



May 10, 2022

Washoe County Planning Division
Attn: Trevor Lloyd
1001 E. Ninth Street
Reno, Nevada 89512

**RE: Donovan Ranch (Case #'s WMPA22-0001 and WRZA22-0001)
Appeal of Planning Commission Decision**

Dear Trevor,

Please accept the attached Appeal to Board of County Commissioners Application. Specifically, the request asks that the Washoe County Board of Commissioners (BCC) reconsider the Donovan Ranch project (case #'s WMPA22-0001 and WRZA22-0001) and overturn the Planning Commission's denial of the project. This letter and attached documents serve to provide additional rationale for the appeal request.

At the public hearing conducted on May 3, 2022, the Planning Commission failed to consider facts, analysis, and evidence presented by Washoe County staff, the project applicant, and included within the staff report. Instead, the Commission appeared to base their decision on unsubstantiated concerns about speculative potential traffic increases *on a State Highway* that not only had no evidentiary basis but which have no legal relevance whatsoever to the Master Plan and zoning amendment applications under consideration. Land use decisions must be made "by applying the evidence to the law", *C4 Equity v. City of Reno*, and reliance on generalized opinions or unsubstantiated assumptions should be avoided as it constitutes arbitrary and capricious decision-making and deprives applicants of substantive due process.¹ *Nova Horizon*, 105 Nev. 92. The applications at issue involve only master plan and zoning amendments – no development proposal was included in the applications, no development proposal was required to be included, and most importantly none could legally be considered by the Planning Commission at this stage. *See C4 Equity v. City of Reno*, Case No. CV13-02484 (2016). As recognized by the Supreme Court, applicants are not required to submit complete, all-inclusive development plans in connection with approval of a master plan or zoning amendment. *City of Reno v. Citizens for Cold Springs*, 126 Nev. 263 (2010). "Such a requirement would be redundant because Nevada's statutory scheme already requires developers to submit detailed plans regarding [infrastructure] services during later stages in the development process;" rather, applicants need only "articulate a general plan to meet the potential demands for water services and infrastructure generated by the zoning change." *Id*; *see also*, NRS 278.335; NRS 278.372; NRS 278.377; NRS 278A.540. As made clear on the record by both the applicant and Washoe County staff, any potential traffic impacts from future development will be analyzed in the manner and at the time required by law under a subsequent tentative map process. Despite this, the Planning Commission improperly ignored the law and the evidence and based its decision on a hypothetical outcome that was never presented, that was not relevant to the findings before it and that could not legally be considered, and that lacked any evidentiary basis or technical analysis whatsoever.

¹ Similarly, disparate treatment of development projects and unequal application of standards deprives applicants of equal protection rights.

The Planning Commission cited that the applicable findings could not be met. When voting on the matter, the Washoe County Deputy District Attorney asked Commissioners to state findings that could not be made in support of the project. Although Commissioners voting no on the project cited findings, they provided no detail or justification as to why the findings could not be met, despite the analysis and information contained in the staff report to the contrary. This includes analysis demonstrating that the project is consistent with the goals and policies of the Spanish Springs Area Plan. In fact, no questions to staff or discussion of the findings occurred as part of the Planning Commission's discussion. Anecdotal information and unsubstantiated public comment are insufficient to constitute substantial evidence, *see City of Reno v. Lars Andersen, 111 Nev. 522 (1995)*, and personal opinions offered by members of the Commission do not constitute evidence and cannot be relied upon as a factual basis for establishing substantial evidence. *See C4 Equity v. City of Reno, Case No. CV13-02484 (2016)*; *City Council, Reno v. Travelers Hotel, 100 Nev. 436, 439 (1984)*.“

The application package submitted to Washoe County by Christy Corporation on January 10, 2022 included an extensive analysis of the goals, policies, and action programs of the Spanish Springs Area Plan. Additionally, all findings related to the Master Plan and Regulatory Zone Amendment requests were outlined and addressed in the report. Washoe County Planning staff concurred with this analysis and further presented evidence that the requests were consistent with the Spanish Springs Area Plan and required findings in the staff report presented to the Planning Commission.

It is well settled that governing bodies may not unreasonably or arbitrarily deprive property owners of legitimate, advantageous land uses. *Nova Horizon v. Reno City Council, 105 Nev. 92, 95 (1989)*. As held by the Nevada Supreme Court:

Zoning is a tool in the hands of governmental bodies which enables them to more effectively meet the demands of evolving and growing communities. **It must not, and cannot, be used by those officials as an instrument by which they may shirk their responsibilities. Zoning is a means by which a government body and its citizens can plan for the future – it may not, however, be used as a means to deny the future.**

Coronet Homes Inc. v. McKenzie, 84 Nev. 250, 255 (1968). Several Commissioners appeared to improperly base their decision on generalized, speculative concerns about evolving community housing demands, believing that somehow the demand for housing will simply disappear by denying appropriate, compatible development to meet those needs. This directly contradicts the very purpose of zoning – to provide “uniformity of land use and stability of community growth.” *Primm v. City of Reno, 70 Nev. 7, 17 (1953)*. The error is even more arbitrary and capricious here as in so doing, the Commission ignored the substantial community benefits derived from replacing an incompatible industrial aggregate mining operation with conforming residential zoning. The Nevada Supreme Court has recognized that “experts whose reports bear every evidence of painstaking consideration. . . concur in the view that segregating industrial and residential uses ‘will increase the safety and security of home life, greatly tend to prevent street accidents, especially to children, by reducing the traffic and resulting confusion in residential sections,

decrease noise and other conditions which produce or intensify nervous disorders, preserve a more favorable environment in which to rear children, etc.” *State v. Coleman*, 67 Nev. 636, 641 (1950). All evidence in the record clearly and incontrovertibly demonstrated that amending the land uses to conform to surrounding residential uses not only furthers the County’s master plan policies and responds to overwhelming housing shortages², it will substantially improve the health, safety and welfare of the neighboring residential uses the County has allowed to encroach on the aggregate mining operations over the past decades.

Finally, the Planning Commission’s reliance on potential traffic increases to a State Highway was legally improper. The comment is predicated on an *ultra vires* determination that the capacity and design of the State highway system is inadequate. The Nevada Department of Transportation has exclusive jurisdiction to determine the adequacy of design and capacity of State Highways. *NRS 408.100* (Department of Transportation is sole custodian of state highways). Where “the legislature adopts a general scheme for the regulation of a particular subject, local control over the same subject, through legislation, ceases.” *Lamb v. Mirin*, 90 Nev. 329 (1974). This necessarily includes the State’s sole discretion in deciding when, where, and how improvements to State Highways are made, and sole discretion in deciding what constitutes a “congestion issue” and what traffic level increases warrant improvements. The County has no jurisdiction over NDOT right of way infrastructure, and as such it can neither condition nor deny a zoning change based on the manner in which NDOT elects to operate its State highway system. In other words, even if a future development increases traffic to a State highway, the State, not the County, has sole jurisdiction of determining whether such traffic increases impact capacity to a level that warrants improvements. NDOT is in the process of conducting master planning and improvement phasing studies to evaluate possible improvements to this State highway. Respectfully, it is not within the County’s purview to second guess NDOT’s discretion on these issues, nor can it effectively preclude development of a project because the County disagrees with the timing or manner in which NDOT exercises its lawful discretion to determine when traffic impacts to State highways warrant improvements independent of this application.

Moreover, there are also concerns that this approach has not been equally applied to other traffic generating projects. If interstate highway capacity is truly an impediment to growth, then that limitation would apply equally to all development projects which feed into Pyramid Highway. We are not aware of this type of limitation being imposed on any other development projects, including several substantial pending and recently approved developments, raising significant equal protection issues.

² See “Housing Crunch Threatens Reno’s Tech Boom”, Wall Street Journal April 20, 2017; “Housing Prices Have Skyrocketed”, Reno Gazette Journal May 15, 2017; “Housing Crunch: White Picket Fence Dreams in Reno’s Nightmare”, Northern Nevada Business Weekly, August 28, 2017; “Housing Crunch Highs and Lows”, Reno Gazette Journal January 3, 2018; “Housing tops list of 2018 business stories to watch”, Reno Gazette Journal January 3, 2018; “Reno Median House Down Payment Hits Record High, 16th in Nation”, Reno Gazette Journal January 8, 2018; “Breaking Records”, Reno Gazette Journal January 10, 2018.

For the record, the “Planning Policy Analysis” and “Request Findings” sections of the submitted report are included as an attachment to this letter. This information was also included in the Planning Commission package, as an attachment to the staff report. The Planning Commission failed to consider this information and analysis in their decision to deny the Master Plan and Regulatory Zone Amendment requests. The proposed master plan and zoning uses are an improvement over current conditions and will do far more to achieve the policies and action programs of the County’s master plan than continuing the current industrial aggregate pit mining operations. The evidence is unrefuted that the proposed amendment is compatible with surrounding land uses, as the amendment proposes the exact same master plan and zoning uses enjoyed by surrounding properties on all four sides. And eliminating the historic aggregate mining operations clearly responds to changed conditions over the past decades and the County’s prior and systematic approval of expanded residential uses in this specific area.

We appreciate your assistance in forwarding this appeal to the BCC and look forward to their consideration of the project requests. The required appeal application and filing fee are attached. In the meantime, please do not hesitate to contact me at (775) 250-3455 or mike@christynv.com should you require any additional information. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Railey".

Mike Railey
Planning Manager

cc: Tom Donovan – RT Donovan Company

Attachments

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



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

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.	
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> 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: <u>May 9, 2022</u>	
Date of action by County: <u>May 3, 2022</u>	
Date Decision filed with Secretary: <u>May 5, 2022</u>	
Appellant Information	
Name: Christy Corporation, Ltd.	Phone: (775) 502-8552
Address: 1000 Kiley Pkwy.	Fax:
	Email: mike@christynv.com
City: Sparks State: NV Zip: 89436	Cell: (775) 250-3455
Describe your basis as a person aggrieved by the decision: Project applicant.	
Appealed Decision Information	
Application Number: WMPA22-0001 and WRZA22-0001	
Project Name: Donovan Ranch	
State the specific action(s) and related finding(s) you are appealing: The decision of the Planning Commission to deny WMPA22-0001 and WRZA22-0001 is being appealed to the Washoe County Board of Commissioners. The decision made by the Planning Commission did not consider analysis and information presented at the hearing and contained in the staff report and was based on a hypothetical future project, not what the specific requests that were up for consideration. Refer to attached letter for additional details.	

Appealed Decision Information (continued)

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

The Planning Commission failed to consider the requests before them in context with the applicable findings, staff analysis, and presentation of the applicant. The Planning Commission based their decision on a hypothetical future project impacts which were not up for consideration. Refer to attached letter for additional information.

Cite the specific outcome you are requesting with this appeal:

It is requested that the Board of County Commissioners overturn the Planning Commission's denial of WMPA22-0001 and WRZA22-0001 and forward a recommendation of approval to the Truckee Meadows Regional Planning Commission.

Did you speak at the public hearing when this item was considered?

Yes
 No

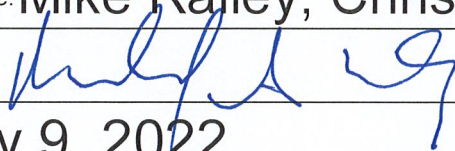
Did you submit written comments prior to the action on the item being appealed?

Yes
 No

Appellant Signature

Printed Name: **Mike Railey, Christy Corporation, Ltd.**

Signature:



Date: **May 9, 2022**

The analysis below was included in the planning application report submitted on January 10, 2022 and was included as an attachment to the Planning Commission staff report prepared by Washoe County:

Planning Policy Analysis

The proposed requests must be reviewed for consistency with the goals and policies of the Washoe County Master Plan, Spanish Springs Area Plan, and Truckee Meadows Regional Plan. Each of these planning documents is addressed below:

- **Spanish Springs Area Plan**

The Spanish Springs Area Plan is an element of the Washoe County Master Plan that establishes the overall theme and vision that the community has in terms of how they wish to see Spanish Springs develop over the next 20 years. Last updated in 2010, there has been significant change within the plan area in the last 5 years. As the region's economy continues to grow at an unprecedented pace, there is opportunity to implement change within the plan area, consistent with the goals and policies of the Area Plan.

The Introduction section of the Area Plan states that the *"Spanish Springs community will maintain and apply objective standards and criteria that serve to manage growth and development in Spanish Springs in a manner that:*

- *Respects the rural heritage of the area by encouraging a rustic appearance and preserving scenic quality;*
- *Respects private property rights;*
- *Provides open space and recreational opportunities;*
- *Provides local services and employment opportunities;*
- *Ensures that growth is kept in balance with resources and infrastructure.*

This amendment request is entirely consistent with this intent of the Area Plan. The current Master Plan and zoning designations are in place to support mining operations which do not protect the scenic quality of the valley. Conversion to residential use coupled with the already-dedicated Sugarloaf Peak open space will result in a much more aesthetically pleasing and appropriate transition between developed areas and open space to the east than what exists under the current designation/use.

As noted in the second introductory bullet point in the Area Plan, the plan sets out to protect private property rights. The Donovan family has operated the current mining operations for nearly 70 years and have been landowners and residents of the Spanish Springs Valley for generations. The valley has changed dramatically since the Donovan's began utilizing their land, including the area subject to this MPA/RZA request. As land uses in the valley have evolved, the aggregate pit operations are no longer the highest and best use for the property given surrounding conditions and market demands. With these requests, the Donovan family is exercising their property rights to repurpose the land to a more appropriate use type.

The current Rural and GR land use designations are similar to a “donut hole” in terms of land use. The project site is entirely surrounded by Suburban and LDS designations. The Donovan Pit is essentially an infill project. The requested designations included with this application are identical to those adjoining the site and are consistent with the available infrastructure and services in the area, consistent with final primary goal of the Area Plan.

The Area Plan also establishes an overall Character Statement. The first paragraph of the Character Statement states that *“over the next 20 years, the community will provide a range of employment opportunities and a more limited, but still mixed, range of residential opportunities. Over this period, the distribution of land uses and the provision of public facilities and infrastructure will preserve and facilitate a community character that merges Spanish Springs’ scenic, low-density, rural and western heritage with suburban residential, employment, and commercial opportunities.”* The Character Statement recognizes that a transition to more suburban densities will occur within Spanish Springs. The one dwelling unit per acre density proposed with Donovan Ranch is directly complementary to suburban lot sizes to the north, west, and south. There has been significant change in the area over the past 20 years and this application is reflective of proper planning and density given available infrastructure and developing land use patterns. The current designations and aggregate operations are simply not logical anymore given the changes that have occurred in the area.

As noted previously and depicted in Figure 5, the project site is located within the Suburban Character Management Area defined in the Area Plan. This “suburban core” as discussed in the Character Statement includes *“residential densities of up to three dwelling units per acre.”* The Character Statement goes on to state that *“suburban land uses are located predominantly, but not exclusively, on the west side of Pyramid Highway.”* As part of this discussion, the Character Statement discusses transitions between the suburban core and more rural areas. The Suburban Master Plan designation and LDS zoning are less intense than the 3 du/ac suburban character identified in the plan and most definitely provide for a proper transition to adjoining properties.

It is noteworthy that Washoe County’s own definition of “suburban,” calls for density up to 7 units per acre (reflected in High Density Suburban zoning). The one dwelling unit per acre density proposed with Donovan Ranch is roughly 14% of this. Furthermore, Washoe County staff has agreed that the proposed density meets the suburban definition and character identified in the Area Plan and has determined that an amendment to the Character Statement is not needed as part of this Master Plan Amendment request.

Another noteworthy excerpt from the Character Statement is that *“the Suburban Character Management Area will be the designated growth area in the Spanish Springs Valley.”* Given the fact that the Donovan Ranch site is unconstrained, easily developed, and in an area where infrastructure exists or can easily be extended, this request serves to implement the character and vision expressed in the Area Plan. The Character Statement goes on to note that *“an integrated trail system that provides access to regional and local open space”* is a community desire along with a *“desire for resource conservation in the community.”* The ultimate plan for Donovan Ranch is directly compatible with this and will provide trail linkages and open space connections to the regional network. Also, the clustering of units promotes resource conservation and greatly reduces water usage, etc. than if developed with larger lots (to be reviewed with future tentative map). It can be logically argued that the current aggregate mining operations hinder the potential for these goals to be realized.

The Area Plan also contains goals and policies that are applicable to these particular MPA and RZA requests. These policies are listed below and are addressed in **bold face** type. It is important to note that many of the policies are not applicable at this time but will be addressed with the forthcoming tentative map (i.e. policies related to grading, utilities, etc.).

Goal One: The pattern of land use designations in the Spanish Springs Area Plan will implement and preserve the community character described in the Character Statement.

As described in the previous section, Donovan Ranch conforms to the Character Statement in terms of location within the Suburban Character Management Area, allowable suburban densities, preservation of open space, trail connections, and resource conservation.

SS1.2 The Policy Growth Level for the Spanish Springs Suburban Character Management Area is 1,500 new residential units of land use capacity. Land use intensifications will not add more than 1,500 new units of Land Use Capacity through 2025. The Washoe County Department of Community Development will be responsible for tracking increasing land use potential to ensure this growth level is not exceeded.

Donovan Ranch, at maximum build out, represents 144 new residential units. Prior to the filing of this application, Washoe County Planning staff was contacted to ensure that additional new units of land use capacity (below the 1,500 cap) were available within the SCMA boundary. It was confirmed that adequate unit capacity is currently available to accommodate the potential for 144 additional units.

SS.1.3 The following Regulatory Zones are permitted within the Spanish Springs Suburban Character Management Area:

b. Low Density Suburban (LDS – One unit per acre).

Note: Additional zoning categories listed in policy SS.1.3 are omitted as they are irrelevant to this request.

The requested Suburban Master Plan designation and LDS zoning are in direct compliance with this policy.

SS.1.6 Staff will review any proposed Master Plan Amendment against the findings identified in the Plan Maintenance section of this plan and make a recommendation to the Planning Commission. As a minimum, the Planning Commission must make each of these findings in order to recommend approval of the amendment to the Board of County Commissioners.

The findings included under the Plan Maintenance section are addressed later in this report. Donovan Ranch is consistent with all of the findings.

SS.3.1 *Washoe County's policy level of service (LOS) for local transportation facilities in the Spanish Springs planning area is LOS "C."*

A detailed traffic impact analysis will be required with a forthcoming tentative map request. The tentative map process will allow Washoe County to condition any needed mitigation measures to ensure this policy is implemented. It is also important to consider that conversion of the mining operations to residential use will significantly reduce truck traffic on Pyramid Highway, especially at the intersection of Horizon View Avenue. This will have positive impacts to the intersection from a safety perspective.

SS.3.5 *Washoe County will be an advocate for restricted access to Pyramid Highway pursuant to the provisions of the Pyramid Highway Corridor Management Plan.*

Should the Donovan Pit be converted to residential use, the existing haul road would become limited to emergency ingress/egress only per NDOT access management standards. Not only does this greatly reduce truck traffic on Pyramid Highway and at the Horizon View Avenue intersection, but it also directly implements this policy.

Goal Four: Maintain open vistas of the surrounding ridges and more distant mountain ranges, and minimize the visual impact of hillside development.

Although the RT Donovan Company has done an effective job of buffering and screening mining operations, the current use is nonetheless an open aggregate mine that can be seen from locations throughout the valley. Conversion to residential use will be much more aesthetically pleasing and will provide for a smooth transition between developed areas and open space to the east.

Goal Five: The built environment will implement and preserve the community character as described in the Spanish Springs Vision and Character Statement.

The project can serve to implement the Character Statement by providing a more appropriate transition between suburban uses and open space to the east, not to mention that residential use is much more compatible with adjoining land uses than the current mining operations. The current land use is essentially grandfathered in the Area Plan and is not entirely consistent with the Vision and Character statement included in the Area Plan.

Goal Six: Public and private development will respect the value of cultural and historic resources in the community.

There are no believed or known cultural or historical resources located on the Donovan Ranch site, ensuring consistency with this goal. Sugarloaf Peak, a primary resource within the valley, is already protected within dedicated open space. A future tentative map can help to enhance trail/public access to this community resource.

Goal Seven: The Spanish Springs planning area will contain an extensive system of parks and trails that provides the community and region with a broad range of recreational opportunities; provides connections between major developments, recreational facilities, the Regional Trail System, public lands and schools; and contributes to the preservation and implementation of the community character.

As noted, with a future tentative map, additional trail connections to Sugarloaf Peak and adjoining projects can be provided whereas these are not available given the current use of the site.

SS.7.6 Access to existing trails will be protected and improved wherever possible. During the process of development review, the Washoe County Departments of Community Development and Parks and Recreation will request dedication of property and/or easements when appropriate trail alignments have been identified that link significant nodes with the Spanish Springs planning area or connect existing trails.

Given the industrial character of the existing uses, trail connections through the Donovan Pit are not possible. Conversion of the property to residential use will allow for additional trail linkages, serving to implement this policy.

Goal Nine: The built environment will minimize the destructive potential of any identified geological hazard.

There are no known geological conditions that would preclude development of the site. A detailed geotechnical investigation will be required concurrently with a future tentative map to confirm this.

Goal Ten: Maintain the existing and future viability of aggregate mining operations in the Spanish Springs planning area.

The current land use designations were put in place to allow the Donovan Pit (and others) that are long-standing operations to continue to operate despite the planned growth anticipated in the valley. However, now that the envisioned growth has been realized, these uses, while still legal, are not ideally located adjacent to residential development. In fact, the Donovan Pit has been ringed by residential growth on three sides. This application represents a voluntary cessation of mining operations and provides for land uses more suitable and complementary to those that now adjoin the site.

SS.10.1 New development will not impair the ability to meet the conditions of a special use permit for aggregate mining.

While new development within Shadow Ridge, Harris Ranch, and Blackstone Estates has not hindered the Donovan Pit from operating, it has fundamentally changed the character of the area. When the pit was established, it was in a highly rural area, away from residential uses. At that time, traffic on Pyramid Highway was virtually nonexistent. Although the Area Plan aimed to protect established uses, the existing aggregate mine is no longer the highest and best nor the most appropriate use for the property. Establishing LDS zoning will directly complement adjoining residential uses and provided much needed housing stock. It can also serve to create a better jobs/housing balance within Spanish Springs.

SS.10.2 The encroachment of industrial, commercial and residential uses on aggregate facilities will not be grounds to limit or eliminate aggregate facilities.

Although the encroachment of residential uses has not limited the operations of the Donovan Pit, the use itself is not entirely compatible with adjoining uses in a variety of ways. For example, as residential traffic has increased on Pyramid Highway, truck traffic from the pit poses potential safety concerns at highway intersections. Additionally, new housing to the north will have views directly into the mining operations. Conversion of the Donovan Pit to residential use will provide for more appropriate adjoining land use relationships and enhance views from not only adjoining properties, but throughout the valley as a whole.

SS.10.3 Sand and rock resources are currently being mined within the Spanish Springs Area Plan. These common minerals are among the most important in Nevada in terms of market value based on annual production and to fill community needs for construction materials. The Spanish Springs Area Plan attempts to maintain the status quo regarding aggregate mining (aggregate facilities) and allows continued production of aggregates within the Spanish Springs Area Plan.

While the Area Plan “attempts to maintain the status quo” of mining operations, it has also allowed for the encroachment of uses that are not entirely compatible with existing mining operations and associated truck traffic on Pyramid Highway. This application represents a voluntary request to provide residential land use at the Donovan Pit site which is much more compatible with uses that now adjoin the property.

SS.12.1 Residential and commercial development must utilize one or a combination of the following reliable water resources that are replenished in quantities to meet the needs of the area without reliance upon groundwater mining or recharge from agricultural uses:

- a. Decreed Truckee River water rights or other approved imported surface water rights when used with an appropriate drought yield discount as determined by the water purveyor and approved by the State Engineer.*
- b. Imported groundwater from a source that is replenished in sufficient quantity to meet the demands placed upon a source without groundwater mining.*
- c. Certificated groundwater rights or permitted quasi-municipal groundwater rights (that existed as of May 22, 1990) matched by imported, decreed surface water from a source such as the Truckee River.*
 - i. For residential developments, the quantity of imported water or decreed surface water shall be equal to 50 percent of the groundwater demand.*
 - ii. For developments other than residential (commercial, industrial, recreational, etc.), the quantity of the matching imported or decreed surface water rights shall be equal to 100 percent of the calculated demand.*
 - iii. The Truckee River surface water dedicated must be capable of diversion to the Orr Ditch.*

It is premature to evaluate specific water rights at this time, but the forthcoming tentative map (planned for submittal in summer 2022) will provide specifics on water demands and service. However, it is important to note that the Donovan Pit currently has deeded water rights and an onsite well. As the project moves ahead, the applicants will work with TMWA to ensure that the provisions of this policy are met.

SS.12.5 New residential subdivisions (e.g. tentative parcel map, tentative subdivision map) utilizing Medium Density Suburban land use densities (MDS: 1 du/ac to max. 3 du/1 ac) or greater densities approved after January 1, 1996 shall be required to use an imported water source, except subdivisions approved on land designated Medium Density Suburban prior to October 1, 1995.

Donovan Ranch will comply with the requirements of this policy or dedicate existing water rights associated with the pit operations. Further details will be provided with the forthcoming tentative map and are not directly relevant to the requests included with this application.

SS.12.7 The creation of parcels and lots in the Spanish Springs planning area shall require the dedication of water rights to Washoe County in quantities that are consistent with the water use standards set by the State Engineer and/or Washoe County.

Donovan Ranch will comply with the requirements of this policy. Further details will be provided with the forthcoming tentative map and are not directly relevant to the requests included with this application.

Goal Fifteen: Water resources will be provided to residential and non-residential uses in a manner that implements and preserves the community character as described in the Spanish Springs Vision and Character Statement.

As previously detailed, the project is indirect compliance with the Vision and Character Statement included in the Area Plan. This will include the manner in which water service is provided to the site and will be detailed with the forthcoming tentative map request.

SS.15.1 Whenever applicable, all development within the Spanish Springs Suburban Character Management Area will connect to a community water service.

Donovan Ranch will be served by a community water system. Individual wells are not being proposed nor are they permitted with LDS density.

Goal Sixteen: Wastewater treatment and disposal will be provided to residential and nonresidential uses in a manner that implements and preserves the community character as described in the Spanish Springs Vision and Character Statement.

Donovan Ranch will be served by sanitary sewer and not septic systems, serving to implement not only this goal, but numerous policies as well. It is also important to note that in order to make community water and sewer service available on a large scale (as encouraged in the Area Plan), additional density is needed to make it financially viable. Thus, services within the project could benefit adjoining parcels through the ability to hook up with municipal services that would not otherwise be available.

SS.16.1 Whenever applicable, all development within the Spanish Springs Suburban Character Management Area will connect to a community sewer service.

Donovan Ranch will connect with a community sewer system, consistent with this policy and a suburban development form.

Goal Seventeen: Amendments to the Spanish Springs Area Plan will be for the purpose of further implementing the Vision and Character Statement, or to respond to new or changing circumstances. Amendments must conform to the Spanish Springs Vision and Character Statement. Amendments will be reviewed against a set of criteria and thresholds that are measures of the impact on, or progress toward, the Vision and Character Statement.

As detailed throughout this report, Donovan Ranch is consistent with, and in many instances, serves to implement the Vision and Character Statement of the Spanish Springs Area Plan. The project site is identified within the Suburban Character Management Area which clearly allows for the density being proposed. Also, consistent with goals and policies of the Plan, the requested Suburban and LDS designations better serve to protect the character of the area and will have far less impact as compared to the existing designation/operations at the site.

SS.17.1 In order for the Washoe County Planning Commission to recommend the approval of ANY amendment to the Spanish Springs Area Plan, the following findings must be made:

- a. The amendment will further implement and preserve the Vision and Character Statement.*

The project is located within the SCMA and will provide for residential use that is directly compatible with adjoining properties. While the Area Plan allows for ongoing aggregate mining operations, significant changes have occurred in the area, making residential use much more appropriate for the site. The amendment is consistent with the Vision and Character statement by maintaining the envisioned density, locating new development within the SCMA, and establishing compatible use types.

- b. *The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.*

This report contains detailed policy analysis from the Area Plan and Master Plan, demonstrating compliance.

- c. *The amendment will not conflict with the public's health, safety or welfare.*

The project will promote the community's health, safety, and welfare by providing for more appropriate land use and significantly reducing truck traffic at the Horizon View Avenue/Pyramid Highway intersection. Additionally, residential use is far more compatible with adjoining single family development than an aggregate mine.

SS.17.2 In order for the Washoe County Planning Commission to recommend approval of any amendment involving a change of land use, the following findings must be made:

- a. *A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resource plans for Spanish Springs by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.*

Donovan Ranch is essentially an infill project. The analysis contained herein satisfies the feasibility analysis requirement of the Area Plan. This includes explanation of available infrastructure, etc., as detailed below:

The applicant has conducted preliminary feasibility studies with respect municipal water, sewer and storm water and has found the existing facilities compliant to support the proposed intensification.

Water

The site will be served by the Truckee Meadows Water Authority's the existing water tank (Sugar Loaf) approximately 650 feet east of the subject property. The existing tank and infrastructure facilities are capable of providing domestic water service to the subject property to a maximum elevation of +4728 feet. The applicant has submitted a discovery application to the Truckee Meadows Water Authority and will provide detailed hydraulic information with the future tentative map application.

Sewer

Sanitary sewer facilities capable of serving future development exist on the subject property in 2 locations: the existing access road serving the current pit operation and in Horizon View Avenue. This existing infrastructure has capacity to serve the additional proposed density. A detailed sanitary sewer report will be submitted with the future tentative map application.

Storm Water

The subject property has operated as mine/aggregate pit for many years. Stormwater has been managed with detention and retention ponds located on the southwestern portions of the site. With the proposed intensification, this same method of stormwater management will be employed. The 100-year peak flows will be retained/detained on-site, per the requirements set forth by Washoe County. A detailed Hydrology and hydraulics report will be provided with the future tentative map application.

- b. *A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the [unincorporated] Spanish Springs Hydrographic Basin and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.*

As noted previously, Headway Transportation has conducted a Master Plan-level traffic analysis. A full traffic impact analysis will be required/provided with a forthcoming tentative map request. The proposed change will result in a significant decrease in truck traffic, greatly enhancing safety along Pyramid Highway and at the Horizon View/Pyramid Highway intersection.

- c. *For commercial and industrial land use intensifications, the overall percentage of commercial and industrial regulatory zone acreage will not exceed 9.86 percent of the Suburban Character Management Area.*

Not applicable.

- d. *For residential land use intensifications, the potential increase in residential units will not exceed Washoe County's policy growth level for the Spanish Springs Area Plan, as established in Policy SS.1.2.*

With only 144 units, Donovan Ranch does not increase units above the 1,500 cap established in policy SS.1.2, as previously addressed. This has been confirmed with Washoe County Planning staff.

- e. *If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission and Washoe County) within the Spanish Springs Hydrographic Basin, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, this finding may be waived by the Washoe County Planning Commission upon written request from the Regional Transportation Commission.*

Based on trips currently generated by the aggregate mine and commercial landscape and composting operations, traffic impacts will be comparable with residential development. Based on analysis completed by Headway Transportation (see attached), no drop to existing levels of service is anticipated. Furthermore, reductions in truck traffic will enhance safety along the Pyramid Highway corridor, especially in the area of the Horizon View intersection.

- f. *If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and Regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.*

The attached traffic impact analysis provides specific details that speak directly to this finding. No drop in existing levels of service, below adopted standards, is anticipated with the addition of 144 single family units.

- g. *Washoe County will work to ensure that the long range plans of facilities providers for transportation, water resources, schools and parks reflect the policy growth level established in Policy SS.1.2.*

As detailed previously in this section under policy SS.1.2, Donovan Ranch provides for consistency with all applicable requirements and polices.

- h. *If the proposed intensification results in existing facilities exceeding design capacity and compromises the Washoe County School District's ability to implement the neighborhood school philosophy for elementary facilities, then there must be a current capital improvement plan or rezoning plan in place that would enable the District to absorb the additional enrollment. This finding may be waived by the Washoe County Planning Commission upon request of the Washoe County Board of Trustees.*

The Washoe County School District has provided enrollment numbers and student projections which are included in a previous section of this report. WCSD has indicated that capacity exists within the schools serving the site to accommodate the 144 units that could be constructed within Donovan Ranch.

- i. *Any existing development in the Spanish Springs planning area, the Sun Valley planning area, the Warm Springs planning area, or the City of Sparks, which is subject to the conditions of a special use permit will not experience undue hardship in the ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities.*

Not applicable.

- **Washoe County Master Plan**

The Washoe County Master Plan contains numerous goals and policies that support the requested Master Plan and Regulatory Zone Amendments included with this application. These policies are listed and addressed below:

Conservation Element:

C.2.1 The Washoe County Department of Community Development shall maintain maps depicting valuable scenic areas, including but not limited to, prominent ridgelines, playas, and other unique scenic features. These maps shall be used to determine, in part, the land use and public services and facilities appropriate for each planning area. These maps, which may be specific to and contained within each Area Plan, shall also be used during development review to identify areas where scenic resource assessment and possible mitigation measures may be required.

The project site does not contain any significant natural features or resources and is identified in the Spanish Springs Area plan as an area “most suited for development.”

C.2.3 Each development proposal shall be evaluated with the intent to preserve visually prominent ridges and escarpments. Evaluation shall address mitigation of the affects on visual appearance, scarring of hillsides, and the impact of increasing access in roadless areas.

The Donovan Ranch site is ideal in that development will not result in the grading of hillsides, visual scarring or grading of roadways through undeveloped parcels. In fact, conversion of the aggregate pit to residential use will greatly enhance the aesthetics of the property.

Goal Three: Regulate or mitigate development to protect environmentally sensitive and/or critical land, water and wildlife resources that present development hazards or serve highly valuable ecological functions.

Once again, development of the Donovan Ranch site will not result in any threat to protected resources, cultural sites, sensitive lands, etc. The project site is heavily disturbed and conversion to residential use will greatly enhance site aesthetics.

C.3.1 *The Washoe County Department of Community Development shall adequately consult with other agencies while maintaining Development Suitability maps that depict valuable and/or critical land, water and wildlife resources or features which shall include, but not be limited to, the following:*

- a. *Geothermal and mining areas.*
- b. *Landslide, avalanche and rockfall areas.*
- c. *Active and potentially active faults, and areas of potential ground shaking.*
- d. *Slopes greater than 15 percent.*
- e. *Sensitive soils.*
- f. *Key wildlife habitats and migration routes.*
- g. *Wildfire hazard areas (as specified by the respective fire agency).*
- h. *One hundred year flood plains.*
- i. *Perennial and intermittent streams, and wetlands.*

This map series shall be used to determine the land use and public services and facilities appropriate for each planning area. These maps shall also be used during development review to identify areas where more detailed land and water resource information is needed. Where the information indicates a need, measures to protect these resources shall be required. The maps depicting development constraint areas and areas of biodiversity should be used as a reference tool only in reviewing development applications.

As indicated in the Spanish Springs Area Plan, the project site is identified as an area “most suitable for development.” The property is not located within a flood zone and has been highly disturbed/graded with current and past mining operations. Conversion of the site to residential use provides for a logical reclamation plan for the pit.

C.16.1 *Through the adoption of the Open Space and Natural Resource Management Plan and implementation of the policies contained in the Land Use and Transportation Element, Washoe County will promote and facilitate recreational use of green space by pedestrians and bicyclists, and provide access to public facilities, recreation, public transportation and open space.*

Public access through the pit area is currently prohibited for safety reasons. With conversion to residential use, trail connections to the regional trail network, including Sugarloaf Peak, can be achieved.

Housing Element:

Policy 1.5: Encourage development at higher densities where appropriate.

The density allowed under the proposed LDS zoning directly matches that of the adjoining Shadow Ridge and Harris Ranch projects. Not only does this provide land use consistency, but it is in direct compliance with Area Plan policies.

Program 1.5: The County will utilize its higher density zoning designations to allow for the most efficient use of land that has infrastructure in place or where the installation of infrastructure is planned. The County will consider installing minimum density requirements in mixed-use and/or high density areas.

The proposed LDS zoning is consistent not only with adjoining properties, but also with the capacities of existing services and infrastructure. As an infill project, future development will provide for more efficient use of County infrastructure without the need for major improvements, disruptions to service, etc.

Land Use and Transportation Element:

Goal One: Influence future development to abide by sustainable growth practices.

Clustering of lots is planned with a forthcoming tentative map. Clustering (similar to Shadow Ridge to the west) will reduce overall resource impacts, reduce water consumption, and serve to implement this goal.

LUT.1.1: Washoe County should define smaller areas where more intense suburban developments permitted (parallel with the Area Plan Suburban Character Management Area, or SCMA), and larger areas outside the suburban areas where development is strictly limited to retain the existing rural character (parallel with the Area Plan Rural Character Management Area, or RCMA).

The project site lies within the identified Suburban Character Management Area of the Spanish Springs Area Plan which allows for densities up to 3 units per acre. The proposed LDS zoning allows for up to one unit per acre, well below the 3 du/ac cap.

LUT.2.1: Allow flexibility in development proposals to vary lot sizes, cluster dwelling units, and use innovative approaches to site planning providing that the resulting design is compatible with adjacent development and consistent with the purposes and intent of the policies of the Area Plan. Development applications shall be evaluated with the intent to satisfy the minimum following criteria:

- a. Directs development away from hazardous and sensitive lands.*
- b. Preserves areas of scenic and historic value.*
- c. Provides access to public land.*
- d. Retains agricultural uses, fire and windbreaks, wildlife habitat, wetlands, streams, springs and other natural resources. An adequate amount of prime resources must be retained in order to sustain a functioning ecosystem.*
- e. Accommodates the extension and connection of trail systems and other active and passive recreational uses.*
- f. Furthers the purposes and intent of the respective Area Plan.*
- g. Prevents soil erosion.*
- h. Encourages a minimum distance from residential dwellings to active recreation in parks.*

Although more specific details will be provided in the forthcoming tentative map application, Donovan Ranch will implement this policy through a common open space design concept that provides for open space, recreational opportunities, trails, trail connection, and overall consistency with the Vision and Character of the Spanish Springs Area Plan. A similar design approach as the adjoining Shadow Ridge and Harris Ranch projects is envisioned.

Goal Three: The majority of growth and development occurs in existing or planned communities, utilizing smart growth practices.

As noted, the current mining operations are a “donut hole” of non-residential use surrounded by LDS zoning. Given the significant changes that have occurred within the area, the proposed LDS zoning is highly logical and a more appropriate designation for the project site.

LUT.3.1: Require timely, orderly, and fiscally responsible growth that is directed to existing suburban character management areas (SCMAs) within the Area Plans as well as to growth areas delineated within the Truckee Meadows Service Area (TMSA).

The project site is located within an identified Suburban Character Management Area as well as within the TMSA.

LUT.3.2: In order to provide a sufficient supply of developable land to meet the needs of the population, Area Plans shall establish growth policies that provide for a sufficient supply of developable land throughout the planning horizon of the next 20 years, with considerations to phase future growth and development based on the carrying capacity of the infrastructure and environment.

As discussed previously, the 144 units proposed with Donovan Ranch fits within the growth policies established in the Spanish Springs Area Plan. Washoe County Planning staff has confirmed that 144 additional units can be accommodated per the growth management policies of the Area Plan.

LUT.3.3: Single family detached residential development shall be limited to a maximum of five (5) dwelling units per acre.

At a proposed density of one dwelling unit per acre, the project is in direct compliance with this policy.

LUT.3.5 Area Plans shall identify adequate land, in locations that support the regional form and pattern, for the residential, commercial, civic and industrial development needs for the next 20 years, taking into account land use potential within the cities and existing unincorporated centers, existing vacant lots, and resource and infrastructure constraints.

The site is identified as “most suitable” for development within the Spanish Springs Area Plan and is one of the few remaining larger (in excess of 40 acres) undeveloped parcels in the Suburban Character Management Area. As such, it is well suited to meet the future housing needs of Spanish Springs and the region.

LUT.4.1 Maintain a balanced distribution of land use patterns to:

- a. Provide opportunities for a variety of land uses, facilities and services that serve present and future population;*
- b. Promote integrated communities with opportunities for employment, housing, schools, park civic facilities, and services essential to the daily life of the residents; and*
- c. Allow housing opportunities or a broad socio-economic population.*

The proposed residential use is much more logical from a land use perspective than the existing aggregate mining operations based on the significant changes that have occurred within the area. It provides for land use relationships that are directly complementary to adjoining projects and will enhance site aesthetics, reduce truck traffic, etc.

LUT.4.3 Encourage suburban development to provide a mix of residential densities and housing types in close proximity to retail/commercial.

Donovan Ranch is located within walking distance of commercially zoned properties located at the intersection of Horizon View Avenue and Pyramid Highway and is within a 5-minute drive time of major employment centers (Spanish Springs Industrial Park) as well as commercial uses located at Pyramid Highway and Eagle Canyon Drive.

LUT.5.2 Proposed development plans shall be required to provide the minimum service standards as described in the Land Use and Transportation Plan.

As detailed previously under the Area Plan analysis, the project meets or exceeds all of the applicable standards.

LUT.5.3 New development shall not reduce the quality of service for existing residents and businesses nor reduce the ability of public agencies to provide quality service.

The site is located in an area of existing services and patrols and can easily be absorbed into the existing service framework. Any upgrades or improvements can be conditioned with the tentative map at the expense of the project developer.

LUT.6.1 Acknowledge the importance of Washoe County (including the incorporated cities of Reno and Sparks) in the continuing development of Northern Nevada's regional economic base.

- a. Strengthen and support the identity of the region by encouraging land uses that both contribute to the character of the community and enable the area to sustain a viable economic base. Encourage land uses that preserve a quality of life and define a sense of place within the region*

Donovan Ranch is consistent with the Vision of the Spanish Springs Area Plan and will promote a high quality of life through careful planning that will allow residents easy access to open space, trails, and recreational opportunities.

LUT.9.1 Create, maintain, and connect usable open space for aesthetic, recreational purposes and natural resource protection.

- a. Development assurances shall provide that the open space will be used as intended and will be adequately maintained. The following measures shall be used as applicable:
 - i. Designate open space areas to a classification consistent with the intended use.*
 - ii. Record Conditions, Covenants and Restrictions (with the County as an interested party) or other contractual agreement with specification of the intended use and prohibition of future sale of the property without consent of the County.*
 - iii. Specify use of the property (e.g. common area) on recorded maps.*
 - iv. Dedicate easements (with the County as an interested party) that specify the intended use.*
 - v. Provide financial assurances for any proposed improvements within the open space.*
 - vi. Provide mechanisms to assure perpetual maintenance of the open space.*
 - vii. When a density bonus or density transfer is proposed, the parcel that is proposed to be use-restricted should be included as part of the tentative map.**

Currently, trails exist from within the Shadow Ridge subdivision and points south to access the Sugarloaf Peak open space. However, no access is available through the aggregate mine operations. Conversion of the property to residential use will allow for additional trail connections, enhancing access to this community amenity.

LUT.9.5 Require the connection of open space; trail access and bikeway systems with regard to a multitude of different trail uses.

With a subsequent tentative map, new trails within Donovan Ranch will provide for connectivity with and continuance of the regional trail network within the community.

Goal Ten: The public has access to open space resources.

AS detailed above, access to public trails and open space will greatly enhanced with the cessation of mining operations and will be detailed in a forthcoming tentative map request.

LUT.10.6 Promote an interconnected open space system that accommodates and provides efficient access to all reasonable trail uses.

Once again, the project will provide logical connections to the regional trail system throughout the planned community. Additional details will be presented with a forthcoming tentative map request.

Goal Fourteen: Washoe County will, to the extent possible, create a cohesive interconnected trail network.

The current mining operations prevent additional regional trail connections between adjoining projects and the Sugarloaf Peak open space. With conversion to residential use, additional trail connections that provide for efficient access to the existing trail system and open space can be provided.

LUT.25.1 Ensure that development proposals are in conformance with appropriate Master Plan policies and the relevant Area Plan policies.

The Planning Policy Analysis included in this report clearly demonstrates the project's conformance.

Population Element:

Goal Three: Plan for a balanced development pattern that includes employment and housing opportunities, public services and open spaces.

Establishment of suburban residential at the site is logical from a land use perspective as it provides for appropriate transitions to adjoining properties, offers recreational opportunities and amenities to residents, and is within a short distance of employment centers and planned commercial uses.

- **Truckee Meadows Regional Plan**

Master Plan Amendment applications in Washoe County are required to complete a review by the Truckee Meadows Regional Planning Agency. This project advances many of the goals and policies of the *2019 Truckee Meadows Regional Plan*. In general, this application seeks to provide suburban residential development within an area already included within the Truckee Meadows Service Area (TMSA) boundary. The project site is designated as Tier 2 on Map 2 – Regional Form included in the Regional Plan. Tier 2 lands are eligible for intensification and are located in areas of existing or planned infrastructure. Outside of the urban core, Tier 2 lands are recognized and the most desirable areas for new growth within the region.

Request Findings

The Washoe County Development Code establishes legal findings that must be made by the Planning Commission and Board of County Commissioners in order to approve Master Plan Amendment and Regulatory Zone Amendment requests. These findings are listed below and are addressed in **bold face** type.

- **Master Plan Amendment**

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 the 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, then in addition to the above, a finding of fact pursuant to subsection (6) shall also be made:

- (1) Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.

The requested Suburban designation will allow for the establishment of Low Density Suburban (LDS) zoning. The LDS zoning is consistent with the site's location within the Suburban Character Management Area and is consistent with the goals, policies, vision, and character statement of the Spanish Springs Area Plan, as detailed previously within this report. Furthermore, the LDS zoning directly complements that of all surrounding properties and provides for a create and effective reclamation of past mining activities.

- (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.

The requested land use designations directly match that of all surrounding parcels. Uses permitted under the Suburban Master Plan and LDS zoning designations directly match that occurring on adjoining properties and are far more appropriate than an aggregate mine given the substantial changes that have occurred within the area.

- (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.

Aggregate mining facilities were established at the site nearly 70 years ago. The current land use designations were established in 2001 with the Spanish Springs Specific Plan (and later incorporated into the Area Plan) to ensure that established operations could continue. However, land uses envisioned within the plan are now implemented and have resulted in the site being surrounded by single family development. This, coupled with increased traffic (that has potential to conflict with trucks) makes the requested residential use for the property much more logical and appropriate.

- (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.

As detailed throughout this report all facilities, services, and infrastructure needed to serve the site are existing or can be easily extended to serve Donovan Ranch. The project meets the requirements of the Area Plan in terms of services and infrastructure and will serve to better optimize facilities what exists today.

- (5) Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

The site is identified within the Spanish Springs Area Plan as “most suitable for development” and within the Suburban Character Management Area. Therefore, it has already been determined that development of this property represents orderly growth and is located within an area where new growth has long been anticipated.

- (6) Effect on a Military Installation. The proposed amendment will not affect the location, purpose and mission of the military installation.

Not applicable.

- **Regulatory Zone Amendment**

- (1) Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.

As detailed in the Planning Policy Analysis section of this report the requested RZA serves to implement numerous goals and policies of the Washoe County Master Plan and the Spanish Springs Area Plan.

- (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.

The requested LDS zoning directly matches that of all surrounding properties, ensuring full compatibility with existing uses surrounding the site.

- (3) Response to Change Conditions.; more desirable use. 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 Spanish Springs Valley has changed dramatically since mining operations began at the site nearly 70 years ago. The aggregate pit operations that were once isolated are now surrounded by suburban development. Cessation of the heavy industrial use and reclamation of the site for residential use is not only logical but now a more appropriate use for the property.

- (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 amendment.

As noted under the Master Plan Amendment findings, all facilities, services, and infrastructure needed to serve the site are existing or can be easily extended to serve Donovan Ranch. The project meets the requirements of the Area Plan in terms of services and infrastructure and will serve to better optimize facilities over current conditions.

- (5) No Adverse Affects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.

This request serves to implement goals and policies of the Master Plan and Area Plan. In fact, it is almost certain that additional goals and policies will be implemented with future development of a common open space subdivision at the site.

- (6) Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

The subject site is identified as most suitable for development within the Area Plan and can serve to better meet the housing needs of the community. No environmental or other conditions exist that would preclude development of the property at the densities permitted within the LDS zone. The project can better maximize infrastructure usage providing for smart growth from both a planning and fiscal perspective.

- (7) Effect on a Military Installation When a Military Installation is Required to be Noticed. The proposed amendment will not affect the location, purpose and mission of the military installation.

Not applicable.