



July 30, 2024

Reno City Council
City of Reno
One East 1st Street
Reno, NV 89501

**RE: Appeal of LDC24-00046 – Rancharra V. 7 Tentative Map
Applicant's Response to Appeal**

Reno City Councilmembers:

On behalf of the Applicant for the above referenced case, we respectfully request that the City Council dismiss the appeal of the Planning Commission's decision due to a lack of compelling evidence that the decision was made in error. Specifically, the Appellant has failed to provide evidence that the Planning Commission's unanimous approval was not based on Reno Municipal Code and the Rancharra Planned Unit Development (PUD) Handbook. Rather, the Appellant has based their appeal on matters related to the recorded CC&Rs for the Rancharra community. CC&Rs are declarations made between land owners and are not within the purview, nor enforceable by the City of Reno. As such, it is not appropriate for the City Council to provide interpretations nor decisions related to the enforcement of the CC&Rs. City Staff, as well as the unanimous approval by the Planning Commission, demonstrate how the project has fulfilled the requirements of Reno Municipal Code and the Rancharra PUD. We implore the City Council to reject the appeal and uphold the unanimous decision by the Planning Commission.

Despite the City's inability to enforce the CC&Rs, the Applicant would like to provide some commentary for the record with regard to the Appellant's misguided interpretations of the CC&Rs. In summary, the Appellant has questioned the ability of the builder to develop the village as proposed and specifically has raised concerns about the removal of decorative walls and signage associated with the Rancharra sales pavilion located adjacent to the Talbot Lane gatehouse. The Appellant alleges that by virtue of these improvements being part of the reserve study for the Community Owner's Association (COA), the developer is not able to segment said walls and signage. This is unequivocally not true. Following are aspects of the CC&Rs that refute the Appellant's positions:

- The CC&Rs establish that they shall "at all times remain subordinate and subject to the Development Agreements, Plans [e.g. *tentative and final maps*], and Design Standards [e.g. *Rancharra PUD Handbook*]" (*emphasis added*). As such, the materials contained within the CC&Rs do not override the requirements of the PUD and Reno

Municipal Code, which have been vetted by both City Staff and the Planning Commission.

- Rights to Develop – the Master Developer and any builder has the right to develop the land within Rancharrah that meets the requirements of the PUD. No rules within the CC&Rs can unreasonably impede said development.
 - “Article 3.4(c) – Reasonable Rights to Develop: No Rule, or any other action by the Association or Board, shall unreasonably impede or interfere with the rights of the Declarant or any Participating Builder to develop the Property, as determined in the Declarants’ sole and absolute discretion.”
- Article 10 of the CC&Rs further defines the rights of the Declarant and Participating Builders, including but not limited to:
 - “Declarant and Participating Builders may be undertaking the work of constructing Improvements to and upon the Property and adding real property to the Property in accordance with the terms and provisions of this Article 10. The completion of such construction and sale or other disposition of the Units within the Property is essential to the establishment and welfare of the Rancharrah Community.” (*Article 10.1*)
 - “Reservations in Favor of Participating Builders. Complete Improvements within the portion of the Property owned by such Participating Builders, including, but not limited to, those indicated on a Plat or in the Development Agreements, the Plans, and/or Design Standards, or otherwise described in this Declaration.” (*Article 10.2(b)(i)*)
 - “Declarant’s Right to Complete. No provision of this Declaration (including without limitation, any Supplemental Declaration) or the Rules shall be construed to prevent or limit Declarant’s rights to complete the development, construction, promotion, maintenance, marketing, and sale of properties within the Property; to construct or alter Improvements on any property owned by the Declarant or the Association; [...] Nothing contained in this Declaration or the Rules shall limit the right of the Declarant or require Declarant to obtain approval to: (a) excavate, cut, fill, or grade any property owned by Declarant or to construct, alter, remodel, demolish or replace any Improvements on any part of the Property or any property owned by Declarant; [...] (c) require Declarant to seek or obtain the approval of the Board, the ARC, the Association, or any Additional Association for any activity or Improvement to property by Declarant on any part of the Property or any property owned by Declarant. Nothing in this Section shall limit or impair the reserved rights of the Declarant or a Participating Builder as elsewhere provided in this Declaration.” (*Article 10.4*)

As can be gleaned from the sampling of sections from the CC&Rs that refute the Appellants position, the Master Developer (Declarant and current owner of Village 7) and Participating

Builder (Applicant for Village 7) have full rights to develop the land as proposed and do not require the approval by the Association.

The Appellant raises questions regarding certain elements (decorative walls and signage) that are part of a Reserve Study for the Association. While this may be true, it does not hinder or impede the development of the property as proposed. The Reserve Study was established originally by the Master Developer as required by Nevada Law and the Nevada Division of Real Estate (please note the Reserve Study is not within the purview of the City of Reno). The Reserve Study estimates all of the elements that *may* be part of the Association's responsibility in the future for the purposes of establishing a reserve fund and setting dues for unit owners. The Reserve Study is updated regularly to reflect the ongoing evolution and changes within the Community and by no means requires that certain elements remain "as-is" in perpetuity. Further, the mentioning of any specific element or feature in a Reserve Study by no means creates a restriction on future development and construction, as that is dictated by the PUD and is the right of the Declarant and Participating Builders to develop the property as outlined above.

In addition to the concerns raised by the Appellant in their appeal, they have also provided testimony at the Planning Commission, as well as correspondence with City Staff. In general, there have been concerns raised regarding parking for the existing sales center, parking specific to Village 7, and overall concern regarding the traffic study for Rancharrah.

Regarding the concerns raised relative to the parking for the existing sales center, the Applicant submitted an exhibit to City Staff demonstrating how the existing parking lot located on the south side of the sales center can accommodate the required 16 parking spaces for the use and building. Condition #15 of the Planning Commission approval appropriately and adequately addresses the sales center's future compliance with code required parking standards. As such, the plan is in conformance with Code and the PUD handbook.

Specific to parking concerns raised with respect to the proposed Village 7 subdivision, the plans meet or exceed Code requirements. Code requires a minimum of 2 parking spaces per unit in most cases, with the potential of requiring 3 spaces per unit depending on floor plan options. Erring on the side of caution, the proposed subdivision provides 3 spaces per unit (and is conditioned as such with Condition #7 of the Planning Commission approval). Parking consists of 2 spaces in each garage and an additional 60 off street parking spaces are provided throughout the site in parking pockets and driveways spaces. As proposed, the plan meets the code requirements for parking.

Traffic concerns raised by the Appellant are not correct. The Rancharrah PUD has an approved traffic study that was first performed in 2014 and updated in 2018. The study analyzed the full build out of Rancharrah, which consists of 722 residential units, the Events Center (aka the Club at Rancharrah), and a mix of commercial uses. The traffic study

identified several necessary design considerations and mitigations that were all completed proactively with the first phases of development. As such, all traffic improvements have been completed **for the build out** of Rancharra. With the approval of Village 7 (one of the last remaining residential villages), only 402 of the potential 722 residential units have been approved and/or built. In addition, the north commercial property has developed with far less traffic intensive uses (two thirds of the property consists of congregate care and assisted living/memory care) than the traffic study contemplated. Given that the project has produced significantly less traffic than originally contemplated and mitigated for, and given that the individual projects in Rancharra have paid the associated Regional Road Impact Fees (RRIF), no further mitigation is necessary. Additional traffic being experienced in the area is likely the result of overall regional growth and not solely that of Rancharra. The RRIF fees paid by Rancharra and other projects are the appropriate traffic mitigation measure to address traffic improvements in the area whenever warranted by the Regional Transportation Commission and the City of Reno. No further improvements should be required of development within Rancharra.

In conclusion, while the Appellant raises concerns about the proposed Village 7 development plan, they have not raised any viable objections that would challenge any of the required findings for the ultimate approval of the Tentative Map. Rather, their objections have largely raised concerns relative to the CC&Rs for Rancharra, which are not a legal finding the City Council must make in rendering a decision for this application. On behalf of the Applicant, we respectfully request that the City Council deny the appeal and uphold the unanimous decision of the Planning Commission.

Sincerely,
Wood Rodgers, Inc.



Andrew Durling, AICP
Vice President