



We appealed the Planning commission's decision to approve the tentative map because:

1. The Ascente tentative subdivision map violates the Forest Area Plan policies, in that it will forever change the rural character of the area, diminish property values, surrender view shed, endangers wild life, promotes flooding, expands fire risk, and adds no elements of civic or cultural spaces.
2. The Ascente project directly violates the Mt Rose Scenic Byway Corridor Management Plan in that Ascente's proposal provides for ridgetop developments of high density housing, which will substantially detract from the viewshed, which directly violates the Scenic Plan;
3. The Ascente project violates the Land use and transportation element in that the proposal is detrimental to safety and does not promote connectivity.
4. The CAB voted against the approval of the Ascente tentative map and raised numerous issues concerning the Ascente development. These issues were not addressed by Ascente;
- 5.

I want to make clear to all that we residents find our earnest request to the Planning Commissioners and their lack of engagement, debate, questioning of the applicant void of proper procedures.

The public deserves each point of our appeal to receive an answer that states the reason for your actions.

The public has read the staff report Prepared by Trevor Lloyd and Staff and will respond where appropriate.

In Trevor Lloyd's letter (dated May 22, 2017) to the Planning Commissioners he stated "Forest Area Plan Policies are relevant to the tentative subdivision map request for Ascente (TM16-009) "

The Forest Area Plan (FAP) adopted September 2010 applies to the entire Ascente Property.

The Forest Area Plan Mission Statement was clearly written to protect and preserve the Rural Character of the Area in anticipation of this kind of contentious conflict between development and current neighborhoods. In fact, in its mission statement the FAP states just that.

The Matera Ridge Mixed Use Overlay District (MRMUDO) lies within the Forest Area Plan and is part of the FAP with some 28 specific policies written for just this type of private property within the FAP. The MRMUDO District is directly linked to the MDS and LDS Zoning allowed for this project

Land Use and Transportation Element adopted by the County Commission (2011)(LUT) also sets goals and policy criteria for this property. The LUT language, about the other two Area Plans, is to support the criteria of the other two Governing Plans.

Mt Rose Scenic Byway Corridor Management Plan, (Scenic Byway) lays out recommendations for the area that this development is part of and is referenced in the Forest Area Plan as being embraced into

that plan. Thomas Creek to Timberline Dr. is specifically called out as part of the Management Plan. The Scenic Byway Plan in its mission statement clearly states what will not be allowed to detract from the View Shed we all share.

FAP F.2.3 states "Applicants REQUIRED to present their items to the CAB must submit a statement to staff regarding how the final proposal responds to the community input received from the CAB." Not all of the issues raised by the community in the CAB meeting have been addressed.

This property has been private for more than 100 years and several of the previous owners have tried unsuccessfully to develop the ground. We recognize the right of Ascenté to build, but it is not their right to build in a way that violates the policies set forth in the FAP, the Scenic Byway Plan and other codes and regulations, set forth in further detail below. The current Ascente plan places the health, safety, and character of the current neighborhoods at risk. This is not the best plan to meet both the objectives of the developers and those of the surrounding neighborhood standards established under the applicable plans.

The public requests that County Commissioners return Ascente's Tentative Map Approval Process to the Planning Commissioners and County Staff, with directions to attach "Conditions Of Approval" to mitigate violations. It is important that the public is able to see the results of your actions and can verify that Ascente was given specific direction from the planning department. Noting "Staff has conditioned the submittal of a final detailed report prior to the finalization of the first final map." This wording does not give us confidence that the issues are explicitly identified to be addressed. We will not see the implementation of the requirements until we see the physical realization.

This is a very large proposal, 225 homes phase 1 and some 440 homes in phase 2. Ascenté claims to have taken measures to satisfy the requirements of the governing documents to meet the concerns of the neighbors. We will show that Ascente has not addressed the violations of the FAP, LUT and the Scenic Byway or the safety concerns raised in the appeal.

Fire: Not a Case of If, it is a Case of When

Violations

TMFPD and Washoe County Wildland-Urban Interface Code section 603 and table 603.2 "All structures in 'high-hazard wildfire zones' abutting any wildland must have a 50ft setback ('Fuel Modification Distance') from that structure clear of combustible vegetation.

Also see [http://wcgisweb.washoecounty.us/Fire Hazard](http://wcgisweb.washoecounty.us/Fire%20Hazard) for map of area fire rating.

FAP .2.14 Washoe County is working with regional partners to ensure that the County's Development Code reflects best practices for wildland fire protection and management for the development of activity in the wildland suburban interface. Prior to the amendment of Development Code to incorporate the relevant codes and practices, applicants for any discretionary approval must show how their project will manage potential threat of wildfire. Plans that propose the use of defensible space must include a maintenance plan for that space that demonstrates how that area will be maintained and managed for the life of the project

LUT 21.d "Issuance not detrimental- Issuance of a permit WILL not be significantly detrimental to public health, safety, or welfare; injurious to property or improvements of adjacent properties; or DETRIMENTAL TO THE CHARACTER OF THE SURROUNDING AREA"

Both the Staff Report and the Planning Commissioners failed to address this non-compliance that the public has identified. These issues are listed in our Appeal of June 15 2017 applicant has not meet their burden of proof that they have a Wildfire Management plan in place. There must be better plans demonstrated.

As stated in our appeal "The Ascenté Tentative Map design does not incorporate a plan to meet TMFPD Wildland Code Sections 601-603, nor does it incorporate adequate protection from wild land fire hazards and will increase potential for impact to human health and safety due to: 1) increased potential for fires to occur; 2) impediment to residents' ability to escape fire; 3) inability for the TMFPD Department to fight fires due to lack of adequate property access; and 4) no additional fire road exits provided for 225 additional homes.

Ascenté's own proposal (C10, C11,) states compliance with Washoe Co Code (WCC60) and NAC477 and then goes on to describe moderations to yards and landscaping but does not mention TMFPD and County Wildland Code Sections 603 or 603.2, to which the plan does not comply.

The fuel load of the wildlands of Ascente is in direct proportion to the amount of rainfall received. As the rainfall of the Mt. Rose Fan is always between twice and three times that of Reno the need for adequate fire planning is very high.

Ascenté's current proposal plans to build 225 home sites at the end of the current infrastructure. These 225 homes will all reside within a Wild land urban interface and the county has designated this same land as a 'High Fire Hazard Area', (to determine Defensible Space that contains no combustibles). As we look at the Ascentés current Tentative Map application, we can find no mention of the 50ft non-combustible set back from the surrounding Wild lands?

New home owners must be made aware of the no combustible vegetation restrictions in their backyards, into perpetuity. The proposed map fails to show where Ascenté will provide 50ft of non-combustible space beyond the property's line. **We ask the Commissioners to send this proposal back to the Planning Commissioners with direction that Wildland Code Section 603 must be satisfied.**

In our meetings with Chief Moore of TMFPD he expressed concern about access to the southern edge of the Ascenté Property, hills and or homes currently block this. He also expressed concern as to the response time lines that home owners may experience during mandatory evacuation.

We have asked at each CAB meeting and again at the Planning Commissioners meeting to show where and how Ascente has mitigated the additional fire evacuation risks, placed on the safety of the current residents, by adding 225 homes to the same evacuation routes we now have. There are no additional fire exits provided for these 225 lots. We will show, later, Ascenté is planning to close one of the four infrastructure connections that exist today and use a locked fire gate on another.

In our meetings with Fire Chief Moore of TMFPD he was troubled that access to the southern border of the property was blocked by steep hills or homes. He much preferred some access point for his emergency vehicles to get to the next piece of property to enable a proper defense of a fire coming from the south.

For the entire length of Fawn Ln there are no fire hydrants thus restricting the ability to fight fire in that area. The lack of hydrants poses a great threat to closing one of the two fire exits for the Ascente property.

580 Freeway is just over ½ mile from Donner and Whitney Subdivisions with the entire distance wild lands full of fuel. Roads are high on the list of fire sources.

With the approval of Ascenté's 225 new homes, and the revitalization of Callamont (now called Terrasante), with 210 additional new homes, the county will have approved new housing that comes very close to a doubling of homes that must use Fawn Ln. and Callahan Rd. as their only fire exits. This alone should have been a point of debate at the Planning Commissioners' hearing. The point was raised but not discussed.

The Public believes there are ways to better mitigate the real fire threat.

- 1) Use buffering and substantial Landscaping in conjunction with fire equipment access routes to help control fires.(details discussed in the Buffering section)
- 2) Before the sale or transfer of any property Ascenté must provide additional fire exit plans. This may include a temporary fire exit through county road 49. Then, with completion of Phase 2 an exit through Thomas Creek.
- 3) A traffic study that demonstrates the time lines for safe evacuation. The tight cul de sacs that Ascenté proposes for the Donner Subdivision have more than 400 homes in front of them on their route out to Callahan and SR431. Traveling their only other exit through Fawn Ln there are just under 300 homes in front of them trying to evacuate. Many of these homes will be loading horses.
- 4) Provide access for emergency vehicles to the entire southern border. This could be part of the buffering/trails/fire set back. It does not take a road: it only takes setbacks.
- 5) Captain Moore stated he had money to fund Directions and Evacuation Signage for Fire evacuation, and Ascenté could help the current neighborhoods by placing this signage for north, west, and south evacuation routes for homeowners once they get to Callahan RD.

These violations of the FAP and LUT, combined with the lack of adequate fire evacuation routes, are simply too dangerous for current and future neighbors to contend with.

Commissioners have the duty to either deny this application Tentative Map Approval. Or send this back to the Planners and Staff with directions to mitigate the fire risk.

Traffic Connection to Thomas Creek

Violations

LUT 21.d "Issuance not detrimental- Issuance of a permit WILL not be significantly detrimental to public health, safety, or welfare; injurious to property or improvements of adjacent properties; or DETRIMENTAL TO THE CHARACTER OF THE SURROUNDING AREA"

LUT.29.1 "promote the CONNECTIVITY of neighborhoods within the larger community and region by design new developments to contain stubs for connection to future adjacent developments"

FAP F.3.5.d "Ingress, egress, and internal circulation must be designed to IMPROVE OVERALL TRAFFIC SAFETY, IMPROVE ACCESS FOR AFFECTED ADJACENT PROPERTY OWNERS, consolidate and minimize access to SR431 , promote pedestrian and cycling activity and MITIGATE ANY NEGATIVE IMPACT TO EXISTING DEVELOPMENT."

Staff report prepared for this appeal states "The applicant is not proposing full development of the property at this time and it is not clear if or when further development will take place. Washoe County is responsible for determining the merit of a project as it is proposed and submitted" Ok we can show that Ascenté is closing two of the four current roads that dead-end into the Ascenté properties. Best practice is not to judge traffic changes in isolation. Rather, to incorporate traffic into the planning function considering current and also future development.

Ascenté has a traffic study with results manipulated to indicate that the Level of Service (LOS) on Shawna Ln, Cherrywood Dr., Goldenrod Dr., and Tannerwood would not be changed. We can show how the data was mis-represented. Ascenté is relying solely upon the current LOS designation of the roads listed as the determining factor of whether their plan complies with the FAP and LUT. If LOS were the determining factor there would have been no need for the FAP to say "must be designed to improve overall traffic safety and improve access." The FAP and LUT would simply have said roads must comply with applicable LOS ratings for each affected road.

There will be 2,000+ plus cars per day that will exit the Ascenté Subdivisions, affecting the Community Character, individual safety and substantially changing traffic on Shawna/Cherrywood and Fawn

Lanes. As currently designed Ascenté's traffic will place current residents at an unacceptable level of risk. The added traffic will also dramatically impact the character of the neighborhood.

NDOT in their letter of October 20, 2016 asked, *"is there a way the developer can construct a phase further east that would tie into Thomas Creek road intersection instead of the proposed Phase 1?"* This would be a beneficial improvement. Ascenté Development traffic would utilize the existing signal and have minimal impact on Callahan Road".

No full build out plan has been given to NDOT for Phase 1 and Phase 2. NDOT's concern about too much traffic entering SR431 through avenues that do not have a signal, must be considered. Current Level of service for SR431 and Callahan is rated F. The twin projects of Ascenté and Terasante will only compound the issue.

As stated in this appeal the representative of the Madera Ridge indicated that they had an easement or they had committed to build a road through Forest Service and private property, to the Thomas Creek signalized Intersection. This was to be done to support the intensification of the properties' zoning when the FAP was updated was adopted. This earlier commitment to use existing signalized intersections must be evaluated.

Ascenté's Proposal will close 2 of the 4 roadways (Brushwood Dr. and Cedarwood Dr.) that dead end at the Ascenté Property closing what are now dirt roads. One of those roads will no longer connect because of the placement of a detention pond. The other will become a "Gated Fire Exit". If this plan considered connectivity, both of these roads would be connected to the Sierra Subdivision. **The commissioners must direct the County Staff Planning Commissioners to require Ascenté to meet or exceed best practices for connectivity of new developments.**

There is no Construction Haul Road identified by Ascent for Phase 1. Developer must state their plan for a construction road. This was asked at the CAB Meeting, At the Planning Meeting, and asked of Staff without answers from anyone. Incomplete answers for incomplete plans.

Another advantage of mandating Thomas Creek Access would be a shorter route for Tioga and Whitney Subdivisions to SR431 via the Thomas Creek Signal. This would remove the traffic from 76 homes onto Shawna and Fawn Lanes.

In the Tentative Map application Ascenté details their traffic improvements

- a) "Crosswalks for the trail at several crossing of Fawn Lane". Issue: Cross walks are fine but no one will use a 6ft wide trail! the trail is too narrow with a ditch on one side and fencing on the other
- b) "An acceleration lane on Mt. Rose at Fawn Lane." Issue: who will pay to build this lane and to move the bus stop? NDOT raised this issue in letter of Oct 20, 2016.
- c) "Construction of a school bus waiting area at Shawna and Millie intersections." Issue: that is currently a heavy equipment construction zone for the County 4 to 5 months of the school year for area well maintenance. Also, 100 homes from Donner and Whitney Subdivisions will

utilize the 24 ft wide Shawna Ln. The area will also be congested by cars with parents waiting with children. Walking to this bus stop is impractical since Shawna Ln has no sidewalks, open ditches, no street lights, road with about 1,000 car trips per day.

- d) "Move stop sign at Cherrywood/Cedarwood intersection for proactive distribution of project traffic between Goldenrod and Tannerwood". Issue: the result is only to impede traffic, not to manage it.
- e) Install Stop sign on Goldenrod/Cherrywood intersection's west bound approach for safety purposes. No Issue Great Idea.
- f) An extensive trail system will be added to the entire length of Fawn Lane connecting it with the ascent trail system that further connects to the existing trails into the US Forest Service Lands. Issue: as mentioned the trail is just 6 ft wide. From the edge of the asphalt it is just 12ft to property lines. 6 ft trail 6feet for shoulder and ditch: it is simply inadequate.

These few measures in no way improve access or lesson the traffic on small country roads. Incomplete answers from an incomplete plan.

We have no sidewalks or covered ditches throughout most of the area that Ascente's traffic will use. We refer to the precedent that was set by the County, when they required both Callamont (now Terrasante) and The Estates to improve Callahan Rd with covered ditches, walk ways on at least one side of the road and hammer turn about for residents that backed directly onto the road way. These features are well used by the residents.

Staff and Planning Commissioners must require improvements to Fawn, Shawna, Cherrywood, Goldenrod and Tannerwood in the manner that Callahan has been improved to handle "collector" traffic loads.

Safety, Traffic Counts, Fire Exits, and Connectivity, compliance can easily be demonstrated. Either impose these COA's or deny the Tentative Map application.

Mitigation may include but not be limited to

- 1) New Traffic Study that clearly enumerates traffic counts, projected additional traffic, and evaluates emergency exit time lines**
- 2) Covered ditches, with paved walk ways, to facilitate safe travel issues.(precedent set on Callahan)for Shawna, Fawn, Cherrywood Tannerwood and Goldenrod road ways**
- 3) Before the sale of any properties contained in Tioga or Whitney Subdivisions the Phase 2 road to Thomas Creek must be completed.**
- 4) Hammer turns must be offered and supplied to residents with driveways that back directly into one of these roadways.**
- 5) Improve access by creating a better plan to include different lot lay out. (a new lot layout will be necessary due to earthquake fault set back once geotechnical study is completed).**

Buffering

Violations

F.2.18(e) Primary structures shall be buffered from adjacent residential areas outside of the MRMUOD in a manner that preserves the suburban/rural character of existing development. Buffering can include but is not limited to: areas of open space, clustering or otherwise locating behind ridges or outcroppings and significant landscaping.

Lut.2.3(a) Require appropriate buffers to mitigate conflicting land use.”

FAP F.2.10 The Impact of development on adjacent land use will be mitigated. The appropriate form of mitigation may include but not limited to open space buffering (200ft) or parcel matching and should be determined through a process of community consultation and cooperation. Applicant shall be prepared to demonstrate how the project conforms to this policy.

FAP F.2.4 During the review of tentative maps and other potential proposals, Staff will review the adequacy of the minimum standards established under this plan, and upon a finding that a standard is inadequate to implement these goals, may recommend to the Planning Commission other similar standards as necessary to implement the relevant goal. Said similar standards may include but not limited to Perimeter parcel matching and alternative construction materials.

Buffering at the time the MRMUDO was approved was either a 200ft “Open Space” set back or perimeter lot matching.

Ascente’s proposal offers a 40ft buffering in most places 20ft along Patti Lane, but no such buffering or fire set back on the south edge of the property. The Buffering zone established in the MRMUDO was 200ft and the COA’s must reflect this.

In our meeting with Fire Chief Charles Moore he agreed that there was no fire fighting access to the southern border of the Donner and Whitney Subdivisions and this was TROUBLING.

Although these issues were raised at both CAB meetings, and with the Planning Commissioners, again no one asked a question of Ascenté or the staff.

Fire setbacks, planting and landscaping and buffering must be in place prior to any sale or transfer of any property by Ascente otherwise current residents will wait 5 to 10 years before the CC&R’s fund such actions.

Both Staff Report and the Planning Commissioners failed to address the non-compliances the public has identified

Fire Setbacks, Significant Landscaping, and Buffering must be COA required by the Planning Commissioners at your direction.

Our Commissioners must return this application to Planners and Staff with directions to create COA's that meet this policy and our requested time lines.

View Shed

Violations:

FAP F..2.18.c "The development shall incorporate a view shed plan that will direct the location and intensity of the development within the overlay district. Infrastructure that impacts the view shed of adjacent properties SHALL be designed such that the impacts to the view shed are MITIGATED.

Mt. Rose Scenic Byway corridor Management Plan (Scenic Byway) "Goals and Objectives, Goal 4 (page6) Protect cultural resources and views from growth and development. Strategies and action Items on page 59." Preserve Views and Scenic Vistas/Protect View sheds."

Forest Area Plan (FAP) F.3.5.g "The view of the property, particularly the view shed from SR431 SHALL be designed such that site designs, architectural style , lighting, ROADWAYS, and INFRASTRUCTURE, LANDSCAPING and signage blend with natural features of the land and create a SENSE OF PLACE THAT IS SCENIC, compatible with local environment, and establish a SAFE AND WELCOMING neighborhood atmosphere.

FAP F.2.3 "Applicants REQUIRED to present their items to the CAB must submit a statement to staff regarding how the final proposal responds to the community input received from the CAB.

FAP Goal Eight: "Maintain and enhance the scenic value of the State Route 431 corridor".

FAP F2.17.f "Development WILL be compatible with and enhance the SCENIC QUALITY of the Mt. Rose corridor."

Staff Report prepared for this appeal states" The statement that the plan violates the Mt. Rose Scenic Byway corridor Management Plan (CMP) is subjective. The CMP provides very general goals and policies. More importantly the CMP is not policy but rather it is a guide to help local agencies develop policies to help protect and preserve the Mt. Rose corridor"

However Staff did not mention or dispute the 5 quoted FAP Policies Violations, listed above.

As some of you are realtors you know the value of a good view shed and just what a great view can contribute to your properties value. We are contending that this is not just the locals view shed but the entire county's view shed and this hearing of the proposal from Ascenté is a test case for future development in the foothills in Washoe County. **The FAP has extensive language about mitigating the impact on view, and the Scenic Byway Plan goes as far as to clearly call out that no development or road cuts visible from the highway are allowed on these hills.** If you Commissioners allow building that does not meet the three governing plans to preserve the counties view shed, then nowhere in the county can we draw a line and say there should not be development in the foothills, thus setting precedence for all developers to follow.

We ask Our Commissioners to recommend COA that require that Tioga and Whitney Subdivisions be redesigned to be fully screened by natural hills and significant buffering/landscaping to make them become compliant.

In Ascenté's own "Tentative Map Application" Supplemental question 23, Can the disturbed area be seen from off site? They answer;"yes, the disturbed area will be seen from off site and will be mitigated through cluster development and common open space design the site will also incorporate new landscaping to help mitigate the disturbance". The issue of view shed was not mentioned in Ascenté's letter responding to the CAB meeting as per FAP F.2.3 nor was it ever discussed by the Planning Commissioners in the public hearing June 6 2017. At both meetings the public raised the issue.

Character of the Current Neighborhood

VIOLATIONS

Character Statement of the FAP "the rual quality of life is to be protected.

Character Statement of the FAP "Unfortunately, some past development practices have not been entirely supportive of the FAP's Character statement described here. Therefore, this plan will make extra efforts to ensure that future development plans be conducted and implemented in a manner that supports and enhances the community character."

FAP F.2.13 "The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts,

FAP F.3.5.d “ingress, egress and internal circulation must be designed to improve overall safety, improve access for affected adjacent property owners, consolidate and minimize access to SR 431, promote PEDESTRIAN and cycling activity and MITIGATE ANY NEGATIVE IMPACT TO EXISTING DEVELOPMENT”

LUT 21.d “Issuance not detrimental- Issuance of a permit WILL not be significantly detrimental to public health, safety, or welfare; injurious to property or improvements of adjacent properties; or DETRIMENTAL TO THE CHARACTER OF THE SURROUNDING AREA”

FAP 2.17.h “Development WILL CONTRIBUTE TO THE COMMUNITY CHARACTER, promote neighborhoods, and create a sense of place founded in the quality of life that comes with environmental and community responsibility.”

As noted in the appeal we have cited at least 5 violation of the FAP and the LUT which state in their mission statements that the current Rural Character of the Mt. Rose Fan is of significant value to the county and that these plans were specifically written to ensure their preservation, We are a community of narrow roads (average size 24ft) with large open drainage ditches one foot from the shoulders of these roads. We have no sidewalks. We have no street lights. (Dark Sky Neighborhood). And our community gathering place is the current roads that are little trafficked. We walk, jog, visit, ride our horse, walk our dogs, and sometimes park our cars. All of this is why the County said this place is special and maybe at risk of development changing this character. In the Mission Statement of the FAP this is addressed, and Washoe County specifically said preserve this from change.

Adding four subdivisions, totaling 225 homes, to the backyard of this fragile infrastructure, without substantial mitigation fails to meet the intent of all three Governing Plans. Washoe County is being now asked to allow more homes than the MDS/LDS zoning allows for, thus increase density. The County is being asked to allow 2,000 car trips a day on just 2 roads, too much traffic to maintain character and safety. The county is being asked these 225 homes be approved without adding a single exit, this is a safety risk we are not willing to accept.

Ascente stated in their Tentative Map Application that they would make improvements by “ Construction of a school bus waiting area at the Shawna Lane/ Mille Lane intersection. Unless the County closes it well heads, stops storing heavy equipment at this location, does not allow TMWA to spend one week every six months converting from pumping to injection of the wells at this site, and the county closes this active construction site, we should not allow Ascente to send the Bus waiting areas out of their proposed subdivisions.

The Commissioners must direct the Planning Department and Staff to establish COA’s that: (1) add an exit/ entrance road through Thomas Creeks signalized intersection to reduce traffic safety issues. (2)

Traffic from Tioga and Whitney subdivision must be channeled to use this additional exit (3) Ascente must adhere to the MDS and LDS lot size to keep density to legal limits.

Both Staff Report and the Planning Commissioners failed to address the non-compliance the public has identified

If the developer cannot satisfy these "Character" issues then the Tentative Plan must be denied.

Parks and Trailhead Parking

VIOLATIONS

FAP F.10.4 "Parking will be provided at all trailheads unless technical or safety issues prevent the construction of parking facilities. Or it is determined that the parking facility cannot be adequately screened or buffered from adjacent residential properties"

FAP F.10. Development proposals and population trends will be evaluated on their impact to an established community standard of seven acres of Neighborhood/Community Park per 1000 residents. When warranted the Washoe County department of Regional Parks and Open Space will request the dedication of an appropriate amount of Community park acreage as property develops within the planning area."

Lut.2.2(h) "Encourages a minimum distance from residential dwellings to active recreation in parks."

Ascente has proposed more than 600 homes between Phase One and Phase II and to date has ignored calls by the public to meet the FAP requirements for a 7 acre park for every 1,000 new residents. In fact, Ascente has revealed no proposal for any public or civic use component as called out by the FAP and LUT.

Staff Report prepared for this appeal states "The Park Planners of the Community Services Department reviewed the proposed project and did not require the construction of any parks"

The public must ask why the Park Planners were not directed to satisfy this requirement? Not requesting is no mitigation of the Policy. **Best Practices throughout the county refer to adding parks and civic or cultural spaces. Commissioners must return this to the Planning Dept. with directions to require a dedicated park or cultural space.**

They must also show how this park will be accessed by not just their residents but by the whole of the community. This is one of the technical issues that is black and white.

Trail Head parking, along with the question of "Parks" has been presented to each CAB meeting without response from Ascenté,(FAP F.2.3) and was again presented at the Planning Commission hearing during public comments, without a response from Ascenté, and was not questioned by Planners.

Letter from Dennis Troy Park, Washoe County Planner dated May 8, 2017 to Trevor Llyod, listed under Recommended Conditions of Approval 2.) "Sheet L1.5 identifies "Pedestrian/Equestrian Amenities" at trail head locations. Please provide clarification as to what these Amenities are."

This same letter goes on to state 'Sheet L1.3 notes an access (see civil) on the southern property line adjacent to the detention basin'. However, on sheet C3.2 calls out the same alignment as drainage?

Staff Report prepared for this appeal states "The trails approved as part of this project will connect to existing trails but does not provide for any public or even private trailheads. There are no parking requirements for trails (only trailheads)."

The definition of trailhead is correct "the place where a trail begins" Ascenté's trails start in 3 distinct places as called out on their proposal. Staff did not identify where these trails do start other than on Ascenté property. Trail heads would not be required on the Ascenté property if these trails are extended into the neighborhood and connecting with existing trails. These trails should be designed to duplicate the path/sidewalk seen on Callahan Rd.

Ascenté's own proposal refers to the beginning of these trails as trail heads. See slide.

Thorough investigation of the FAP and County Code does not refer to exemptions in any form. In fact why else would the FAP direct development to put such parking/ park as part of their requirements. Additionally you'll notice that all trail heads begin/end at the juncture of Ascenté's property line and the present infrastructure, without proper parking facilities on Ascenté land they may be forcing what parking will happen outside their property lines.

The question of parking for trail heads must be solved with Ascenté designating ½ acre parking lots, with a radius of 50ft minimum, to allow parking, school bus zones and emergency vehicle turn around, at each of the proposed trail heads. Again this is a black and white topic and Ascenté in compliance will resolve other issues about snow removal, School bus stops, and the required trail parking. When you return this proposal to the Planning Dept make this a COA.

Planning Commissioners failed to address the non-compliance the public has identified.

Commissioners must deny tentative map or return this application to Planners and Staff with directions to create COA's that meet these policies, and requests.

Geotechnical Impact

In our Appeal, we cite the Tentative Map "Condition for Approval" for a complete and detailed fault study. We **request that during Ascente's compliance with the above, they produce a WRITTEN work plan to carry out their geotechnical Characterization** and conduct this work in tandem with the Nevada Bureau of Mines and Geology.

The applicant's proposal indicates that only one trench will be excavated to investigate potential faults. This clearly demonstrates complete lack of scientific regard for previous work, including ours, which indicate that Holocene faulting CAN BE ANTICIPATED in at least 4 other places on the Technical Map overlay. Our presentation to the Planning Commissioners on June 6, as provided in part in Slide 28, includes current best knowledge about Holocene fault location as determined by Nevada State Geologists.

It is our technical opinion that Slide 27 shows a lack of regard for published geologic reports and no interaction with geologists who have experience in trenching faults in the Callahan area. We are very concerned to see the lack of good faith effort to conduct a reasonable geotechnical assessment of the ENTIRE Tentative Map Site. If they don't acknowledge the work of other geologists who show fault and or fault lineaments on their site, one trench will NOT reveal the conditions that exist beneath the surface. We think they know this and this is why ONLY ONE TRENCH is proposed. Not only is this not good technical practice, it is a very deceptive ploy, and we Callahan Geologists can see right through it!

The Ascente geotechnical desk study states "Ramelli, et al. shows a north/south trending possible concealed fault" on the site and that this fault should be located by trenching. The consultant has therefore, at least in the body of the text, acknowledged the presence of this fault, but elected to not show the location of the fault on the geologic map included in this same letter. Therefore by their own admission the geologic map presented in their Map 15th letter is incomplete as it doesn't include the location of this fault.

The Commissioners must demand that all faults shown on the composite map be explored thru fault exploration trenching, drilling program to identify the concealed fault, and field mapping. This work should be carefully planned first and detailed in a WORK PLAN for approval by a qualified engineering geologist with experience in Holocene fault identification in, preferably in West Washoe County. As the County Planning Department does NOT have an employed engineering geologist, our appeal requests that a State geologist oversee the implementation of this field work as well as approval of Ascente's Geotechnical Investigation Report.

The Work Plan should contain the following elements, as listed on Slide 29:

- **Existing Data Review.** Begin the fault identification and exploration work with a review of historic pre development aerial photographs including examination of special Slemmons era Low-Sun Angle aerial photographs
- **On-site Surface Mapping.** Conduct on-site geologic mapping based on detailed analysis of aerial photographs to preliminarily identify and refine the geologic structures of interest.
- **Plan and conduct Subsurface Field Investigation.** At least two trenches per fault lineament is generally acceptable. The concealed fault can be investigated with boreholes and should be linked to surface exploration using geophysics, seismic refraction and magnetic surveys, or even VLF-EM surveys. Boreholes can be used for cross-hole seismic work in areas where faults are covered with colluviums. Additionally, this concealed fault must be investigated in the southern section of the Tentative Map in the area of the Donner and Whitney subdivisions so field work must be conducted there as well.
- **Conduct Sampling and Geotechnical Analysis of Andesitic Rock.** The majority of proposed development sits on andesitic rock which presents a geotechnical issue in excavating hard rock and generation of extensive amounts of oversize rock, which will have no value for use in engineered fill unless it is crushed. From a geotechnical standpoint, building on this hard bedrock will have considerable constraints and having analytical data on rock geotechnical properties will assist all aspects of project planning.

We are asking that Ascente work in tandem with the Nevada Bureau of Mines and Geology whose mission is research and scientific study. Their expertise will ensure that Ascente's geotechnical study targets the location of potential faults as well as the accuracy of the findings. Their participation will greatly enhance scientific understanding of Fault Hazards in this area as well as the greater Truckee Meadows.

GEOTECHNICAL WORK PLAN COMPONENTS

- **Existing Data Review.** Begin the fault identification and exploration work with a review of historic pre development aerial photographs including examination of special Slemmons era Low-Sun Angle aerial photographs
- **On-site Surface Mapping.** Conduct on-site geologic mapping based on detailed analysis of aerial photographs to preliminarily identify and refine the geologic structures of interest.
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Violation

Washoe county Development Code 110.434.35 Earthquake Fault

Areas “Development in earthquake fault areas is to be discouraged. No habitable structure , or a structure whose integrity is critical to maintaining the public health and safety, shall be located on a fault that has been active during the Holocene Epoch of geologic time or as determined by site specific geotechnical study.

Both Staff Report and the Planning Commissioners failed to address the non-compliance the public has identified

County Commissioners must deny the use of blasting on this development. Allowing Blasting will mean Residents can be evacuated from their homes each and every time a blast is scheduled throughout the 2 ½ year proposed construction time line.

Fish and Wildlife

Violation

FAP F.14.2 “Any development that has the potential to negatively impact an established migration route or critical habitat, including but not limited to traditional mule deer migration routes, deer winter range, federally classified Threatened and Endangered species and the Pacific Flyway for migratory birds and their associated habitat must demonstrate how the project will protect the integrity of the migration route or habitat”

WCDC 10.822.45 Finding for open Space resource Constraints and Cooperative Planning Considerations not elsewhere addressed.

(A)

(1) THE PROPOSED AMENDMENT PROVIDES A FULL AND DEATILED ASSEMENT OF WILDLIFE HABITS THAT HAVE BEEN IDENTIFIED IN THE Regional Open Space Plan. The amendment must be found to include preservation, enhancement and/or mitigation measures as necessary for the maintenance of habitat.

(2) The amendment demonstrates how it is not detrimental to the protection, preservation and enhancement of wildlife habitat as acceptable.

Letter from Mark Freese of the Nevada Department of Wildlife dated 10/13/2016 addressed to Staffer Lloyd “the Steamboat hills, where the Ascente development project is located contains intact, high quality sagebrush and bitterbrush communities that provide critical habitat for muie deer. Mule deer are species of conversation priority for NDOWas identified in Nevada’s wildlife action plan. Further they are key wildlife spices in the Washoe County Master Plan, and are a local species of importance for ecological reasons”

Muie deer and use the area of the Steamboat Hills as wintering grounds and migration routes to the Mt. Rose Timbered foothills. Current response from Ascente shows wildlife corridors to begin on private property that abuts Ascenté and proceeds through their wildlands areas. Domestic dogs reside now in that private space and will reside in the Ascenté property. Dogs are among the largest threat to mule deer when they are in close proximity. Adding 225 new threat sources will have a detrimental effect on the dwindling herd. Buffering (as described earlier) will serve to provide the mule deer with convenient routes, additional forage, and secure passage.

Golden Eagles Have a historic nesting site adjacent to the Ascente property, and are covered by the Bald and Golden Eagle Protection Act covering both Bald Eagle and Golden Eagle Nesting Sites. This law clearly states that disruption of a nesting site, or the nesting habits of, is a federal crime. Also a nesting site location on or near construction zones must have a letter from the Secretary of Interior to proceed.

Ascente’s current proposal will have a detrimental effect on wildlife and winter survival. And may be in violation of Federal Law.

The expansion of Buffering to 200ft would allow additional avenues for the mule deer to both feed and travel through the proposed project.

Commissioners must deny a tentative map or send this proposal back to the Planning Commissioners with COA that direct Staff to impose the 200ft buffering policy.

Notes

With the right buffering design and input from NDOW the deer migration and winter food supplement could be a way to mitigate effect of subdivisions

With the right buffering design migration routes will be resolved.

Flooding

Violation

FAP F.16.3 “Washoe county will work to ensure that the action of one property owner does not adversely impact the properties and rights if another property owners, as measured by increased flood peaks, flood stage, flood velocity, erosion, and sedimentation.”

FAP F.19.3 Unless utilized as a component of overall storm water runoff system that seeks to enhance recharge and promote Low Impact Development standards, the use of curb and gutter will be minimized. The uses of roadside ditches are encouraged for the purpose of augmenting ground Water Recharge”

Staff Report prepared for this Appeal states in part “Staff has conditioned the submittal of the final (detailed) hydrology/hydraulic report prior to the finalization of the first final map.” This means that the public will not have a chance to review the Washoe County Engineering and Capital Projects Division Staff report before Ascente is granted approval.

County records will show no recorded complaints of flooding until the illegal compaction of the Ascente Property in the fall 2002.(by a previous owner). County records will show that residents complained of flooding every year since. Even in the three years of drought .Ascente has no statistical record confirming the amount of runoff that existed prior to illegal compaction of the are now called Seirra Subdivision, but the public does have records. Estimated runoff from Ascente’s HEC-HMS model greatly under predicts the actual measured values of runoff from their property under existing conditions. Effectively this allows the applicant to discharge more storm water for a given storm than currently occurs. For example the area of the propose Sierra Subdivision has an estimate for a five year re-occurrence interval storm that is four times higher than the measured value, when that measure volume created severe flooding down drainage.

A complete technical study was introduced into the record at the county. But was not mentioned or questioned at the Planning Hearing.

The tentative subdivision map must be rejected due to the inadequate Conceptual Drainage Report and under-sizing of detention basins.

Commissioners must return this issue to the Planning Commissioners and Staff with a COA that this issue will be resolved, and part of the Tentative Map approval process allowing public review.

Ground Water Recharge

Violations

FAP F2.18 (i) "Ground water recharge areas shall be incorporated into site planning and enhanced whenever possible. Low Impact Development (LID) standards shall be utilized to enhance groundwater recharge and manage storm water runoff"

When you cover 145 acres of the planned 225 acres with hard scape, roads, sidewalks, homes, driveways, roofs, patios, and other non-permeable surfaces, and the other 80 acres are slopes of 15 to 35% grade there is very little room to allow snow or rain to become ground water recharge, it all becomes runoff. Because of Ascente's own modeling process for these subdivisions, the Low Impact Design of Groundwater Recharge was not part of the tentative map and must become part of the COA portion of any tentative map approval process. The MRMUOD specifically states this rule.

Staff Report for this appeal states" Condition 2(dd) requires the applicant to submit a Low Impact Development (LID) design plan with submittal of the first final map"

We are not questioning that Ascente must turn in a LID we are questioning the modeling they use to calculate the amount of runoff that will be created. Adjust the modeling and you can get different numbers for runoff and thus how much water needs to be recharged.

Planning Commissioners failed to address the non-compliance the public has identified.

We ask Our Commissioners to return this application to Planners and Staff with directions to create COA's that meet this policy.

Water Supply

No Violations, Plan lacks information.

Washoe County has authorized TMWA to start supplying the Mt. Rose Fan Area Wells with water that is pumped from the Truckee River, 6 months of the year, to ensure ground water recharge to all private and county wells in the area of the Mt. Rose Fan.

As mentioned in the appeal Ascente will need to either import 22 million+ gallons of water by truck with no clear construction haul road called out by Ascente. They must be planning to send those 2,950 water trucks down our fragile infrastructure. Or they are planning to use culinary treated water that is being pumped, from the Truckee River, to the construction site.

Both Staff Report and the Planning Commissioners failed to address the non-compliance the public has identified

The Commissioners must ask the Staff and the Planning Commissioners, as a COA, to require Ascente to: (1) define their water usage amounts and source; (2) if construction water is to be hauled in, Ascente must create a Construction Haul Road, to keep these heavy trucks off the current infrastructure. That road must be through the signalized intersection of Thomas Creek and SR431

Conclusion

We are at this Appeal Hearing simply because County Staff has yet to receive the best plan from the developer. The Planning Commission failed to challenge Staff on their findings. After 1 ½ hours of Public Testimony the Planning Commissioners did not address the vast majority of issues we submitted and now must be mitigated in this appeal. They did not address the written Conditions Of Approval COA's handed them prior to the public meeting of June 8, 2017.

Past history of developers testifying that the domestic wells of our neighborhood would not be adversely impacted when the deep wells of Mountroux were proposed, is still vivid in our minds. Domestic wells were lost, home values reduced, and Washoe County ultimately paid to hook these homes to the current water system for free. All the while the developer at Mountroux was never held accountable.

The citizens of the Callahan, Fawn Ln, Estates at Mt Rose, Cross Creek, contain a group of highly qualified and diversely talented people that believe their neighborhoods, safety, and way of life are worth investing their time and money to make Ascente a worthy neighbor.

This Council must let the policies called out in these governing plans (Forest Area Plan, Matera Ridge Mixed Use Overlay District, Land Use and Transportation Element, and the Mt. Rose Scenic Byway Corridor Management Plan) to be read and interpolated as the plans were intended in their writing.

Violations of the Forest Area Plan, the Land Use and Transportation Plan, and the guide lines of the Mt. Rose Scenic Byway, all dictate that the County Commissioners must return this Tentative Plan Submission to the Planning Dept with the appropriate Conditions of Approval.