine compliance with this condition.*

Exhibit C WTM18-001
Agency Comments and Conditions

6. *AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.*
7. *All retaining walls that are within the slope failure wedge from Washoe County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition. The maintenance of the retaining walls shall be by Homeowners Association and the CCR's shall clearly identify the HOA's maintenance responsibilities of retaining walls*
8. *No retaining walls that retain soil from the County right-of-way shall be located within a plowed snow storage easement. The County Engineer shall determine compliance with this condition.*
9. No direct access from individual lots shall be allowed onto Lemmon Drive, Deodar Way and Estates Road.
10. Deodar Way shall be constructed to residential collector standards.
11. Deodar Way shall be constructed to half street improvements from Street 'A' to Estates Road.
12. With Appropriate curve warning signs and/or a lower speed limit shall be determined and posted on all horizontal roadway curves that do not meet the standard Washoe County 25-mile per hour design speed. The minimum centerline radius allowed shall be 100'. The County Engineer shall determine compliance with this condition.
13. Appropriate transitions shall be provided between the existing and proposed improvements at all proposed street connections. This may include removal of existing pavement. The County Engineer shall determine compliance with this condition.
14. A note shall be added to the final map and similar language contained with the project CC&R's stating that access to the site may be limited during flood events to emergency access routes.
15. Provide a minimum permanent paved emergency access road along Deodar or other approved alignment extending to Arkansas Drive which will allow for ingress and egress in the event of Lemmon Drive closure.

Exhibit C WTM18-001

Agency Comments and Conditions



REGIONAL TRANSPORTATION COMMISSION
Metropolitan Planning • Public Transportation • Operations • Engineering • Construction
 Metropolitan Planning Organization of Washoe County, Nevada

February 1, 2018

FR: Chrono/PL 183-17

Mr. Roger Pelham, Senior Planner and
 Community Services Department
 Washoe County
 PO Box 11130
 Reno, NV 89520

RE: WTM18-001 (Lemmon Valley Heights)

Dear Mr. Pelham,

We have reviewed the subject application and have the following comments and recommendations.

Comments and Recommendations:

1. Please have the developer contact Tina Wu, RTC Senior Transit Planner, at 775-335-1908 or twu@rtcwashoe.com, to discuss future transit improvements for this project.
2. The 2040 Regional Transportation Plan (RTP) identifies Lemmon Drive as an arterial with Moderate-Access control. To maintain arterial capacity, the following RTP access management standards should be maintained.

Access Management Standards-Arterials ¹ and Collectors							
Access Management Class	Posted Speeds	Signals Per Mile and Spacing ²	Median Type	Left From Major Street? (Spacing from signal)	Left From Minor Street or Driveway?	Right Decel Lanes at Driveways?	Driveway Spacing ³
Moderate Access Control	40-45 mph	3 or less Minimum spacing 1590 feet	Raised or painted w/turn pockets	Yes 500 ft. minimum	No, on 6 or 8-lane roadways w/o signal	Yes ⁴	200 ft./300 ft.

¹ On-street parking shall not be allowed on any new arterials. Elimination of existing on-street parking shall be considered a priority for major and minor arterials operating at or below the policy level of service.
² Minimum signal spacing is for planning purposes only; additional analysis must be made of proposed new signals in the context of planned signalized intersections, and other relevant factors impacting corridor level of service.
³ Minimum spacing from signalized intersections/spacing other driveways.
⁴ If there are more than 60 inbound, right-turn movements during the peak-hour.

3. The policy Level of Service (LOS) standard for Lemmon Drive is LOS D. Policy LOS for intersections shall be designed to provide a level of service consistent with maintaining the policy level of service of the intersection corridor. This project should be required to meet all the conditions necessary to complete road improvements to maintain policy LOS standards.
4. The RTP identifies Lemmon Drive from Fleetwood Drive to Arkansas Drive to be widened from 2 to 4 lanes in the 2022-2026 timeframe. This project should be required to meet all the conditions necessary to complete road improvements to maintain policy LOS

RTC Board: Ron Smith (Chair) • Bob Lucey (Vice Chair) • Paul McKenzie • Vaughn Hartung • Neema Jardon
 PO Box 30002, Reno, NV 89520 • 1105 Terminal Way, Reno, NV 89502 • 775-348-0400 • rtcwashoe.com

Exhibit C WTM18-001

Agency Comments and Conditions

Page 2

WTM18-001 (Lemmon Valley Heights)

standards. Dedication of right of way or setbacks adequate to complete RTP improvements should be required as a condition of approval. See the attached typical 98' right of way section for a 4-lane facility. Additional right of way may be required for dedicated turn lanes at intersections.

5. The applicant may be eligible for a credit against the RRIF for right-of-way and/or construction of improvements to Lemmon Dr. To be eligible for a RRIF Waiver against the RRIF program, capital improvements must be included in the RRIF CIP. A letter requesting to enter into a RRIF Offset Agreement must be submitted prior to the initiation of work with a fully executed agreement in place before completion of work on the improvements. Questions regarding the RRIF program should be directed to Julie Masterpool, RTC Engineering Manager (775-348-0171).
6. The proposed tentative map shows a total of 206 single family detached homes with 90 dwelling units in the northerly portion of the site and 84 dwelling units in the southerly portion. Access to the northerly site will be via Deodar Way and Estates Drive to Lemmon Drive. Access to the southerly site will be via extensions of Palace Drive, Kess Way, and Patrician Drive.
7. The traffic study prepared by Solaegui Engineers and submitted with the application reviewed project impacts to the intersections of Lemmon Drive/Deodar Way and Lemmon Drive/Patrician Drive for the Model Year 2026 plus project volumes. All existing intersections are shown to perform within policy level of service with the proposed project.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 775-332-0174 or email me at rkapuler@rtcwashoe.com if, you have any questions or comments.

Sincerely,



Rebecca Kapuler
Planner

Attachment

RK/jm

Copies: Mojra Hauenstein, Washoe County Community Services
Trevor Lloyd, Washoe County Community Services
Jae Pullen, Nevada Department of Transportation, District II
Daniel Doenges, Regional Transportation Commission
Tina Wu, Regional Transportation Commission
Mark Maloney, Regional Transportation Commission
Julie Masterpool, Regional Transportation Commission
David Jickling, Regional Transportation Commission

#877 Lemmon Valley Heights

Exhibit C WTM18-001
Agency Comments and Conditions

From: Steve Shell
To: [Pelham, Roger](#)
Subject: WTM18-001
Date: Monday, February 12, 2018 1:29:31 PM

No water has been committed for this project. No other comments.



State of Nevada
Department of Conservation & Natural Resources
Division of Water Resources
Jason King, P.E., State Engineer

Steve Shell
Water Resource Specialist II

Nevada Dept of Conservation & Natural Resources
Division of Water Resources
901 S. Stewart St., Ste. 2002
Carson City, NV 89701
Phone: 684-2836
Fax: 684-2811
sshell@water.nv.gov
water.nv.gov

Exhibit C WTM18-001
Agency Comments and Conditions

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

February 6, 2018

Roger Pelham, MPA, Senior Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: Lemmon Valley Heights; APN 080-635-01
Tentative Subdivision; WTM18-001

Dear Mr. Pelham:

The Washoe County Health District, Environmental Health Services Division (WCHD) has reviewed the above referenced project. Approval by the WCHD is subject to the following conditions:

Tentative Map Review and Final Map Conditions per NAC 278

The WCHD requires the following conditions to be completed prior to review and approval of any final map:

1. Prior to any final grading or other civil site improvements, a complete water system plan and Water Project submittal for the referenced proposal must be submitted to Health District. The plan must show that the water system will conform to the State of Nevada Design, Construction, Operation and Maintenance Regulations for Public Water Systems, NAC Chapter 445A, and the State of Nevada Regulations Governing Review of Plans for Subdivisions, Condominiums, and Planned Unit Developments, NAC 278.400 and 278.410.
 - a. The application for a Water Project shall conform to the requirements of NAC 445A.66695.
 - b. Two copies of complete construction plans are required for review. All plans must include an overall site plan, additional phases that will eventually be built to indicate that the water system will be looped, all proposed final grading, utilities, and improvements for the proposed application.
2. Mass grading may proceed after approval of the Tentative Map and after a favorable review by this Health District of a grading permit application.
 - a. The final map submittal shall include a Truckee Meadows Water Authority annexation and discovery with the mass grading permit.
3. Improvement plans for the water system may be constructed prior to final map submittal only after Water Project approval by this Health District.
 - a. For improvement plans approved prior to final map submittal, the Developer shall provide certification by the Professional Engineer of record that the improvement plans were not altered subsequent to final map submittal.

ENVIRONMENTAL HEALTH SERVICES
1001 East Ninth Street | P.O. Box 11130 | Reno, Nevada 89520
775-328-2434 | Fax: 775-328-6176 | washoecounty.us/health
Serving Reno, Sparks and all of Washoe County, Nevada | Washoe County is an Equal Opportunity Employer



Exhibit C WTM18-001
Agency Comments and Conditions

02/06/2018
Lemmon Valley Heights; APN 080-635-01
Tentative Subdivision; WTM18-001
Page 2

- b. Any changes to previously approved improvement plans made prior to final map submittal shall be resubmitted to this Health District for approval per NAC 278.290 and NAC 445A.66715.

The WCHD requires the following to be submitted with the final map application for review and approval:

1. Construction plans for the development must be submitted to this Health District for approval. The construction drawings must conform to the State of Nevada Regulations Concerning Review of Plans for Subdivisions, Condominiums and Planned Unit Developments, and any applicable requirements of this Health District.
2. Prior to approval of a final map for the referenced project and pursuant to NAC 278.370, the developer must have the design engineer or a third person submit to the satisfaction this Health District an inspection plan for periodic inspection of the construction of the systems for water supply and community sewerage. The inspection plan must address the following and be included with the final map submittal:
 - a. The inspection plan must indicate if an authorized agency, city or county is performing inspection of the construction of the systems for water supply and community sewerage;
 - b. The design engineer or third person shall, pursuant to the approved inspection plan, periodically certify in writing to this Health District that the improvements are being installed in accordance with the approved plans and recognized practices of the trade;
 - c. The developer must bear the cost of the inspections; and
 - d. The developer may select a third-person inspector but the selection must be approved by the Health District or local agency. A third-person inspector must be a disinterested person who is not an employee of the developer.
3. Prior to final map approval, a "Commitment for Service" letter from the sewage purveyor committing sewer service for the entire proposed development shall be submitted to this Health District. The letter must indicate that the community facility for treatment will not be caused to exceed its capacity and the discharge permit requirements by this added service, or the facility will be expanded to provide for the added service.
 - a. A copy of this letter must be included with the final map submittal.
4. Prior to final map approval, a "Commitment for Water Service" letter from the water purveyor committing adequate water service for the entire proposed development must be submitted to this Health District.
 - a. A copy of this letter must be included with the final map submittal.
5. The final map submittal must include a letter from Nevada Division of Environmental Protection to the Health District certifying their approval of the final map.
6. The final map application packet must include a letter from Division of Water Resources certifying their approval of the final map.
7. Pursuant to NAC 278.360 of the State of Nevada Regulations Governing Review of plans for Subdivision, Condominiums, and Planned Unit Developments, the development of the subdivision must be carried on in a manner which will minimize water pollution.
 - a. Construction plans shall clearly show how the subdivision will comply with NAC 278.360.
8. Prior to approval of the final map, the applicant must submit to the Health District the final map fee.
9. All grading and development activities must be in compliance with the DBOH Regulations Governing the Prevention of Vector-Borne Diseases.

Exhibit C WTM18-001
Agency Comments and Conditions

02/06/2018
Lemmon Valley Heights; APN 080-635-01
Tentative Subdivision; WTM18-001
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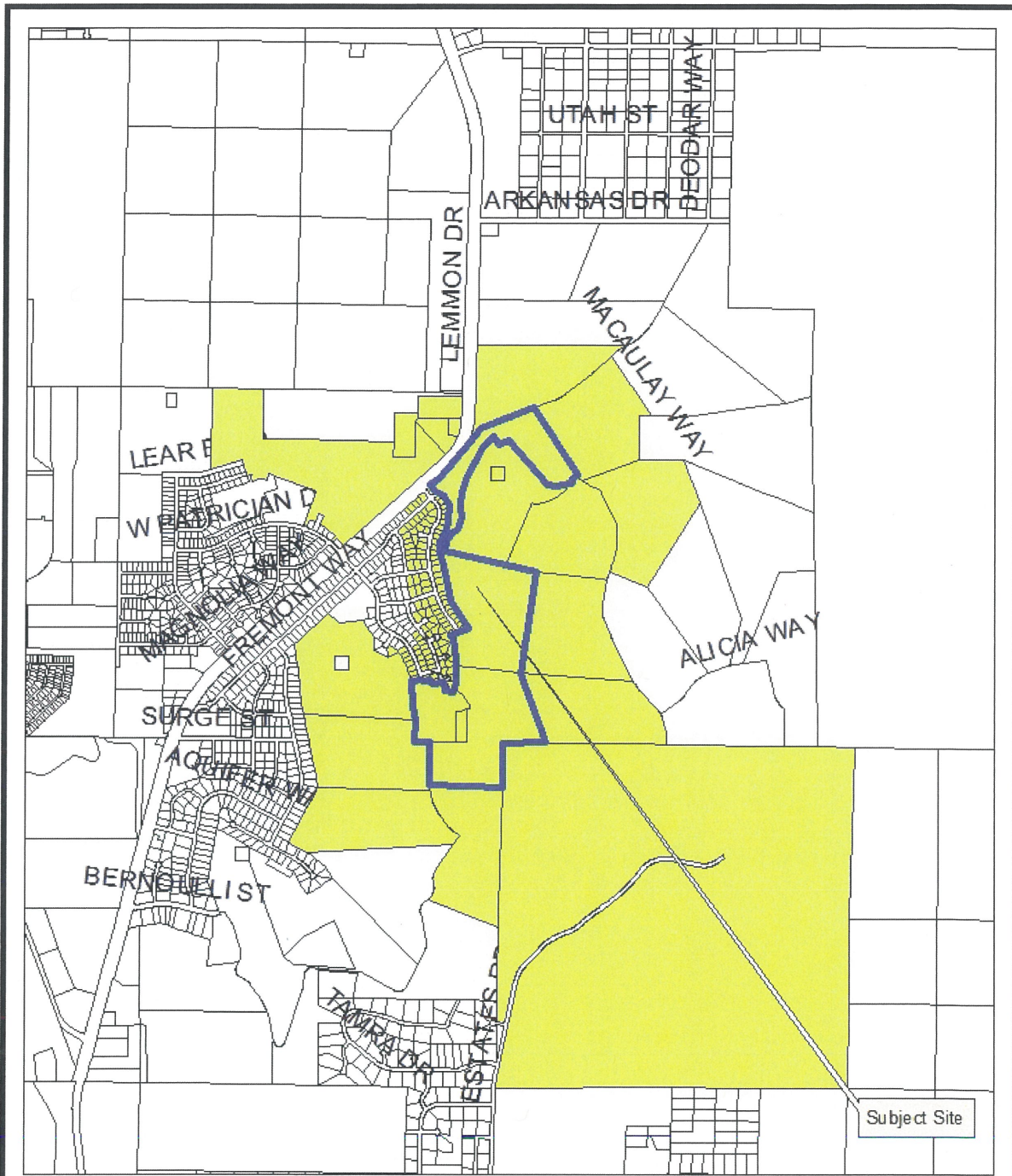
If you have any questions or would like clarification regarding the foregoing, please contact Wes Rubio, Senior Environmental Health Specialist at wrubio@washoecounty.us regarding all Health District comments.

Sincerely,

James English, REHS, CP-FS
EHS Supervisor
Waste Management/Land Development Programs

JE:wr

Exhibit D WTM18-001



Mailing Label Map
Tentative Subdivision Map Case Number WTM18-0001
Lemmon Valley Heights
146 Parcels selected at 500 feet.



Community Services
Department
Planning and
Development Division
**WASHOE COUNTY
NEVADA**
Post Office Box 11130
Reno, Nevada 89320
(775) 335-3600

Source: Planning and Development Division

Date: January 2018

Exhibit E

From: sandi.mccue@charter.net
To: [Pelham, Roger](#)
Subject: Questions RE: Case #WTM18-001 (Lemmon Valley Heights)
Date: Friday, February 09, 2018 12:04:22 PM

Mr. Pelham,

Please email us the schedule for meetings regarding proposal #WTM18-001 (Lemmon Valley Heights). My husband and I are home owners on Kess Ct., Lemmon Valley, and have several concerns with the proposed development adjacent to our neighborhood.

Our first and most pressing concern is that after reviewing the tentative map we are one of four homeowners who may lose access to our alleyway. After spending thousands of dollars creating RV and trailer parking in our backyard, we are concerned that the map shows a house blocking our alley. How will access for our RV vehicles and the large telephone and cable trucks who also use the alley be handled?

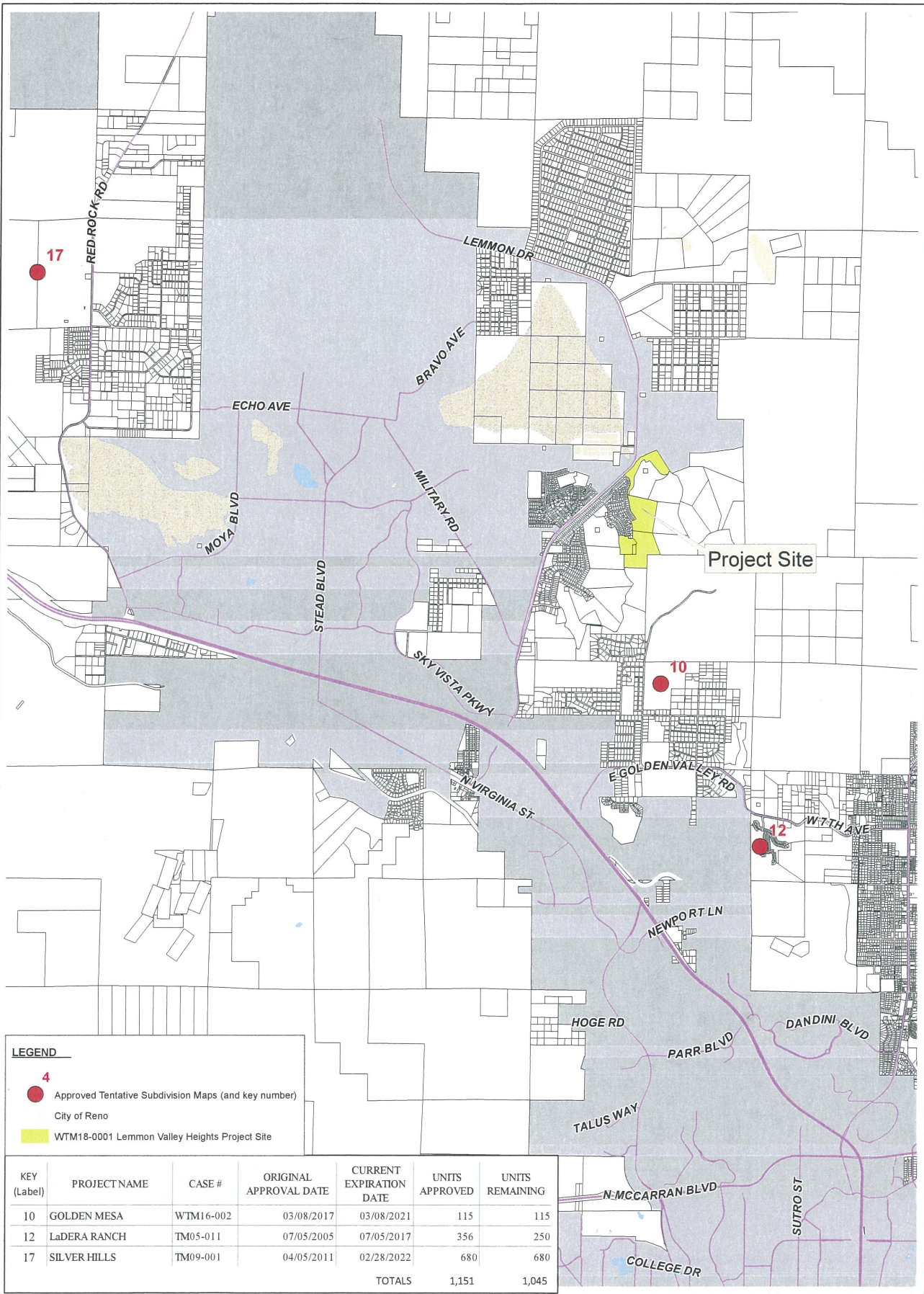
We are also concerned with overcrowding due to reduced setbacks. This neighborhood was built on approx. 1/3 acre lots and lends itself to a quiet rural lifestyle. That many homes on much smaller lots with much narrower streets will cause traffic congestion and could cause noise and light pollution.

Although we are concerned that the rerouting of Patrician to the south onto Kess Way may block back access to Golden Valley, we are more concerned that a main thoroughfare for traffic coming from Golden Valley could be paved and would be funneled down the narrow, often child-filled neighborhood Kess Way.

Any clarification on this issues would be appreciated. We will be attending all meetings until these issues have been resolved. We will be presenting the information to those other home owner who share our alleyway and hope that legal assistance won't be necessary to protect our alley access.

Thank you for your assistance,

David and Sandra McCue



LEGEND

- 4 Approved Tentative Subdivision Maps (and key number)
City of Reno
- WTM18-0001 Lemmon Valley Heights Project Site

KEY (Label)	PROJECT NAME	CASE #	ORIGINAL APPROVAL DATE	CURRENT EXPIRATION DATE	UNITS APPROVED	UNITS REMAINING
10	GOLDEN MESA	WTM16-002	03/08/2017	03/08/2021	115	115
12	LaDERA RANCH	TM05-011	07/05/2005	07/05/2017	356	250
17	SILVER HILLS	TM09-001	04/05/2011	02/28/2022	680	680
TOTALS					1,151	1,045

**Planning and Development
Community Services Department**

**Approved Residential Subdivisions
NORTH VALLEYS VICINITY**

SOURCE: Community Services Department, Planning and Development Division

**WASHOE COUNTY
NEVADA**

Post Office Box 11130
Reno, Nevada 89520

December, 2016
(775) 328-3600

© NevadaUnrevestedPrev..._vml\$DWM_Appl_mh001_Dec2016.mxd

Attachment C

Appeal Application dated 3/13/18

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.

Planning Commission

Board of Adjustment

Hearing Examiner

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: March 13, 2018

Date of action by County: March 6, 2018

Date Decision filed with Secretary: unknown by appellant

Appellant Information

Name: Tammy Holt-Still

Phone: (775)450-1204

Address: 11493 Tupelo Street

Fax:

Email: LemmonValleyRecoveryCommittee@Gmail.com

City: Reno

State: NV

Zip: 89506

Cell: (775)412-8975

Describe your basis as a person aggrieved by the decision:

Approval of the Lemon Valley Heights plan will subject my property to increased flood risk and further increase the health risks caused by the flooding and water-treatment plant effluent. The hydrological report prepared for the applicant is suspect and has not been subjected to an independent review. As stated by Commissioner Lawson, the applicant and project have not met the health and safety of the community.

Appealed Decision Information

Application Number: WTM18-001

Project Name: Lemmon Valley Heights

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

Approval of the tentative map for the Lemon Valley Heights project by the Washoe County Planning Commission.

Appealed Decision Information (continued)

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

The project does not meet the criteria for flood risk. The area has been in flood waters for nearly a year. The proposed catch basins incorporated in the plan will be ineffective for reducing the risk of flooding posed by the additional development and impenetrable surface area produced.

The project does not meet the public safety risk. The area is flooded with water partly composed of partly-treated sewage effluent. The water treatment plant itself is below grade, sits below the waterline, and only protected by emergency berms.

Lemmon Drive is proposed to be raised two feet and serve as the emergency access. However, only a small portion of Lemmon Drive will be raised rendering this strategy ineffective as an emergency access provision.

Cite the specific outcome you are requesting with this appeal:

Overturn the decision by the Washoe Planning Commission to approve the project until the non-compliances have been addressed.

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: Tammy Holt-Still

Signature: *T. Holt-Still*

Date: 3/13/18

Attachment D

DRAFT Planning Commission Minutes of 3/6/2017



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson
Trevor Lloyd, Secretary

Tuesday, March 6, 2018
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, March 6, 2018, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Chvilicek called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson

Staff present: Trevor Lloyd, Secretary, Planning and Building
Chad Giesinger, AICP, Senior Planner, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Dwayne Smith, Director, Engineering and Capital Projects
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Trevor Lloyd, Secretary, recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Chair Chvilicek opened the public comment period. Stephen Wolgast, 5220 Cedarwood Drive, said he wanted to speak about growth and the character of the Truckee Meadows. He said Reno billed itself as the biggest, little city, but it did not aspire to be the "biggest" city. Residents did not want to live in a sprawling metropolis such as Phoenix or Las Vegas. He felt development should respect the Truckee Meadows, its unique character and rugged beauty, its amalgam of ranches and casinos, hunters and students, horsemen and professionals, runners and quad riders, which resulted in a friendly, tolerant culture. He said long-term development plans had been drawn up for the area, which included the North Valley Area Plan, the Forest Area Plan and the South Valleys Area Plan. Those Plans anticipated growth, but were intended to preserve the rural, scenic nature of those areas. For the City there was the new reimagined Reno Plan that would allow for workers to live near their jobs in a scenic setting, with less dependency on their vehicles. He was curious of all the Planned Unit Developments, rezoning, Special Use Permits and Variances, which were allowing four, five, eight and even ten homes per acre in areas that were zoned one home per acre. He said that would increase the risk of flooding to both new and existing residents. The support of infrastructure for schools, fire, police, water and sewage treatment could not keep up with high-intensity growth. The Area Plans and the Reno Plans represented a huge investment in time and effort by a large number of residents and County and City employees, which should guide all planning decisions. He said there were plenty of choices if someone wanted to live in a big city, but there was not another Truckee Meadows.

Tammy Holt-Still, 11493 Tupelo Street, said the *Reno Gazette-Journal* stated it was the developer's responsibility to build in such a way not to change the natural conditions of water movement. If they developed in such a way that by moving the water that naturally would go into the aquifer or someone else's property, they would be indulging in a form of trespassing. When the government gave someone permission to do so without requiring them to build safely and properly, it was possible the government would be putting themselves in some degree of legal liability. She said on November 16, 2017, the amount of storm runoff was tremendous. The Truckee Meadows River Drainage Manual Section 302.1, 302.4, 303.1 had guidelines, which were not followed and it was Reno and Washoe County who needed to work together as an accumulative for Lemmon Valley. Hopefully by the time all of the facts that she had heard the Commission would see that staff did not give them all the information and the Commission would find there were not enough findings to approve the Lemmon Valley subdivision. She said her focus was on the Washoe County Reclamation facility, which was built within a flood plain. If it had not been built within a flood plain, it would not cost over a half-million dollars to be raised. Also, the Washoe County Development Code was in place regrading flood hazards.

Danny Cleous, 11630 Tupelo Street, said he lived in Lemmon Valley for 39 years and the City of Reno had made a mess out of the North Valleys and they did not need the County to do the same thing in Lemmon Valley. He stated that development would not be good for anyone and the water that had accumulated there had not gone away. He noted Dave Salaro stated the water had dropped three feet; but it had actually risen six inches. Culverts were leaking because they did not have good culverts. He noted the County Engineer said at the County Commissioner's meeting that all the drainage in Lemmon Valley was inadequate and needed to be updated, but no one had money to do it. He wondered what would happen when the new

developments wanted to continue in one acre+ parcels; it would just make their situation worse. He felt they needed responsible building by responsible developers. He said six, eight, or ten homes per acre did not fit in their rural lifestyle. All the farms would be gone and a recent study delivered to Reno showed there were no working areas anymore.

Donna Robinson, 11625 Tupelo Street, said she was one of the flood victims and had just recently got back into her home. After a \$60,000 loan she was able to repair her home and her flood insurance did not pay anything. She applauded Mr. Baker from Lemmon Valley Heights Development for hiring a hydrologist to study the water issues and impacts of his subdivision. She stated, however, they needed to take a hard look at anything that was being proposed in the flood areas and realize how would that would impact the homes that were already there. There were numerous homeowners who could no longer live in their homes because of the flood. She asked the Commission to look at where the effluent water would go, because the Lemmon Valley sewer plant was underwater. At the Citizen Advisory Board (CAB) meeting a couple of weeks ago, Mr. Baker said the traffic would impact the area by Lemmon, Palace and Patrician, which was a school zone where numerous children walked to school. She asked how many vehicles that would bring to the two-lane road. She did not like the idea that the traffic rating could go down from a “b” to a “d”. She felt some serious issues needed to be addressed before they could build in that area, especially in an area that was a flood plain. She stated Swan Lake filled up and went on her property and she was more than a block from the Lake. She wanted to feel safe in her home and know that it was not going to flood again next time a rain or snow storm happened.

Chair Chvilicek closed public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Barnes moved to approve the agenda for the March 6, 2018, meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of February 6, 2018, Draft Minutes

Commissioner Donshick said under the first item 8A there was no recap of the vote. Secretary Lloyd stated staff would review the item and make the correction. Commissioner Donshick moved to approve the minutes for the February 6, 2018 Planning Commission meeting contingent upon the correction to Item 8A. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights) –

For possible action, hearing, and discussion to approve a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres). Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

- Applicant: JDS LLC
- Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet
- Location: 1200 Estates Road

- Assessor's Parcel Numbers: 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07
- Parcel Size: ± 128.5 acres total
- Master Plan Categories: Rural (R) and Suburban Residential (SR)
- Regulatory Zones: General Rural (GR, ±59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, ±68.64 acres, 3 dwellings per acre)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: 34 and 35, T21N, R19E MDM, Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures from the Commission. Commissioner Lawson stated he made a site visit. Chair Chvilicek opened the public hearing and Roger Pelham, Senior Planner, presented the Staff Report. He noted Condition 3yy would be changed. Commissioner Horan asked if the change would mean they would be creating a levy road. Mr. Pelham stated the County Engineer would report on the change and condition. He continued with the Staff Report presentation. Chair Chvilicek opened up questions to the Commission.

Commissioner Horan asked Mr. Pelham to address the sewer issue that was brought up in Public Comment. Dwayne Smith, Director of Engineering and County Engineer, stated Washoe County owned the Lemmon Valley wastewater treatment plant and they were permitted to accept up to three hundred thousand gallons a day of sewer for treatment. He reported they currently received about 220,000 gallons a day. That water went through the treatment process and then was discharged to the holding ponds. The holding ponds were adjacent to the plant and adjacent to the Swan Lake Playa. At several times during the year, they opened a gate and allowed for the treated effluent that had been in those ponds to go into the Swan Lake Playa. The volume of water that was actually discharged into Swan Lake was significantly less than the small amount of water that came into the plant for treatment. He said he could provide more detail, but he thought it was important to recognize the operation of the plant and that they were under their permitted values for discharge. He noted some years it might be a little bit more, some years a little bit less. He said under an agreement with the Audubon Society and others, part of the reason they discharged into the Swan Lake Playa was to provide habitat for birds.

Commissioner Horan asked if the Plant was under water at this time. Mr. Smith stated the Treatment Plant was not under water, it was surrounded by berms and those berms had been in existence since the Plant was built and with the unprecedented flood events that were experienced in 2017, they raised the berms around the Plant and two of the sludge ponds. In order for them to maintain safe access to the facility to make sure it was fully operational during the flood event, they expended ratepayer dollars to raise the berms around the Plant and ponds.

Commissioner Horan asked if the County was creating a levy road in that area. Mr. Smith stated the County and the City of Reno had been collaborating to look at alternatives to provide safe emergency access into and out of the area in the event there were future floods. He said they did not know if future floods may occur, but they had committed to acquiring development to assist in the process of providing safe access for the existing residents and new residents that came in through redevelopment. What he and the Public Works Director settled on was that Lemmon Drive, which was a City of Reno roadway, would be elevated to provide safe access during flood events. He said there were alternative ways to provide alternative access, but there were several factors driving this. First, Lemmon Valley was under the RTC's 2040 Plan for widening portions of that road. With the roadway being widened in the near future, they could incorporate an elevation project to provide benefits for the existing residents and the new residents in the most cost-effective way. If they were able to elevate Lemmon Drive then they could eliminate some of the longer alternative routes that they had to put into place when they had to close Lemmon Drive due to flooding. Secondly, Lemmon Drive at its current elevation had to be closed during unprecedented flood events for the safety of the traveling public, which created a situation where residents had to go in and out of the developments in different ways. By raising the elevation of Lemmon Drive to 4925, the goal was to create an elevated roadway with certain passable lanes under flood events. He explained the elevation was determined through a series of events last year using assistance from DRI, the weather service and others to come up with a protection level. That protection level of 4926 was two feet above the FEMA designated flood plain elevation. He said the highest water level they saw in Swan Lake last year was 4923.3, which was still below the 100-year elevation.

Commissioner Horan asked how much of Lemmon Drive would be elevated. Mr. Smith stated the developer was conditioned to raise Lemmon Drive, but he did not know the exact length. He noted the other developer that annexed all the Washoe County land into the City of Reno a couple of years ago was the master developer for the locations immediately north and along Lemmon Drive all the way to the existing subdivision in the north. He was being conditioned to also raise Lemmon Drive to the 4926 in front of his developments. Working together with the developers and the City of Reno and RTC, who had a pre-programmed road widening project, was to bring those together in the most efficient and effective way to raise the elevation of Lemmon Drive. Commissioner Horan asked if that meant there would only be water on one side of the road. Mr. Smith said as part of the road raising and widening project, the developer would be required to construct gates or valves on the culvert pipes so that those gates or valves could be closed when needed. He said all kinds of runoff and surface drainage that came in from the East passed across and underneath Lemmon Drive as it entered the Swan Lake Basin of the Playa. The ability to close those culvert pipes was critical. He reported currently they had all those culvert pipes surrounding the Lake closed. He said the approach to include valves in the culvert pipes would make that process much easier and more efficient than the current process. The goal was to keep Swan Lake in Swan Lake.

Chair Chvilicek asked how future flooding plans would be mitigated by Washoe County for Lemmon Valley. Mr. Smith stated on September 12, and December 12, 2017, the Board of County Commissioners (BCC) gave staff four directions; 1) maintain established protection levels, storm water and seepage pumps; 2) create a flood response action plan; 3) create mitigation plan, develop capital projects, develop costs estimates for those projects; and, 4) pursue FEMA Hazard Mitigation Grant programs. He said the Chair was asking specifically about the third item, which was the development of the mitigation plan. That process was underway and staff would come back with possible recommendations for projects, estimated costs and funding strategies. Chair Chvilicek asked if the mitigation plan was for all of Washoe

County or just the closed basins in Lemmon Valley, Red Rock and Cold Springs. Mr. Smith stated it was for the closed hydro-basins including Silver, Swan and White??.

Chair Chvilicek asked if the discharge from the wastewater treatment plant caused flooding. Mr. Smith showed a pond curve for Swan Lake and explained the curve was developed based on the topography of the Lake. He said in the fall of 2016 Swan Lake was empty and through the precipitation events of 2016 and 2017 Swan Lake received over 9,000 acre-feet of water. He said approximately 220,000 gallons a day came into the Lemmon Valley wastewater treatment plant and if you took that and distributed it to Swan Lake at its current elevation, it would raise the Lake less than ½ inch. It was a very small amount of water compared to the significant volume that was delivered through runoff.

Commissioner Lawson said he had some concerns about the Conditions of Approval. Specifically, page 10 and 11 of the Staff Report regarding final approval of the drainage facilities. Final approval of the drainage facilities would occur during the final map review and would be based upon the final hydrology report. He said prior to finalization a detailed hydrology/hydraulic report for the unit shall be submitted to the County Engineer to determine compliance. He was concerned because his packet from a week ago had already been changed with the condition to raise Lemmon Drive to deal with the flooding. He said the preliminary reports that were presented to the public for debate were not as comprehensive as the report he assumed the County Engineer would receive. He also wondered why we invited the public out for comments, presented them with information that was subject to change and approved by someone else later on and try to convince them everything was going to be okay. He was not comfortable with that and he saw conflicting information presented between the testimony of staff, testimony of the constituency and it was difficult for him to be comfortable that this was all going to be okay when they reached final approval.

Mr. Smith stated staff looked at many, many projects over many, many years and this was the process that was in place and it was a process that worked. He said it was looking at it in a “coarse” way and then it was fine-tuned as the development progressed. Little things could change; maybe a roadway would be moved, a detention basin would get shallowed or deepened, there might be some other design element that would be put into place or taken out, but those were all-natural products as they moved through a project. However, he noted they did not make monumental changes to a hydrology report; if they did then he would stop the process and it would have to go back to an earlier part of the process and it may even have to come back for further review under a revised tentative map approval process. He explained they required a full hydrology report and that hydrology report would lay out the framework and would provide enough specifics that they could take the Code requirements and apply those to make sure they were meeting the minimum standards. As they worked together through the project and there was refinement, they would further take those Codes and make sure those refinements fell within. From his perspective, he did not have that same issue and he reiterated he dealt with this every day, so he said he was very confident in the process that they developed of working through the details. He said until a project met his and his staff’s satisfaction, it would not go on to a Final Map. He said he wanted the Commission to be confident that staff made sure everything met Washoe County Code requirements.

He said they conditioned all developments for storm water and in areas where there were FEMA flood plains, they used FEMA’s flood plain requirements per our Code and per the Truckee Meadows Drainage Manual. He said they did not design for or guarantee protection under all storm, flood, return-frequency or culvert size events. That was not the standard of practice for any municipality. He said they would look at things that had been identified through the flood

and raising of Lemmon Drive was one of those, which was a reflection of the collaborative approach between the City of Reno and Washoe County. The City of Reno owned the roadway and the County currently had the majority of the residents, so they were working together to come up with strategies to help both the existing and future customers.

Commissioner Lawson wondered if there was a strategy to raise that roadway if there was no new development. Mr. Smith stated it was on the RTC's list of regional roads, so repair work would be completed through RTC funding. If there was no development, he did not know where funding would come from, because that was one of the benefits of value-added actions through new development. He said he knew Washoe County and the City of Reno did not have capital programs for raising roadways.

Chair Chvilicek said if no more development happened in Lemmon Valley, what was the plan to do repairs to Lemmon Drive. Mr. Smith stated until the mitigation plan was completed that identified potential strategies or alternatives, he did not have an answer.

Commissioner Horan said it appeared the raising of Lemmon Drive would be done on a piecemeal basis and they would have to wait for another development to do some more of it and so on. Mr. Smith stated the condition required the developer to raise that portion of Lemmon Drive associated with his project. The next developer was also conditioned to do that. He said what they were managing towards was the RTC road widening project and bringing those together for the benefit of the residents.

Commissioner Donshick said she knew the drainage facilities and the FEMA flood plain would not be addressed until the Final Map, but according to the Staff Report, there was only three acres that were in the actual flood plain. Mr. Smith stated most of this property was not in the flood plain. Commissioner Donshick stated there were several detention basins planned and she wondered what the normal runoff was in the area. Mr. Smith stated he did not have those specific details at this time, but the development was conditioned to retain storm water runoff as part of the mitigation requirement. He said when there was development of streets, sidewalks and homes, that would eliminate the ability for water to enter the ground, so part of the conditioning process was that they build basins and routing to mitigate those impacts. He believed the developer took a further step to look at additional ways to mitigate and retain more volume than what they were generating under the pre-development condition.

Commissioner Bruce stated last year's precipitation was record-setting and unprecedented, but he wondered what it was going to be called. Mr. Smith stated there were certain rain gauges in the areas throughout northern Nevada that showed anywhere from a 60-year return frequency to a 350-year return frequency, but that was not the sole measure of flood impacts. What they saw last year specifically was a series of precipitation events that in affect saturated the ground to a point at which no additional water could go into the ground, so even small events turned into precipitation runoff events. He cautioned the Commission to think about last year's events strictly in terms of a return frequency event, because it was a combination of elements within the closed hydro basins. Commissioner Bruce stated his problem had been that people talked about record-setting, but he wondered how long they had been keeping records. He wondered how much precipitation there was when the Donner party came over the mountain and there were no records kept. He said people made all these assumptions based on the records we had and everything rolled along until it did not work and it clearly had not worked in Lemmon Valley. He thought people were talking about the weather changing and about atmospheric rivers and seeding for more precipitation, but he wondered how that would impact Lemmon Valley.

Chair Chvilicek called the Applicant forward. Chris Baker, Manhard Consulting, presented a PowerPoint presentation. Mr. Baker stated the Applicant agreed with the Conditions of Approval. Chair Chvilicek asked him if he was aware of the new condition. Mr. Baker stated they were and that would actually give them the ability to provide more storage on the south end. He noted the flood zone was included in the area and was part of their retention basin. There was a three-acre piece right next to the main outlet and a portion of it was in the right-of-way and a portion of it was on their property and they were proposing no development in that area.

Chair Chvilicek opened up questions to the Commission. Commissioner Chesney said he appreciated what the Applicant did regarding the hydrology portion. What he had heard tonight was two issues, the cure issue for flooding in the Valley and then the project, which in his opinion the Applicant had done a lot of work to mitigate the outflow to Swan Lake. However, he thought the two issues needed to be separated. Mr. Baker said he agreed and that was a very difficult part to portray through the presentations. He said they originally identified areas not for development, but areas for retention basins and detention basins. They took those identified areas to the public and what was left were the areas that could accommodate units. He said what they heard was that any development was going to be bad, it would increase flood waters and it would make a bad situation worse. To echo what the County Engineer said, development done right and above their fair share would be the solution. It would not be done with a magic wand, it would be developments such as this that were willing to do a little more than what was required and overtime would alleviate the problem.

Chair Chvilicek stated she applauded the Applicant's efforts to do the right thing and even though this was a tentative map and things would change, she appreciated developers who did due diligence to see how their project would have negative impacts as well as positive impacts.

Commissioner Donshick commended the Applicant also, because there were a lot of places in Washoe County besides Lemmon Valley that had flood issues and if other developers would think like this Applicant it would be better all the way around.

Commissioner Lawson asked what engineering firm did the hydrology study. Mr. Baker responded Cardina, which was a local firm. He said that company was also working with the adjacent properties, which gave them lots of knowledge for this property. Commissioner Lawson asked if there was a peer review of the hydrology report, because he had seen so many engineering, hydrology and geology reports prepared by people that had an interest. He said he was not denigrating the Applicant or the firm, but staff did not include any geologists for example, so the Commission received reports and were told to believe them. He said he was hard-pressed to do that. Chair Chvilicek stated she thought the stop-gaps were in place with the Engineer and the State Water Master and everything that came in to play. Right now, the Commission was addressing a tentative map and this process would get so convoluted that when they started asking "future" questions, it was not helpful. She stated they could bring in research document after research document, but she knew that when they had the stop-gaps in place with the County Engineer and State Engineers, they were the people who had the responsibility to do their due diligence to make sure they were getting verifiable information.

Commissioner Lawson contended there was dearth of staff resources with the specific expertise in these instances to address some of these concerns and he respected this was a tentative map, but he concluded that once a tentative map was approved, the public no longer had a say. Chair Chvilicek interjected stating the public would still have a voice, in all the following map stages.

Mr. Pelham stated this would be the last time they would have substantial public input into the process. After this, staff would be looking at a set of construction drawings and those final specifications. He explained this step was getting permission to do the project more or less in this manner. If the answer was yes, the Applicant would go forward and do substantial engineering and final detail work and that might take a couple of years before they got it completed and a set of final construction drawings submitted. At that point, it would be reviewed to a very high level of detail by planning staff for planning conditions, engineering staff for all of their conditions, and health staff and all of those relevant agencies would ensure the basic Code requirements or any additional conditions placed upon the tentative approval were complied with prior to the approval of the Final Map. Chair Chvilicek stated there was a process for people to review, follow and seek information. Mr. Pelham stated there was always the opportunity for interested public to interact with the staff that was doing the review. Commissioner Lawson said his point was that there would be no more "public comment" opportunities.

Chair Chvilicek called for public comment. Tammy Holt-Still, 11493 Tupelo Street, continued from speaking during open public comment. She discussed raising the elevation of the berm, permitted capacity of the sewer plant, NDEP's official report for the sewer plant and the expected amount of effluent from the new development. She said the amount of projected gallons from the development, plus the newly approved 100,000 square foot building, full-service restaurant and retail, it would exceed the permitted amount of effluent allowed. She said there were also three buildings going in by the Shell Station and apartments on Military Road and Lemmon Drive that would go to the sewer plant. She reported that on December 31, 2017, the permit for the sewer plant would expire and she wondered what would happen.

George Still, 11493 Tupelo Street, said he thought a Special Assessment District was not the answer. Most of the residents in Lemmon Valley were on septic tanks and did not generate effluent waters that would go into Swan Lake; therefore, he thought the developers should be assessed, not the residents. He said what was going on would definitely have an effect on the effluent going into the Lake, because the contour of the ground was being changed. Raising Lemmon Drive was a nice band-aid, but the problem was too much water. We had a big water year, but it certainly was not the record of all of them, there had been five other events that had the same amount of precipitation, but more development was what increased the problems. He said until the infrastructure was done to include the whole of Lemmon Drive, the Commission should be very careful about what was approved, because homes were still under water.

Denise Ross stated she was with the Lemmon Valley Flood Relief and Assistance and they had decades of reports that suggested there would be a serious flood issue that had been ignored. She showed on the PowerPoint where the Applicant wanted to build the retention ponds. She said those retention ponds would not do much to hold back as much water as they got. She also had pictures showing their property last year, and she did not know where they were going to build because it was under water. She said staff did a really nice presentation, but she showed the Commission some uncomfortable pictures and there was no way the detention or holding ponds could control the water or help mitigate floodwaters. She urged the Commission to stop listening to the many denials of responsibility and start doing what was right. The Commission might think this was only a 206-lot approval, but she did not think it was. She asked the Commission to think about all the development going on in the area, think of the total that would go into the Lake, not just this development. All buildings that would have an impact on Swan Lake needed to be halted until further, complete studies were done to understand what the collateral damage would be to Swan Lake.

Melissa Wiseman, 10515 Chestnut Street, stated she was opposed to unrestricted growth. The Lemmon Valley Heights North project was not conduit to the open space areas. She said she was sorry they were dealing with flood issues, but we all know Nevada weather. Hearing this five years ago, we would be upset that he was keeping the water from the basin where the wildlife and birds needed the water. She stated Lemmon Valley Drive was going to be a four-lane road and they would have to accept that, but she thought that should be in place before they increased housing. She said the north side lots were eight houses per acre. She understood there were no street lights, but that was a whole lot of porch lights that would pollute their beautiful star-line. She said she was very concerned about public access to BLM land. She thanked them for not building on all of those acres, but what would happen to the open space land when it was decided to put one house per acre there. She said the Lemmon Valley Volunteer Fire Department still had not shoveled the snow from in front of the doors for the Lemmon Valley Protection. The closest fire station was in Silver Lake and the average response time was 15 to 17 minutes. Under the best of circumstances how was that going to change when there were more people to protect. She wondered about the \$2.5 million dollars given to the Stead Airport and how that would affect different development in that area. She questioned the traffic to town and having no way to get to town safely and in a time-effective manner.

Josh Miller, 575 Werth Circle, showed a picture of the area and the County pit. He thought if there was a valve in that, it would hold a lot of water and the water retention numbers would be closer to what the Applicant planned with his six water holding areas. He said he saw some other numbers showing the Lemmon Valley Elementary being at 107 percent capacity and North Valleys being at 117 percent capacity. He noted he was not totally against the development, but maybe they could add a park, a roundabout, speed bumps, or something like that because people sped up and down the roads and he did not think that was too much to ask.

Danny Cleous, 11630 Tupelo Street, said the northside of the development they wanted to do was right at that line, which had been there forever. That line separated the rural part of Lemmon Valley to the front part of Lemmon Valley where there were subdivisions and he felt it should stay that way. He said they did not need houses jammed up next to each other. He noted on the map were a rancher was fighting the City of Reno to place warehouses on his property. He quoted some rain fall measure from the Stead Airport in 1986, which was more than in 2017 and the area did not flood. He said the area flooded in 2017 because of too much effluent water and too much building. He said they talked about snow pack, which was estimated from Mt. Rose and not from Peavine. We did not even make it to a 100-year flood in a 24-hour period yet. We haven't even made it to a 100-year flood in the Lemmon Valley yet. If we got a 100-year flood, he would have four feet of water in his property. When his parents bought his property, it was not listed in a flood plain. He said it was now because of all the building and all the effluent water going in. He believed all the hydrology, drainage and flow reports were made up because they came off Steamboat Creek and a creek out of Gerlach. There had not been a real study in the North Valleys for a long time. He did not want retention ponds, because they turned into a mosquito pond.

Rob Sheets, 11950 Heart Pine Street, said the County had done an excellent job of cleaning out the culverts, clearing out the ditches from the mud and the waste, but all of that had been dumped into Swan Lake for years and years. He believed people changed the absorption rate for Swan Lake. He applauded these plans and ideas, but he wished the City would have done that for the residents a long time ago. When you try and separate their plans for the containers or ponds, to solving world hunger, which was a flood of Swan Lake, he felt it could not be separated. Hoping in 2040 that Lemmon Valley Drive was completely raised up was not the answer, because all the residents who lived there would be attending a meeting like this

complaining they were flooded out and could not get to their homes. Swan Lake would never go back to normal.

Donna Robinson, 11625 Tupelo Street, said some of her concerns were that the plan to widen Lemmon Valley Road to four lanes was on the RTC Plan, but when would that happen, before the development or after the development. She wondered how that would impact the traffic on Lemmon Drive right now. She discussed six fatalities on Lemmon Drive since she lived there, both by vehicle accidents and pedestrian accidents. The fact was that until all the questions were answered, and she applauded Mr. Baker for having the foresight to look at the hydrology, but who was going to be responsible for the school kids. She said a part of Lemmon Drive would be raised, but what about the school children who could not walk on the path because it was under water. She said 206 homes with a minimum of three or four people in a home, would add to the effluent water being put in the Lake, would add to the traffic going down Lemmon Drive, and Diodor was a dirt road. She wondered if that was going to be paved and if it was paved, who would maintain it. Those were all important issues this Commission should look at during the tentative map stage because the public would lose their voice once this was passed. She asked the Commission to look at all the issues, not just the flooding, but traffic, safety, law enforcement and fire.

Chair Chvilicek closed public comment and brought discussion back to the Commission. Commissioner Lawson said page 9 of 14 of the Staff Report stated that traffic on Lemmon Drive had been identified as a concern during the review of the project. The application materials included a traffic study that indicated that "traffic generated by the proposed Lemmon Valley subdivision would have some impact on the adjacent street network. The following recommendations were made to mitigate the project traffic impacts. It was recommended that any required signing, striping, and traffic control improvements comply with County requirements. It was recommended that the segment of Diodor Way adjacent to the site and all internal subdivision streets be constructed per County standards." He questioned if the amendment, the raising of Lemmon Drive, would remove the condition to pave Diodor. Mr. Pelham stated the section of Diodor identified as an emergency access would no longer need to be paved. The area of Lemmon Drive would be raised instead.

Mr. Baker stated there was a Condition of Approval that required them to relocate the Diodor intersection. Right now it did not come in at a 90-degree angle, and they were required to move it further up Lemmon Drive and do a full-half street improvement. He informed the Commission that they were paving it and relocating it because it did not function properly.

Commissioner Donshick wanted the questions regarding the effluent and the sewer capacities addressed. Mr. Smith stated current flows into the treatment plant was approximately 220,000 gallons a day using planning numbers that they utilized in facility plants. The current capacity of the plant had the ability to accept flows from this development as it was today. He said he wanted to be clear that there was a requirement as part of the permit that any time they hit 85 percent of the permitted capacity for inflow, the State required them to initiate planning efforts for the next expansion phase of a treatment plant. He noted that was for the Lemmon Valley plant, the Stead plant, the South Truckee Meadows plant and all facilities. He said even though the volumes of water that was generated from the treatment plants did not have significant impacts to the water surface elevation, it was important to recognize that the City of Reno and the County were collaboratively planning to look at alternatives and options for reclaimed water and what to do with that to best serve the public as a resource moving into the future. He stated they were doing pilot programs and the City of Reno was engaged with the University and with TMWA looking at a pilot program for their facility and they were also looking at expanded pilot

programs in other areas to determine what was best to do with the treated effluent. In the future, they were likely to see that effluent water would be treated to a much higher standard to be used in other areas for other purposes, which may limit the amount of water released into Swan Lake. He said they would always be required to put a sum amount of water in Swan Lake for the protection of wildlife and the agreement with the Audubon Society.

Chair Chvilicek asked what the current capacity of the plant was. Mr. Smith said 73 percent, but they would still be below that with this subdivision. He said they had already initiated the expansion planning for that facility, which was only required at 80 percent. He said they hired several local consultants to assist them through the process.

Commissioner Donshick stated fire response was brought up and she knew it went out to all the entities but there was nothing from the Truckee Meadows Fire Protection District (TMFPD) in their packet. Mr. Smith said there was a question about the timing with the RTC's road widening project, so he looked up the RTC 2040 plan and the project scheduled for 2017 to 2021, reference #13 was Lemmon Drive. Also, to widen from two to four lanes from Fleetwood Drive to Arkansas. Commissioner Donshick asked if it was set. Mr. Smith said it was fund-based. Mr. Pelham stated he did not receive a response from the TMFPD.

Commissioner Lawson said that was part of \$160 million worth of roadway projects identified in the region that was funded by Regional Road Impact Fees, and that was contingent upon approving the new fee structure. He said he thought it was not a done deal.

Commissioner Horan said he struggled with things like this from the standpoint that the tentative map was often ahead of the infrastructure. He stated no one talked about the 5,000 homes going in Cold Springs and it was difficult to continue to do this betting on what was going to get done. He thought everyone did a good job giving the Commission the facts, but there was no guarantee.

DDA Edwards stated he did not know what the Commission would decide, but if there was a motion to deny, he would admonish the Commission to tie it to the findings. He advised the Commission to avoid making a motion to deny based on the thought there should be some sort of blanket stoppage of development in this area. He said that would have to be done pursuant to a moratorium.

Chair Chvilicek asked how the Commission could pursue getting a report from the TMFPD. Mr. Lloyd stated he did not believe the Commission could get that information at this time. He explained he spoke with Chief Moore who recognized the growth in the North Valleys area and he was looking at funding sources for expanding or new development, because it was a recognized area of need. DDA Edwards stated the fire regulations were codified and in International Fire Codes and they would apply whether or not the report was included. Mr. Pelham stated staff usually received comments back from the fire department only about half the time, but he reiterated that the developer would have to meet all the requirements of the Fire Code as the process moved forward.

Chair Chvilicek called for a motion.

Commissioner Lawson moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Tentative Subdivision Map Case Number WTM18-001 for JDS LLC, having not made all ten findings in accordance with Washoe County Code Section

110.608.25, specifically the public health, that the design of the subdivision or type of improvement was likely to cause significant public health problems. He further moved that under Access, the design of the subdivision did not provide necessary access to surround adjacent lands and provide appropriate secondary access for emergency vehicles. Commissioner Bruce seconded the motion.

Commissioner Horan stated he did not necessarily agree that Findings were not being met. He said he would support a motion to approve the project.

Chair Chvilicek called for a vote. The motion was failed on a vote of one in favor, six voting nay.

Chair Chvilicek called for a second motion.

Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number WTM18-001 for JDS LLC, with conditions and with the change to condition #3yy as specified by the County Engineer and having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Donshick seconded the motion, which carried on a vote of five in favor and Commissioner Lawson and Commissioner Bruce voting nay.

- 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.