



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 28, 2024

DATE: April 26, 2024

TO: Board of County Commissioners

FROM: Tim Evans, Planner, Community Services Dept., (775) 328-2314,
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THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division,
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SUBJECT: Public Hearing: Appeal of the Washoe County Parcel Map Review Committee's approval of Tentative Parcel Map Case Number WTPM23-0015 for the division of a 5.00-acre parcel into two (2) parcels of 4.99 acres and 0.01 acres (480 square feet). The 480 square foot parcel is for public utility purposes and will be dedicated to Washoe County for the purposes of constructing a sewer lift station.

The applicant is Harry Fry, who owns the subject parcel located at 1221 Chance Lane, Reno, Nevada; Assessor's Parcel Number 017-410-69. The appellant is Richard Blake, who owns 175 Cedar Lane, Reno, Nevada.

The Board of County Commissioners (Board) shall consider the appeal based on the record on appeal and any additional evidence presented at the Board's public hearing. The Board of County Commissioners may affirm, reverse or modify the Parcel Map Review Committee's decision to approve Tentative Parcel Map Case Number WTPM23-0015, or remand the matter to the Parcel Map Review Committee with instructions. The Board's analysis may also include a finding on whether the appellant has standing to challenge the Parcel Map Review Committee's decision. (Commission District 2.)

SUMMARY

Appellant Richard Blake is seeking to overturn the Washoe County Parcel Map Review Committee's approval of Tentative Parcel Map Case Number WTPM23-0015 (Pleasant Valley Lift Station). The appellant alleges that he utilizes Rhodes Road to access his property at 175 Cedar Lane. The appellant contends that Rhodes Road cannot handle increased traffic; and he is concerned that if a sewer lift station is built, that will allow another subdivision to be built in the area. The appellant further contends that the applicant's eight (8) five-acre parcels can be served by septic systems; and thus, there is no need to divide the subject parcel for dedication of a sewer lift station. *See* Appeal (corrected) at Attachment C, p. 1 & 2.

AGENDA ITEM # _____

The applicant, Harry Fry, applied for the creation of a 480 square foot (0.01 acre) utility parcel from an existing five (5) acre parcel (APN: 017-410-69) via a tentative parcel map waiver for the purpose of constructing a new sewer lift station and dedicating the parcel and lift station to Washoe County. (Tentative Parcel Map Case Number WTPM23-0015).

Washoe County staff recommended approval of the proposed tentative parcel map for the reasons discussed in the Parcel Map Review Committee staff report (Attachment D) and discussed at the Parcel Map Review Committee's March 14, 2024, public hearing on this matter. The video recording of the Parcel Map Review Committee's public hearing on this matter can be found in Attachment G. The Washoe County Parcel Map Review Committee unanimously voted (5-0) to approve Tentative Parcel Map Case Number WTPM23-0015 based on the ability to make the findings required by Washoe County Code Section 110.606.75. *See* Action Order at Attachment A and Attachment G.

The Board shall consider the appeal based on the evidence submitted in the Record on Appeal and any additional evidence presented at the Board's public hearing, and may affirm, reverse, or modify the Parcel Map Review Committee's decision or remand the matter back to the Committee with instructions.

Washoe County Strategic Objective supported by this item: Economic Impacts: Meet the needs of our growing community.

PREVIOUS ACTION

March 29, 2024. Appellant Richard Blake re-submitted an appeal after additional information was requested by staff due to an incomplete appeal being submitted on 3/22/2024.

March 22, 2024. Appellant Richard Blake submitted an appeal of the Parcel Map Review Committee's decision on WTPM23-0015.

March 14, 2024. The Washoe County Parcel Map Review Committee reviewed and approved Tentative Parcel Map Case Number WTPM23-0015 for the division of a 5.00-acre parcel into two (2) parcels of 4.99 acres and 0.01 acres (480 square feet) (APN: 017-410-69). The 480 square foot parcel is for public utility purposes and will be dedicated to Washoe County for the purposes of constructing a sewer lift station.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required for tentative parcel maps.

PUBLIC NOTICE

Per Washoe County Code and Nevada Revised Statutes, unless a parcel map is a second or subsequent parcel map, noticing is not required. The parcel map waiver is not considered a second or subsequent parcel map and no noticing occurred.

BACKGROUND

On January 14, 2021, the Parcel Map Review Committee approved WTPM20-0014 (Pleasant Valley Ranch 1) and WTPM20-0015 (Pleasant Valley Ranch 2) for the division of two (2) 20-acre parcels into eight (8) 5-acre parcels. Parcel maps, Parcel Map P5635

and P5634, for the eight (8) parcels approved as WTPM20-0015 and WTPM20-0014 were recorded in 2022 for the Pleasant Valley Ranch Estates, LLC.

Thereafter, Harry Fry, applicant, had discussions with Washoe County Engineering concerning the eight (8) Pleasant Valley Ranch parcels and providing sewer service to the Pleasant Valley Ranch parcels as opposed to having individual septic systems. Per the applicant, the purpose for initiating the discussions with Washoe County Engineering to provide sewer service to the eight (8) parcels is due to poor groundwater quality in the area as there is high mineral content, nitrates (as per the Nevada Division of Environmental Protection (NDEP)), and other contaminants. The applicant further indicated that the installation of the septic systems to serve the eight (8) Pleasant Valley Ranch parcels would further contribute to the poor quality of the groundwater, which impacts wells used for drinking water in the area.

Upon discussions with Washoe County Engineering by the applicant, a separate parcel, instead of having the lift station located within an easement, was recommended by Washoe County Engineering. The lift station parcel was recommended by Washoe County Engineering so the parcel could be dedicated to Washoe County for the provision of sewer services to the eight (8) 5-acre parcels.

To give some background on the purpose of the lift station, the lift station is a pump station that uses a collection system to move sewage and wastewater from a lower to a higher elevation, and finally into a water reclamation facility. The means by which all of this will occur begins by the sewer flows utilizing laterals from each property that flow into a large sewer main connected by manholes. The flow will enter a wet well at the lift station and the sewer flows will be pumped to a manhole at a high elevation to allow for sewer to flow to the County's water reclamation facility.

Per Planning staff's conversations with Washoe County Engineering, the lift station capacity will be sized to serve the Pleasant Valley Ranch parcels and it is standard practice to take into consideration possible failing septic systems in the area that may connect, as well as the development of any vacant property in the area. An important point to note, per Washoe County Engineering, it is not likely that other subdivisions in the area would be able to connect to the lift station.

The applicant is responsible for the cost of building and constructing the lift station, as well as working with Washoe County Engineering to ensure the lift station is constructed to the proper specifications. Once dedicated to Washoe County, and if accepted by Washoe County, the lift station and the maintenance of the lift station will be under the purview of Washoe County Engineering.

On March 14, 2024, the Parcel Map Review Committee reviewed Tentative Parcel Map Case Number WTPM23-0015 for the division of a 5-acre parcel (APN 017-410-69) from within the Pleasant Valley Ranch parcels into two (2) parcels of 4.99 acres and a 480-square-foot utility parcel. The sole purpose of the creation of the 480-square-foot utility parcel is to provide municipal sanitary sewer service to all eight (8) Pleasant Valley Ranch parcels approved on January 14, 2021, with the end goal being the dedication of the parcel and sewer lift station to Washoe County.

The proposed new parcel (parcel 7B) for the sewer lift station will be located entirely within the Medium Density Suburban (MDS) regulatory zone but will not meet the minimum requirements for the MDS regulatory zoning as it is only 480 square feet in

size and has a width of twenty-four (24) feet. However, the proposed parcel is being created for a public agency, specifically Washoe County, to operate a sewer lift station. Pursuant to Washoe County Code (WCC) Section 110.404.10, Reduction in Size, the following is set forth:

“No lot or parcel shall be reduced in area so as to be less in any dimension than is required by the requirements of the regulatory zone in which the lot or parcel is located. Parcels created for public agencies and for utilities regulated by the Public Utilities Commission are exempt from this requirement. Upon cessation of the use, the parcel created for the public agency or utility regulated by the Public Utilities Commission shall be reverted to acreage or abandoned in accordance with the Nevada Revised Statutes. Parcels previously created for this purpose shall be recognized under and subject to the provisions of this section.”

Therefore, due to the proposed parcel being created for a public agency, the nonconforming size and width is allowed pursuant to WCC Section 110.404.10, Reduction in Size. Additionally, the remaining parcel (Parcel 7A) will continue to retain over 12,000 square feet of MDS zoning to ensure conformance with code requirements for the MDS regulatory zone.

The proposed division of land is a subsequent division of a parcel map approved within the last five years.

Washoe County Code Section 110.606.30(d) sets forth the following:

Submission of an application for a tentative parcel map for the division of a lot or lots created within five (5) years of the recording of a map creating the original parcel, when the net result is five or more lots having been created from the original parcel of land, shall not be permitted and shall require the approval of a Tentative Subdivision Map in accordance with WCC 110.608.

(1) Submission of an application for a tentative parcel map for the division of a lot or lots created within five (5) years of the recording of a map creating the original parcel, when the net result is four or fewer lots having been created from the original parcel of land, shall be permitted under this Section as a Tentative Parcel Map.

However, WCC Section 110.606.75, *Waiver of Parcel Map*, states the following:

“The requirement for filing a tentative parcel map may be waived by the Planning Commission, or an authorized subcommittee of the Planning Commission,…”

Therefore, while this request is for a subsequent division of a parcel map approved within the last five (5) years that included four (4) parcels, a parcel map waiver has been applied for with this request. The provisions of WCC Section 110.606.30(d) do not apply and a tentative subdivision map application is not required. Further, as this is a parcel map waiver, it does not meet the definition of “Parcel Map” in NRS 278.017 and is not subject to the requirements of NRS 278.462(3)(b), which states that Washoe County may require any reasonable improvement for a subsequent parcel map, but not more than would be required if the parcel were a subdivision.

In order to approve Tentative Parcel Map Case Number WTPM23-0015, a majority of the Parcel Map Review Committee’s total membership (5 members) had to make the

following eight (8) findings from WCC 110.606.75, *Waiver of Parcel Map*, which are as follows:

- (a) Conformity with Laws. That the proposed tentative parcel map conforms with Chapter 278 of NRS and this Development Code;
- (b) Conformity with Regulations. That the proposed tentative parcel map conforms to state and County requirements as to area, improvement and design, and flood water drainage control;
- (c) Environmental Effects. That the proposed tentative parcel map will not have an adverse effect on the environment;
- (d) Conformity with Master Plan. That the proposed tentative parcel map conforms to the Washoe County Master Plan, including the area plans and any specific plans adopted by the County;
- (e) Change in Nonconformity. That no existing nonconformity with the other divisions in this Development Code will be increased;
- (f) Conformity with Other Ordinances. That the proposed tentative parcel map conforms with all other County ordinances;
- (g) Lack of Need. That unusual circumstances exist so that a parcel map is not necessary to ensure proper legal description of property, location of property lines and monumenting of property lines; and
- (h) Facilities. That appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available.

Upon a review of the project by the Parcel Map Review Committee, the Parcel Map Review Committee was able to make all the required findings and unanimously approved Tentative Parcel Map Case Number WTPM23-0015 (Pleasant Valley Lift Station).

A full staff analysis of the project and required findings can be found in Attachment D, Parcel Map Review Committee Staff Report.

APPEAL

The appeal was submitted by Richard Blake, who owns property at 175 Cedar Lane (approximately 0.8 miles from the subject parcel). In analyzing an appeal, the Board may consider the threshold issue of “standing.” Standing is essentially the legal right to bring a challenge in the first place. It is the burden of each appellant to establish standing. NRS Chapter 278 limits appeals of parcel map decisions to “aggrieved persons.” *See* NRS 278.3195(1) and NRS 278.464(7). For counties with populations less than 700,000, NRS Chapter 278 does not give a definition of aggrievement, but rather, leaves it to the local governments to enact ordinances defining what it means to be an “aggrieved person.” Washoe County has enacted such as ordinance.

WCC 110.910.02 defines “aggrieved person” as a person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or

- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.

The appeal from Richard Blake lists the following reasons that he believes he is a person aggrieved by the Parcel Map Review Committee's decision:

"I use Rhodes Road to Access my property on Cedar Ln. The bridge on Rhodes has been in disrepair for 5 years and Rhodes Rd is way overtaxed by the amount of vehicles supporting the new homes in the valley. I feel that the decision to allow the lift station to be constructed on the newly approved parcel division will be a harbinger of many new homes using Rhodes Rd."

See Appeal, Attachment C, p. 1.

The Board may consider this information as well as any other evidence the Appellant provides at the public hearing in determining whether Mr. Blake has standing to appeal the Parcel Map Review Committee's decision.

If the Board determines that the Appellant has standing to appeal, the Board may also address the appeal on its merits.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners review the whole record and consider the record and any testimony, materials and evidence submitted at the Board's public hearing. The Board may take one of the following actions:

1. Deny the appeal and affirm the Parcel Map Review Committee's decision to approve Tentative Parcel Map Case Number WTPM23-0015 (Pleasant Valley Lift Station); or
2. Grant the appeal and reverse the Parcel Map Review Committee's decision, and thereby deny Tentative Parcel Map Case Number WTPM23-0015 (Pleasant Valley Lift Station), as presented to the Parcel Map Review Committee.

POSSIBLE MOTIONS

Should the Board agree with the *Parcel Map Review Committee's* approval of WTPM23-0015 (Pleasant Valley Lift Station), staff offers the following motion:

"Move to *deny* the appeal and affirm the Parcel Map Review Committee's decision to approve Tentative Parcel Map Case Number WTPM23-0015 (Pleasant Valley Lift Station). The denial of the appeal and affirmance of the Parcel Map Review Committee's decision is based upon the ability to make the parcel map waiver findings required by WCC Section 110.606.75 based on the record and evidence presented today."

or

Should the Board disagree with the *Parcel Map Review Commission's* approval of WTPM23-0015 (Pleasant Valley Lift Station), staff offers the following motion:

“Move to grant the appeal and reverse the Parcel Map Review Committee’s decision and deny WTPM23-0015 (Pleasant Valley Lift Station), based on the inability to make certain findings required by WCC Section 110.606.75 [specify which findings cannot be made].

Attachments A – H Constitute the Record on Appeal:

- A. Parcel Map Review Committee signed Action Order dated 3/19/2024
- B. Appeal received 3/22/2024
- C. Appeal (corrected) received 3/29/2024
- D. Parcel Map Review Committee staff report dated 3/14/2024
- E. County Staff PowerPoint Presentation to Parcel Map Review Committee
- F. Written Public Comments to Parcel Map Review Committee
- G. Video recording of Parcel Map Review Committee Hearing
- H. Parcel Map Review Committee Meeting Minutes dated 3/14/2024

cc: Appellant: Richard Blake, bettykordonowy@yahoo.com
Applicant/Owner: Harry Fry; hcf2008@live.com