

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Building
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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:	
Date of action by County:	
Date Decision filed with Secretary:	
Appellant Information	
Name:	Phone:
Address:	Fax:
	Email:
City: State: Zip:	Cell:
Describe your basis as a person aggrieved by the decision:	
Appealed Decision Information	
Application Number:	
Project Name:	
State the specific action(s) and related finding(s) you are appealing:	

Appealed Decision Information (continued)	
Describe why the decision should or should not have been made: The Master Plan Amendment, Regulatory Zone Amendment, and Sun Valley Area Plan findings in this Amendment are in substantial conformance with all findings and policies. No variances or exceptions to these findings are being requested. The findings that the Planning Commissioners were unable to make in the action order were inconsistent. The Planning Commission Staff Report was not thoroughly considered. For the Master Plan, three or more findings were not identified by four Commissioners. No adverse findings were made for the Sun Valley Area Plan by these Commissioners. The surrounding community would benefit from the affordable housing, diversity, public health, safety, and welfare by adoption of the Master Plan Amendment and Regulatory Zone Amendment.	
Cite the specific outcome you are requesting with this appeal: We are requesting adoption of the Master Plan Amendment Case Number WMPA22-0003 and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive) by the Washoe County Board of County Commissioners.	
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: Ryan Rodgers	
Signature: 	
Date: 4/12/22	

We respectfully would like to make an appeal to Master Plan Amendment Case Number WMPA22-0003 and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive) (“The Amendment”). Upon reviewing the Planning Commission Staff Report, Master Plan and Regulatory Zone Amendment findings, and that the Planning Commission did not clearly specify how their findings could not be made, we believe The Amendment for APN 502-250-09 is in conformance with the Washoe County Master Plan, Sun Valley Area Plan, and would be a benefit to the surrounding community and Washoe County.

PROJECT SUMMARY

Assessor’s Parcel Number (APN) 502-250-09 consists of 45.51 acres of vacant land residing in Washoe County located along Chocolate Drive from West 2nd Avenue to West 5th Avenue. The current master plan designation is Suburban Residential (SR) and regulatory zone is Medium Density Suburban (MDS). This Master Plan and Regulatory Zone Amendment proposes to change the master plan designation to Urban Residential (UR) and split zone the regulatory zone of the parcel to 4.87 acres of Open Space (OS) and 40.64 acres of Medium Density Urban (MDU). The primary reason for this change is to allow for multi-family housing. Although a specific project design is not identified for the Master Plan and Regulatory Zone Amendment, a maximum of 240 units of affordable multi-family housing is proposed.

Table 1 below gives a detailed summary of the changes and effects that would be realized by implementation of The Amendment and a future project design.

Table 1 – Comparison of Existing and Proposed Changes

<u>Change</u>	<u>Existing</u>	<u>Proposed</u>
Master Plan Designation	Suburban Residential (SR)	Urban Residential (UR)
Regulatory Zone	Medium Density Suburban (MDS) – 45.51 Acres	Open Space (OS) – 4.87 Acres AND Medium Density Urban (MDU) – 40.64 Acres
Density, Housing Type, and Diversity	3 Units Per Acre, Single-Family Residences on subdivided parcels. No diversity in housing type	21 Units Per Acre – Multi-Family Units on one parcel with common area amenities Diverse housing types available
Building Height	2-Stories	Unchanged
Sun Valley Character Management Area	Sun Valley Suburban Character Management Area (SVSCMA)	Unchanged
Access to Washoe County Red Hill Open Space along Chocolate Drive	Through private property (project Parcel), No Open Space Access or Easements	Transitional Open Space (OS) Parcel from split zoning, Areas of Open Space Access for Neighborhood and Public Use
Dust Control and Community Access	Uneven dirt and gravel Roads expose dust. Community access is challenging for all vehicle types	Proposed paved roads will greatly reduce dust impact and improve access for community and public services
Viewsheds to Red Hill Open Space	Unobstructed	Low profile 2-Story buildings set back from property line would not obstruct viewsheds (same as nearby residential structure height)
Emergency Response	Response times are extended due to current road conditions	Improved response time for community via paved roads
Public Services	Nearby RTC bus routes on Sun Valley Boulevard and Schools	Unchanged

AGENCY OUTREACH AND COORDINATION

Washoe County has performed an extensive amount of research as shown in the Planning Commission Staff Report and has recommended approval of The Amendment to the Planning Commission. Additionally, thorough coordination was performed between all applicable public agencies affected by such implementation, both before the submittal of The Amendment package on January 9, 2022 and during the approval process. A Pre-Development Application meeting took place on October 27, 2021 for these public agencies to provide comment. Coordination between these entities was performed to address these comments to the best of our ability. Below summarizes the coordination among the various public agencies.

Open Space and Trails – Washoe County Parks Coordination

Washoe County Parks and Open Space commented in the Pre-Development Application meeting that a more formal trail head access connection to be shown on the Sun Valley Area Plan – Recreational Opportunities Plan. The Agency commented that a trail access point on the Chocolate Drive and 5th Ave (project Parcel) could be an option to facilitate better public access to the nearby Red Hill Open Space. The Applicant stated they would be willing to coordinate such improvements with the Washoe County Parks and Open Space department and potentially dedicate a portion of property for such uses at a later date when a project design is presented.

Additionally, a comment was provided for an additional Open Space buffer between the subject parcel and Red Hill, Washoe County Open Space to accommodate the Regional Open Space & Natural Resource Management Plan Goal 6.1. This request was fulfilled by the applicant. The Master Plan and Regulatory Zone Amendment was revised to include a proposed split zoning of Open Space (OS) and Medium Density Urban (MDU) to resulting in an additional 4.87 acres of Open Space (OS) and a minimum 20-foot buffer adjacent to Red Hill Open Space. This change is in accordance with Open Space Regulatory Zone compatibility WCC 110.106.15(n). The categories applicable to this change include:

- (1) Natural and Scenic Resource Preservation. Areas of steep terrain have been added to the proposed Open Space (OS) zone to preserve the scenic viewsheds and trail system of the nearby Red Hill Open Space.
- (2) Sensitive Area Protection. Streams and natural watercourses within the project have been identified and would be protected with the proposed addition of Open Space (OS) areas.
- (5) Recreation. Public access to existing trail systems and scenic viewsheds is conserved and would be improved as the result of the future Project and proposed Open Space (OS) areas.

Utility Access – Sun Valley General Improvement District

The Sun Valley General Improvement District (SVGID) has indicated that the parcel is within their service territory and will supply water, sanitary sewer, parks & recreation, and garbage services.

Washoe County Regional Transportation Commission (RTC)

The Washoe County Regional Transportation Commission (RTC) asked that potential traffic impacts to Sun Valley Boulevard be analyzed to ensure the acceptable level of service is met at the intersections. A traffic study prepared by Kimley-Horn addresses this requirement and was provided as part of The Amendment package. The RTC has also indicated that the future Project will not require a bus stop

based upon its future project size of 240 multi-family units. In addition, the RTC does not recommend any deviation of current bus routes from Sun Valley Boulevard to the parcel as they are located nearby.

Washoe County School District

Washoe County School District was contacted, and they commented that they could serve an additional 240 multi-family units.

Washoe County Engineering Department

Coordination with the Washoe County Engineering Department was performed to determine potential paving requirements of Chocolate Drive and surrounding access roads. Potential access points to Chocolate Drive currently appear to be privately owned. However, easements do exist over some of these parcels for road access purposes. A portion of Chocolate Drive is under the same ownership as the Project. At the time of a future project design, coordination with the appropriate public agencies will continue to determine access points and streets to be paved.

FINDINGS

The mentioned findings not made by the Planning Commission were inconsistently cited for Master Plan Amendment adoption. As specified in WCC 110.820.15(d) "When adopting an amendment, the Commission shall make all required findings contained in the area plan for the planning area in which the property that is subject of the Master Plan amendment is located and, at a minimum, make at least three of the following findings of fact unless a military installation is required to be noticed." A recommendation to adopt the Master Plan Amendment requires an affirmative vote of at least 2/3's of the Planning Commission's total membership. All Commissioners were present, and one Commissioner voted in favor. Five Planning Commissioners were not able to make only two Master Plan Amendment findings out of five. Additionally, four Planning Commissioners did not provide any findings not made within the Sun Valley Area Plan. Commissioners are required to make at least three findings for adoption of the Master Plan Amendment. Although the required Commissioner votes for adoption were not obtained in the hearing, The Master Plan Amendment should have technically been adopted by the Planning Commission as only two findings were cited by most Commissioners.

We believe the Planning Commission did not make a fully informed decision regarding the cited findings that could not be made. In reviewing Planning Commission Staff Report, all findings within the Master Plan Amendment, Regulatory Zone Amendment, and Sun Valley Area Plan were found. We would like to address the findings that could not be made below:

Master Plan Amendment

Finding 1 – Consistency with Master Plan

"The proposed amendment is in substantial compliance with the policies and action programs of the master plan."

The requested Urban Residential (UR) designation will allow for the establishment of Medium Density Urban (MDU) zoning and would serve to diversify the housing options within the Sun Valley Suburban Character Management Area. The introduction to the Sun Valley Area Plan states that the plan is intended to manage growth and development in a manner that includes "a range of low, medium, high density housing opportunities" and "**affordable housing**." The Washoe County Master Plan states in the Housing Element Goal 3, Program 3.6 that "The County will promote mixed use residential commercial

development in **medium and high density areas especially in the Sun Valley region**” and “provide incentives for projects that include a **specific number of housing units affordable to low- and moderate- income households.**” The Amendment proposes specifically 240 multi-family units and will be within an existing medium density development area in Sun Valley. This is also in compliance with the Sun Valley Area Plan and the 2019 Truckee Meadows Regional Plan. As stated in the Character and Vision Statement of the Sun Valley Area Plan, “The Downtown Character Management Area (DCMA) and the Suburban Character Management Area (SCMA) will be the **designated growth areas** in Sun Valley.” The parcel is within the SCMA and The Amendment proposes a master plan and zoning change that would not be out of character for this area as other Urban Residential (UR) and Medium Density Urban (MDU) parcels are located nearby.

Finding 2 – Compatible Land Uses

“The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.”

Adjacent land uses include single family residential uses and open space. The future multi-family use will complement these existing uses by generating affordable housing, open space access, paved access roads, and diversity in housing to benefit the community. This parcel is compatible with the surrounding parcels having a Master Plan Category of Suburban Residential (SR) and Open Space (OS). The Amendment will not conflict with the public’s health, safety, or welfare.

Finding 3 – Response to Change Conditions

“The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.”

The Amendment will allow for added housing diversity consistent with the Washoe County Master Plan and Sun Valley Area Plan. Additionally, it will comply with the 2019 Truckee Meadows Regional Plan which now targets Sun Valley for higher density development as most areas within the Tier 1 designation. This is a recent change that was not in effect when the Sun Valley Area plan was adopted. A maximum of 240 affordable housing units is proposed to complement the surrounding low-density single family residential neighborhood. Roughly one-quarter of a mile to the southeast a parcel of Medium Density Urban (MDU) zoning went through a Master Plan and Regulatory Zone Amendment process in 2015, with an Administrative Permit in 2021. Another parcel three-quarters of a mile to the southeast and zoned to MDU was developed into an 83-unit multi-family apartment complex. Due to the proximity of other parcels zoned MDU and need of affordable housing, The Amendment represents a desirable utilization of land.

Finding 4 – Availability of Facilities

“There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.”

The Parcel is within the service territory of the Sun Valley General Improvement District (SVGID) and they have indicated capacity to serve the future project. The surrounding open space, transportation network, utilities, and infrastructure accommodate the uses and densities permitted by the proposed Urban Residential (UR) master plan designation.

Regulatory Zone Amendment

Finding 1 – Consistency with Master Plan

“The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.”

The proposed split zoning of Medium Density Urban (MDU) and Open Space (OS) is in conformance with the Master Plan and Regulatory Zone Map. The addition of Open Space seeks to satisfy the requirements of the Washoe County Parks and Open Space department, separating high density development from open space and satisfying all applicable goals. The parcel is within the SCMA and The Amendment proposes a zoning change that would not be out of character for this area as other Medium Density Urban (MDU) parcels are located nearby. The Amendment is in substantial compliance with all applicable policies.

Finding 2 – Compatible Land Uses

“The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.”

A future multi-family community zoned Medium Density Urban (MDU) and Open Space (OS) will complement surrounding residential housing types and open space land uses. The Amendment will not conflict with the public’s health, safety, or welfare.

Finding 4 – Availability of Facilities

“There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.”

The Parcel is within the service territory of the SVGID, and capacity has been identified. Utility infrastructure upgrades will be implemented as needed to satisfy the demands of the future Project. The surrounding transportation network was analyzed in a traffic study prepared by Kimley-Horn in accordance with Washoe County and regional transportation requirements. The adjacent Washoe County open space parcels will give the public and residents of the future project access to public trails.

Finding 5 – No Adverse Effects

“The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.”

The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan. Chocolate Drive and surrounding streets are currently dirt and gravel roads that need improvements due to difficulties in access for public and private agencies. The Amendment will seek to improve these roads as a result of a future project design. The Amendment will help foster many of the ideas set forth in the Washoe County Master Plan as well as the Sun Valley Area Plan.

Sun Valley Area Plan

“The amendment will not conflict with the public’s health, safety or welfare.”

The public’s health, safety and welfare will not be adversely affected by the implementation of The Amendment to the Washoe County Master Plan and Sun Valley Area Plan. The Character Statement of

the Sun Valley Area Plan is comprised of a Suburban Character Management Area core that includes a mix of residential densities that include multi-family housing. The Sun Valley Area Plan calls for a combination of low, medium, and high-density housing opportunities and identifies affordable housing as a need for the area. The majority of the parcel is noted as “most suitable” on the Development Suitability map. The Amendment preserves all aspects of the Sun Valley Character and Vision Statement. Specifically, Policies 1.1, 1.5, and 3.5 of the Housing Element; Policy 1.4, 4.1 and 5.3 of the Land Use Transportation Element, and Policy 1.3, and 1.12 of the Sun Valley Area Plan support the proposed Amendment. The Amendment will provide for land uses of medium and high compatibility as shown in the Planning Commission Staff Report. The public welfare of the Sun Valley community will benefit from affordable housing.

EXECUTIVE SUMMARY

Based upon our assessment of Master Plan Amendment, Regulatory Zone Amendment, and Sun Valley Area Plan findings, The Amendment is in substantial conformance with all findings and policies. No variances or exceptions to these findings are being requested. The Planning Commission findings not made were inconsistent, and the Planning Commission Staff Report and findings satisfied were not thoroughly considered. The surrounding community would benefit from the affordable housing, infrastructure, and community access by adoption of The Amendment. Thank you for your time in consideration of this appeal.