



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE: March 12, 2019**

**DATE:** November 28, 2018

**TO:** Board of County Commissioners

**FROM:** Julee Olander, Planner, Community Services Department, 775-328-3627  
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**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Division, Community Services Department, 328-3619,  
[mhauenstein@washoecounty.us](mailto:mhauenstein@washoecounty.us)

**SUBJECT:** Public Hearing Continued from December 18, 2018: Affirm, modify or reverse the Washoe County Planning Commission's denial of a Master Plan Amendment WMPA18-0004 (Marango Springs) application and a Regulatory Zone Amendment WRZA18-0004 (Marango Springs) application. Should the Board decide to reverse the denial, possible action to adopt the Master Plan and Regulatory Zone Amendments and, if adopted, authorize the Chair to sign the resolutions to that effect:

Master Plan Amendment: To amend the Washoe County Master Plan to adopt an amendment to the South Valleys Area Plan, a component of the Washoe County Master Plan, to change the Master Plan Category on four parcels of land totaling  $\pm 80.12$  acres as follows. If approved, the amendment would change the existing Rural Residential (RR) master plan category on  $\pm 70.12$  acres of the land to  $\pm 45.12$  acres of Suburban Residential (SR) and  $\pm 25$  acres would remain RR. The remaining  $\pm 10.0$  acres of land would retain the existing master plan category of Rural (R). If adopted, the Master Plan Amendment will take effect after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission;

AND

Regulatory Zone Amendment: Subject to final approval of the associated Master Plan amendment, to adopt an amendment to the South Valleys Regulatory Zone Map changing the Regulatory Zones on the same  $\pm 80.12$  acres of land as follows. The existing regulatory zones of  $\pm 35.26$  acres of Low Density Rural (LDR) (1 dwelling unit / 10 acres) and  $\pm 34.86$  acres of Medium Density Rural (MDR) (1 dwelling unit / 5 acres) would be changed to  $\pm 45.12$  acres of Low Density Suburban (LDS) (1 dwelling unit / 1 acre) and  $\pm 25.0$  acres Medium Density Rural (MDR). The existing regulatory zone of General Rural (GR) (1 dwelling unit / 40 acres) on the remaining  $\pm 10.0$  acres will remain unchanged.

**AGENDA ITEM # \_\_\_\_\_**

The site is located off Toll Road on Marango Springs Road. The parcels (017-410-05, 050-571-24, 050-571-25, & 050-571-26) total ±80.12 acres in size and are within the South Valleys Area Plan. The property owner is Harry Fry, and the owner's representative in this application and appeal is Scott Wright of Rubicon Design Group. (Commission District 2.)

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## **SUMMARY**

The appellant is seeking to overturn the Washoe County Planning Commission's denial of WMPA18-0004 and WRZA18-0004 (Marango Springs). The denial was based on the Planning Commission's inability to make any of the required findings for the Master Plan Amendment and for the Regulatory Zone Amendment. The appellant contends that the Planning Commission based their decision on assumptions unrelated to the Master Plan Amendment and Regulatory Zone Amendment findings, and did not consider the findings as presented in the application and presentation. The appellant stated that the proposed project is consistent with the South Valleys Area Plan and is in keeping with the densities of the surrounding properties.

The Washoe County Board of Commissioners (Board) may choose to affirm, reverse or modify the Planning Commission's denial.

**Washoe County Strategic Objective supported by this item:** Stewardship of our community.

## **PREVIOUS ACTION**

On November 7, 2018, the Washoe County Planning Commission held a public hearing and took public testimony on the proposed amendments. Draft minutes of the meeting are included with this staff report as Attachment D. The Planning Commission voted unanimously to deny the proposed Master Plan Amendment and Regulatory Zone Amendment.

On June 14, 2018, the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) heard details of the proposed project and invited comments from the audience. The three member CAB voted unanimously to move to deny the proposal. (See Attachment C - PC Staff Report)

## **BACKGROUND**

The Washoe County Planning Commission denied the Master Plan Amendment based on inability to make any of the findings required by Washoe County Code (WCC) Section 110.820.15(d) as indicated below:

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

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.
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.
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 Washoe County Planning Commission denied the Regulatory Zone Amendment based on inability to make any of the findings required by WCC Section 110.821.15(d) as indicated below:

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

Please see the Planning Commission staff report, included as Attachment C, for discussion of each of these required findings.

## **FISCAL IMPACT**

No fiscal impact.

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners affirm the decision of the Planning Commission and uphold the denial of Master Plan Amendment Case Number WMPA18-0004 (Marango Springs) and Regulatory Zoning Map Amendment Case Number WRZA18-0004 (Marango Springs).

## **POSSIBLE MOTIONS**

### **MOTION TO AFFIRM THE PLANNING COMMISSION DENIAL OF THE MPA AND RZA:**

Should the Board agree with the Planning Commission's denial of Master Plan Amendment Case Number WMPA18-0004 (Marango Springs) and Regulatory Zoning Map Amendment Case Number WRZA18-0004 (Marango Springs), staff offers the following possible motion:

“Move to affirm the denial of:

**Master Plan Amendment Case Number WMPA18-0004 (Marango Springs)** - To amend the Washoe County Master Plan to adopt an amendment to the South Valleys Area Plan, a component of the Washoe County Master Plan, to change the Master Plan Category on four parcels of land totaling  $\pm 80.12$  acres as follows. If approved, the amendment would change the existing Rural Residential (RR) master plan category on  $\pm 70.12$  acres of the land to  $\pm 45.12$  acres of Suburban Residential (SR) and  $\pm 25$  acres would remain RR. The remaining  $\pm 10.0$  acres of land would retain the existing master plan category of Rural (R);

AND

**Regulatory Zoning Map Amendment Case Number WRZA18-0004 (Marango Springs)** - To adopt an amendment to the South Valleys Regulatory Zone Map changing the Regulatory Zones on the same  $\pm 80.12$  acres of land as follows. The existing regulatory zones of  $\pm 35.26$  acres of Low Density Rural (LDR) (1 dwelling unit / 10 acres) and  $\pm 34.86$  acres of Medium Density Rural (MDR) (1 dwelling unit / 5 acres) would be changed to  $\pm 45.12$  acres of Low Density Suburban (LDS) (1 dwelling unit / 1 acre) and  $\pm 25.0$  acres Medium Density Rural (MDR). The existing regulatory zone of General Rural (GR) (1 dwelling unit / 40 acres) on the remaining  $\pm 10.0$  acres will remain unchanged.

In making this motion, the Board is unable to make the findings for the Master Plan Amendment as required by Washoe County Code Section 110.820.15(d):

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

Further, the Board is unable to make the findings for the Regulatory Zone Amendment as required by Washoe County Code Section 110.821.15(d):

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

**MOTION TO REVERSE THE PLANNING COMMISSION DENIAL OF THE MPA AND RZA:**

Should the Board disagree with the Planning Commission's denial of Master Plan Amendment Case Number WMPA18-0004 (Marango Springs) and Regulatory Zoning Map Amendment Case Number WRZA18-0004 (Marango Springs), staff offers the following motion:

“Move to reverse the denial of, and:

Adopt Master Plan Amendment Case Number WMPA18-0004 (Marango Springs) - To amend the Washoe County Master Plan to adopt an amendment to the South Valleys Area Plan, a component of the Washoe County Master Plan, to change the Master Plan Category on four parcels of land totaling ±80.12 acres as follows. If approved, the amendment would change the existing Rural Residential (RR) master plan category on ±70.12 acres of the land to ±45.12 acres of Suburban Residential (SR) and ±25 acres would remain RR. The remaining ±10.0 acres of land would retain the existing master plan category of Rural (R). If adopted, the Master Plan Amendment will take effect after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission;

The Board of County Commissioners is able to make the findings for this Master Plan Amendment as required by Washoe County Code Section 110.820.15(d):

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

AND

Subject to final approval of the associated Master Plan amendment, to adopt an amendment to the South Valleys Regulatory Zone Map changing the Regulatory Zones on the same ±80.12 acres of land as follows. The existing regulatory zones of ±35.26 acres of Low Density Rural (LDR) (1 dwelling unit / 10 acres) and ±34.86

acres of Medium Density Rural (MDR) (1 dwelling unit / 5 acres) would be changed to ±45.12 acres of Low Density Suburban (LDS) (1 dwelling unit / 1 acre) and ±25.0 acres Medium Density Rural (MDR). The existing regulatory zone of General Rural (GR) (1 dwelling unit / 40 acres) on the remaining ±10.0 acres will remain unchanged.

The Board of County Commissioners is further able to make the findings for this Regulatory Zone Amendment as required by Washoe County Code Section 110.821.15(d):

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

AND FURTHER,

Authorize the Chair to sign the two resolutions included as Attachments E and F to adopt the amendments to the South Valleys Master Plan Map, after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission, and Regulatory Zone Map.

Attachments:

Attachment A: Appeal Application dated 11/8/18

Attachment B: Planning Commission Signed Action Order dated 11/7/2018

Attachment C: Planning Commission Staff Report dated 11/7/2018

Attachment D: Planning Commission Minutes of 11/7/2018

Attachment E: Master Plan Amendment Resolution

Attachment F: Regulatory Zone Amendment Resolution

Cc: Appellant: Rubicon Design Group, Attn: Scott Wright, 1610 Montclair Ave.,  
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Property Owner: Harry Fry, 761 Greenbrae Drive, Sparks, NV 89431