

**PLANNING COMMISSION
STAFF REPORT**

Date: November 16, 2017

To: Reno City Planning Commission

Subject: **5.1. Staff Report (For Possible Action): Case No. LDC18-00029 (Palisades) -**
A request has been made to reconsider Condition of Approval No. 10 associated with a tentative map and special use permit for Case No. LDC15-00018 (Palisades). Condition No. 10 is currently worded as follows: Prior to approval of the first final map, a fencing plan shall be approved showing materials for the boundary (perimeter horse), solid and open view fencing and the location of each fencing type. All lots with rear yards abutting open space or the major drainageway, shall utilize open view fencing. The perimeter horse fence shall utilize legal fencing materials per NRS 569 and cattle guards to prevent wild horses from entering the site. The perimeter horse fencing shall be provided along the north, east and south perimeters of the site. Said perimeter horse fencing and two cattle guards shall be installed prior to issuance of the first grading permit consistent with the locations shown on Exhibit A - Construction Horse Fencing attached to this decision letter. Plans for all other cattle guards perimeter horse and interior fencing shall be approved with the respective final map phase and be installed at the locations shown on Exhibit B - Buildout Horse Fencing attached to this decision letter. The cattle guards and boundary fencing shown on Exhibit B shall be installed prior to issuance of the first certificate of occupancy for each final map phase. All other lot fencing shall be installed prior to issuance of a certificate of occupancy for each house. The ±184.4 acre site is located south, east and northeast of the McCauley Ranch Boulevard/Gold Mine Drive roundabout in the Single Family Residential-15,000 square feet (SF15) and Unincorporated Transition-40 acres (UT40). The site has Master Plan land use designations of Single Family Residential and Unincorporated Transition. bjo

From: Brook Oswald, Associate Planner

Ward #: 2
Case No.: LDC18-00029 (Palisades)
Applicant: City of Reno
APN Number: 145-230-01 (previously 145-080-10, 145-030-04, 05, 06 and 10)

Request: A request has been made to reconsider Condition of Approval No. 10 associated with a tentative map and special use permit for Case No. LDC15-00018 (Palisades). Condition No. 10 is currently worded as follows: *Prior to approval of the first final map, a fencing plan shall be approved showing materials for the boundary (perimeter horse), solid and open view fencing and the location of each fencing type. All lots with rear yards abutting open space or the major drainageway, shall utilize open view fencing. The perimeter horse fence shall utilize legal fencing materials per NRS 569 and cattle guards to prevent wild horses from entering the site. The perimeter horse fencing shall be provided along the north, east and south perimeters of the site. Said perimeter horse fencing and two cattle guards shall be installed prior to issuance of the first grading permit consistent with the locations shown on Exhibit A - Construction Horse Fencing attached to this decision letter. Plans for all other cattle guards perimeter horse and interior fencing shall be approved with the respective final map phase and be installed at the locations shown on Exhibit B - Buildout Horse Fencing attached to this decision letter. The cattle guards and boundary fencing shown on Exhibit B shall be installed prior to issuance of the first certificate of occupancy for each final map phase. All other lot fencing shall be installed prior to issuance of a certificate of occupancy for each house.*

Location: The ±184.4 acre site is located south, east and northeast of the McCauley Ranch Boulevard/Gold Mine Drive roundabout in the Single Family Residential-15,000 square feet (SF15) and Unincorporated Transition-40 acres (UT40). The site has a Master Plan land use designation of Single Family Residential and Unincorporated Transition.

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the amendment of Condition of Approval No. 10 associated with the tentative map and special use permit for Case No. LDC15-00018 (Palisades) as written below.

Background: On May 7, 2015 Planning Commission approved the request for: 1) a tentative map to develop in up to seven phases, a 260 lot single family residential subdivision and 20 special use permits to allow a) grading disturbance within a major drainage way; b) hillside development c) grading resulting in cuts of 20 feet or more and fills of 10 feet or more; and d) cluster development. The site has Master Plan land use designations of Single Family Residential and Unincorporated Transition. This amendment of this condition is specifically and exclusively to address Condition No. 10 of this approval related to fencing and (double) cattle guards.

Recommended Conditions of Approval:

All conditions shall be met to the satisfaction of Community Development Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The applicant shall record the final map(s) in accordance with the time limit contained in state law or this approval shall be null and void.
3. Prior to issuance of any building permit, the applicant shall attach a copy of the final approval letter.
4. The applicant, developer, builder, property or business owner, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or readily available upon demand by City staff.
5. Prior to approval of each final map, the applicant shall demonstrate that an acceptable method of maintenance for all common area landscaping, drainage improvements, amenities and trails will be established (i.e. a Homeowner's Association, Landscape Maintenance District, or equivalent).
6. Prior to approval of each final map, the applicant shall have plans approved to install one code size tree and three shrubs for every 600 square feet of common area. Landscaping at this same density shall also be provided in groupings along the common area trails, around picnic areas and throughout the common area as shown on Exhibit A attached to this letter. The common area landscaping shall be bonded and installed with the associated final map. Required trees shall be 50% large and 50% small as defined in 18.12.1209(c)(3).
7. Prior to approval of each final map, the developer shall provide a copy of a disclosure statement to be provided to each homebuyer with their closing documents, notifying them that the normal operations of Damonte Ranch High School include, but are not limited to, heavily attended athletic, band and other student activities throughout the campus, including a lighted multipurpose outdoor stadium. These events occur throughout the year and may take place at any time throughout the day or night.
8. Prior to issuance of a grading permit, the applicant shall have final grading plans approved demonstrating that the edges of all created cut and fill slopes will be feathered and rounded to properly transition into the adjacent undisturbed slopes. All created slopes exceeding 30 feet in height shall provide horizontal and vertical changes to vary the flat-engineered look to these slopes by incorporating a mixture of 2:1, 3:1 and 4:1 slope. Talus slopes, embedded boulders, rockery walls

or other similar methods can also be used to break up these slopes. All areas disturbed by project grading shall be revegetated with a seed mix consistent with the adjacent undisturbed slopes. A note shall be added to each grading sheet as follows:

GRADING NOTE: UPON COMPLETION OF THE GRADING AND PRIOR TO APPLICATION OF REVEGETATION MATERIALS, REPRESENTATIVES FROM THE DEVELOPER, THE CONTRACTOR, THE ENGINEER OF RECORD AND CITY OF RENO SHALL MEET ON THE SITE TO DETERMINE THE FINAL SLOPE GRADING AND SLOPE TREATMENTS (PER CONDITION NO. 8 of LDC15-00018-Palisades).

9. Prior to approval of each final map the applicant shall have plans approved to provide front yard landscaping. These plans shall provide 4 different front yard landscaping options, including one for corner lots. Each front yard landscape option shall include at least two trees and 10 shrubs. The trees shall be in addition to the required street tree plantings specified in the development code. Said landscaping shall be installed prior to issuance of a certificate of occupancy for each house.
- *10. Prior to approval of the first final map, a fencing plan shall be approved showing materials for the boundary (perimeter horse), solid and open view fencing and the location of each fencing type. All lots with rear yards abutting open space or the major drainageway, shall utilize open view fencing. The perimeter horse fence shall utilize legal fencing materials per NRS 569 ~~[and cattle guards]~~ to prevent wild horses from entering the site. The perimeter horse fencing shall be provided along the north, east and south perimeters of the site. Said perimeter horse fencing and two cattle guards and gates shall be installed prior to issuance of the first grading permit consistent with the locations shown on Exhibit A – (Construction Horse Fencing) attached to this decision letter. No additional double cattle guards and/or associated fencing are required. Plans for all other ~~[cattle guards]~~ perimeter horse and interior fencing shall be approved with the respective final map phase and be installed at the locations shown on Amended Exhibit B – (Buildout Horse Fencing) attached to this decision letter. The cattle guards and boundary fencing shown on Amended Exhibit B shall be installed prior to issuance of the first certificate of occupancy for each final map phase. All other lot fencing shall be installed prior to issuance of a certificate of occupancy for each house.
11. Prior to approval of each final map, the applicant shall have plans approved to construct two picnic tables, two benches and one trash receptacle for each picnic

area location as shown along the trails on Exhibit C (2 pages), attached to this letter.

12. Prior to the approval of the final map including the 50th lot north of the drainageway bisecting the site, the applicant shall prepare preliminary improvement plans to widen Rio Wrangler Parkway to accommodate a left turn pocket at the Rio Wrangler/Yee Haw Way intersection. Prior to the full release and acceptance of streets associated with the final map, the applicant shall either have final plans approved for the intersection improvements with an approved security in place for said improvements; or an approved traffic study demonstrating that the 50th home is completed and the existing intersection configuration operates at an acceptable level of service. The applicant may request a security reduction according to Reno Municipal Code upon partial completion and acceptance of public improvements.
13. Prior to the approval of any permit, the applicant shall demonstrate that the plans for all proposed structures and improvements within the vicinity of the potentially active fault meet the setback and construction requirements of the 2012, or currently adopted, International Building Code (IBC) and /or have an engineered alternative adequate to mitigate any possible structural damages due to the fault.
14. Prior to the approval of each final map, the applicant shall have an approved Sewerage Report in accordance with the Public Works Design Manual.
15. Prior to the approval of each final map, the applicant shall have an approved Hydrology Report addressing on-site and off-site storm water flows, detention, and facility capacities for the pre-development and post-development site conditions. Additionally, the applicant shall demonstrate the proposed storm water collection and discharge facilities, including infrastructure, access, and easements, are consistent with pre-development conditions as specified in the Public Works Design Manual.
16. Prior to the approval of each final map, the applicant shall have plans for adequate traffic controls and/or traffic calming for all roadways with horizontal curves less than 100 feet and all intersections in accordance with the Public Works Design Manual and to the approval of the Community Development Department.
17. For hillside development considerations, several roadways (High Pointe Drive, Gold Mine Drive, Street A, C, D & E) shall have 40-foot wide reduced width

right-of-way and cross sloping pavement sections (no crown) as shown on sheet L-3 of the tentative map application for LDC15-00018-Palisades.

18. Prior to the approval of any related final map, the applicant shall have approved plans and security in place for any necessary off-site infrastructure improvements.
19. Prior to the approval of each final map, the applicant shall provide all necessary on-site and off-site easements, including project construction, site access and cross access, utility access, maintenance access, sewer lines, surface drainage, storm drains and utility improvements. All required access, sewer, storm drainage, and utility improvements shall be constructed prior to the issuance of any certificates of occupancy.
20. The improvement section for Stanley Lane shall include 28 feet roadway width (curb face to curb face) with a 6 foot wide concrete sidewalk on one side. The Stanley Lane right-of-way shall be offered for dedication with the submittal of the final map proposing access to Stanley Lane.
21. Prior to the approval of each final map, the applicant shall dedicate public street rights-of-way and/or access easements to perpetuate access to the parcels to the east. The alignments and configurations of these rights-of-way/easements shall be as depicted on the tentative map. The applicant shall provide necessary grading and drainage improvements to construct vehicular access roads through the site. These facilities shall be constructed in accordance with the City's minimum requirements for temporary maintenance access roads and shall not be barricaded or gated.
22. Prior to the issuance of any certificate of occupancy, the applicant shall provide two independent means of access to the site, to the approval of the Fire Department and Community Development Department, and shall maintain such access throughout the development of the project.
23. Prior to the approval of each final map, the applicant shall have an approved construction management and access plan. This plan shall address project phasing, including utilities and infrastructure, and shall demonstrate adequate access to properties to the east will be perpetuated and maintained during construction.
24. Prior to the approval of a final map, the applicant shall provide a copy of a disclosure to be provided to each home buyer with their closing documents,

notifying them that students in this project may be assigned to the nearest school(s) with available capacity in the event that the zoned schools cannot accommodate additional students.

25. Prior to the approval of a final map, the applicant shall work with the School District's Capital Projects Department to develop a construction traffic plan that does not conflict with the typical traffic flows to and from Damonte Ranch High School during both normal operations of the facility and during special events.
26. Prior to the approval of a final map, the applicant shall work with the State Historic Preservation Office (SHPO) to determine if an archaeological inventory is necessary. A letter shall be submitted to Community Development staff from SHPO indicating that all requirements are met.
27. Prior to approval of a final map containing lots 26 and 27, the applicant shall have landscaping and irrigation plans approved to install landscaping in the median on Stanley Lane located between lots 26 and 27 and within the ± 15 foot wide common area located between Stanley Lane and these two lots as shown on Exhibit D attached to this letter. The landscaping in the median shall consist of a mixture of ornamental shrubs and ground cover to maintain adequate site distance at this intersection. The landscaping in each of the two common area strips located adjacent to lots 26 and 27 shall contain three code size deciduous trees and six shrubs per required tree. This area shall be maintained by the project homeowners association or equivalent.

Analysis:

Through investigation of the case and discussion with parties involved concerning Condition No. 10, it has been determined that double cattle guards within a neighborhood development are unnecessary. They possibly create potential impediments/nuisance and add additional city cost and burden through maintenance and upkeep. Staff has found that the perimeter fencing and associated perimeter cattle guards/gates have been effective in keeping horses from entering the development, surrounding neighborhoods, drainages and street network from the Virginia Range (Range) into/through this area and development. The City is currently collecting data and analyzing the Range and City interface in its entirety to determine the best management practices and devise long term strategies in addressing issues related to health and human safety as well as the betterment and protection of the horses along the Range and City of Reno interface.

Background: Per Condition No. 10, the developer provided perimeter horse fencing along the north, east and south boundaries of the site with two cattle guards and gates provided along the

east perimeter for access to a water tank and a private residence (**Exhibit A**). The fencing was installed prior to the first grading permit being issued. The first final map approval required two additional cattle guards be provided at the McCauley roundabout per Exhibit B and Condition No. 10. A technical memo provided by Leslie Burnside, Environmental Specialist for Wood Rodgers, details the parties involved in oversight and approval of Condition No. 10 (**Exhibit E**). As initially designed the double cattle guards were originally designated to be on the “east and south” arms of the roundabout and entry to the Palisades development. As the design commenced the developer’s engineer(s) had safety concerns regarding the placement of cattle guards on slopes. The constraints of the site created a situation where traffic would be forced to negotiate a grade while driving over a steel cattle guard and navigate entering the roundabout. With these concerns it was approved by senior City engineering staff to relocate the cattle guards to the north and west arms. This alignment created an approach to the west guard going uphill and a relatively flat slope approach on the north arm. To avoid existing utilities on these legs it was necessary to design the cattle guards in a table top configuration. This process is documented in a series of emails in **Exhibit F**.

The guards were designed/engineered and the developer installed the cattle guards and associated gates and fencing per Condition No. 10, as modified by staff. Upon the installation and completion of the guards, gates and fencing, several complaints and concerns were received by the City of Reno. On July 19, 2017, neighbors affected in the area attended the City Council meeting to voice their concerns. To further address these concerns a Neighborhood Meeting was hosted on September 25, 2017 by the City. At this meeting, the timeline and explanation of the design, decisions and events were detailed. A public comment and question session at the meeting provided feedback and input into the situation. A detailed list was generated of comments and concerns (**Exhibit G**). Awareness of the negative impacts of the guards, ongoing horse/vehicle incidences and reduced horse movements through the development led staff to further explore the Palisades development and the effectiveness of the internal cattle guards to deter/prevent horses from entering the suburban areas.

The background research has indicated that the thought process was to prevent horses from entering the development not only from the perimeter but also from surrounding/existing neighborhoods. This creates an isolated neighborhood situation and precedence. The negotiations and discussions between the developer, professional consultants, Planning Commission, horse advocates, The Nevada Department of Agriculture (NDOA) and City staff indicate that this pursuit and direction was in good faith but perhaps misguided. While the original staff report dated May 6, 2015 contains letters of support related to the fencing plan (**Exhibit H**). The letters do not directly make reference to or support the internal cattle guards in question. The NDOA was documented as assisting on the original cattle guard design but their current position is that they only recognize Nevada Revised Statutes (NRS) 569.431 in regards to how it defines fencing. There is no reference to cattle guards as a means of statute regulated

fencing. It should be noted that the NDOA has sole authority of the horses on the Virginia Range and defines the horses as feral and/or astray livestock. Management agreements allow supportive organizations to assist the NDOA in the management efforts of the horses, but do not subjugate their authority.

The City has initiated the condition amendment with the support of the landowner/developer. With the approval of this amendment the developer has committed to work with the City of Reno to remove the two existing cattle guards, related fencing and gates. The two parties have agreed to work together and make the necessary repairs in a timely matter. Staff is currently investigating removal/repair options and is negotiating terms with the developer.

With the initial fencing phase completed (**Exhibit A**) and first internal cattle guards installed, staff has been able to more directly investigate the impacts of this isolated neighborhood approach as well as the effectiveness of the perimeter fencing. The following analysis supports the amendment to Condition No. 10 and ultimate removal of the two cattle guards and associated fencing/gates on McCauley roundabout.

Public Safety: Horse traffic into the development has been halted from the range due to the installation of the perimeter fence and associated gates/guards. A potential issue is that internal guards could create a situation where horses can be cornered/trapped. These impediments also limit the ability for horse advocates (that herd astray horses back to the range) to work safely and effectively. The Wild Horse Connection has written a letter of support of the perimeter fence and removal of the cattle guards associated with McCauley Ranch roundabout (**Exhibit I**).

Initial analysis by the developer raised concerns about the spacing of the guards and potential accidents specifically related to motorcycles and bicycles. Several public complaints related to the danger of the rail spacing, noise and aesthetics have been received due to the installation of the guards, gates and related fencing (**General SUP Findings d, e, and f**).

Public Improvements: The precedence of the “isolated neighborhood” approach creates a situation for all new development along the range to also require the ineffective internal cattle guards. The nature of existing municipal boundaries, the built environment and site conditions led to the determination that the isolation approach cannot be applied fairly and unilaterally and in fact may have detrimental impacts on surrounding neighborhoods, traffic, circulation and roadways. Once these improvements are completed they are granted to the City. It is required that the city maintain this deemed ineffective infrastructure at tax payer cost and burden (**General SUP Findings a and b**).

Circulation: The design of the table top cattle guards creates a situation that may impede traffic flow on the exit of the roundabout. As the Palisades development builds out additional traffic

will be added at this intersection. The current design also employs pedestrian gates at the guard locations. There have been concerns about gates being left open and the accessibility of the gated areas. The cattle guards and fencing create a visual separation between neighborhoods and may limit pedestrian and bicycle circulation (**General SUP Finding d**).

Master Plan: As proposed, the modified language of condition 10 and the revised City direction, the proposal is in compliance with the following applicable Master Plan policies and objectives:

- Develop financial resources to the fullest potential
- Provide for maximum efficiency and effectiveness in delivery of City services
- Inform educate and involve citizens
- Plan development that is sensitive to the environment and recognizes significant community resources

Neighborhood Advisory Board (NAB): This condition amendment was not reviewed by the Ward 2 NAB. A noticed City neighborhood meeting was held on September 25, 2017, Ward 2 NAB discussions occurred during public comment regarding the internal cattle guards and a follow up meeting was held on November 3, 2017 with a small group of neighbors directly impacted.

Legal Requirements:

NRS 278.349(3)	Tentative Map
RMC 18.06.405(e)(1)	Special Use Permit
RMC 18.06.405(e)(2)	Special Use Permits for Hillside Development
RMC 18.06.405(e)(3)	Special Use Permits for Cut Slopes of 20 Feet or Greater in Depth or Fill Slopes Ten Feet or Greater in Depth.

FINDINGS:

Tentative Map: When issuing a decision on a tentative map, the planning commission shall consider the following:

- (1) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (2) Availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

- (3) Availability and accessibility of utilities;
- (4) Availability and accessibility of public services such as schools, police and fire protection transportation, recreation and parks;
- (5) Conformity with the zoning ordinances, master plan, and elements thereof, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (6) General conformity with the governing body's master plan of streets and highways.
- (7) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (8) Physical land characteristics such as flood plain, slope, soil; and
- (9) Recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.348.
- (10) 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; and
- (11) Submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

Special Use Permit: General special use permit findings. Except where specifically noted, all special use permit applications shall require that all of the following general findings be met, as applicable.

- a. The proposed use is compatible with existing surrounding land uses and development.
- b. The project is in substantial conformance with the master plan.
- c. There are or will be adequate services and infrastructure to support the proposed development.

- d. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.
- e. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

Special Use Permit: Special use permits for hillside development. In order to approve a special use permit for hillside development according to Article XVI (Hillside Development) of Chapter 18.12, the decision-making body shall make the general special use permit findings and the following additional findings:

- a. The proposed project mitigates environmental degradation, including slope failure, erosion, sedimentation, and stormwater run-off;
- b. The proposed project utilizes grading practices that are appropriate for hillsides and designed to minimize the visibility of unsightly scarring;
- c. The proposed project provides open space based on hillside constraints;
- d. The proposed project adheres to applicable hillside development design standards and to master plan provisions related to development in sloped areas; and
- e. The proposed project's site layout and design features adequately mitigate potential visual impacts of development near prominent ridgelines and within other visually prominent areas.

Special Use Permit: Special use permits for cut slopes of 20 feet or greater in depth or a fill slope ten feet or greater in height. In addition to the general findings in subsection (1) above, special use permits for cut slopes of 20 feet or greater in depth or a fill slope ten feet or greater in height shall require that one of the following findings be made:

- a. The slopes can be treated in a manner which does not create negative visual impacts.
- b. The grading is necessary to provide safe and adequate access to the development.

Attachments:

- Display Maps (PDF)
- Exhibit A - Construction of Horse Fencing (PDF)
- Exhibit B - Build Out Horse Fencing (PDF)
- Exhibit C - Planning Commission Staff Report - May 6, 2015 (PDF)
- Exhibit D - Approval letter dated May 7, 2015 (PDF)
- Exhibit E - Consultant Technical Memo (PDF)
- Exhibit F - Relocation (PDF)
- Exhibit G - Public Comment (PDF)
- Exhibit H - Letters of Support (PDF)
- Exhibit I - Removal Letter (PDF)