WASHOE COUNTY

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STAFF REPORT
BOARD MEETING DATE: July 12, 2022

DATE: June 10, 2022

TO: Board of County Commissioners

FROM: Courtney Weiche, Senior Planner Community Services Department, Planning & Building, 775.328.3608, cweiche@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building, Community Services Department, 328-3619, kmullin@washoecounty.gov

SUBJECT: Public Hearing: Appeal of the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan) which sought to amend the Washoe County Master Plan, Spanish Springs Area Plan, Appendix E - Maps to redesignate the master plan designation from Rural to Suburban Residential on four parcels totaling 144.83 acres and which sought to amend the Spanish Springs Regulatory Zone Map to change the regulatory zone from General Rural (GR - 1 du/40 ac) to Low Density Suburban (LDS – 1 du/1 ac) on the same four parcels.

The appellant is Christy Corporation, LTD (project applicant) and the property owner is Donovan Land, LLC. The project is located at 11600 Pyramid Way Sparks, NV 89441 and encompasses four (4) parcels: APNs 534-591-01 (49.49 ac), 534-591-02 (45.34 ac), 534-591-03 (5 ac) and 534-591-05 (45 ac).

The Board of County Commissioners (Board) shall consider the appeal based on the record and any testimony and materials submitted at the public hearing. The Board may affirm or reverse the Planning Commission's decision. If the Board reverses the Planning Commission's decision, the Board may adopt the proposed amendments as presented to the Planning Commission.

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. If approved, the Board must authorize the Chair to sign the resolutions to this effect. (Commission District 4.)

AGENDA ITEM # _____

SUMMARY

The appellant, Christy Corporation, LTC, is seeking to overturn the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan). Currently, the project site includes an aggregate mining operation (Donovan Pit), commercial landscape materials yard, and a composting operation. The site also includes an office, scale house, storage buildings, etc. The 5-acre parcel (APN 534-591-03) located at the southeast corner of the project area is developed with a single-family dwelling. The Shadow Ridge subdivision is located immediately west of the subject property. The Donovan Pit has been owned and operated by the Donovan family for nearly 70 years and they wish to discontinue the aggregate mining operation in the near future. As a means of restoring the site, the applicants are asking to amend the master plan land use and regulatory zone categories in order to develop a future residential subdivision.

The project site is located within the Spanish Springs Suburban Character Management Area (SCMA) of the Spanish Springs Area Plan. The SCMA is the designated growth area of the Spanish Springs Valley per the Area Plan. The existing rural designation had been retained to ensure that the existing mining operations continued to be a conforming use. However, now that the owners wish to discontinue the aggregate operations, the need for the rural designation is no longer necessary.

Master Plan Amendment Request

The appellant is requesting to amend the Spanish Springs Area Plan in order to replace the existing Rural (R) master plan designation with Suburban Residential (SR) on four adjacent parcels of land, totaling approximately 144.83 acres (herein referred to as "project area"). See Figure 1, Existing and Proposed Master Plan Designations.

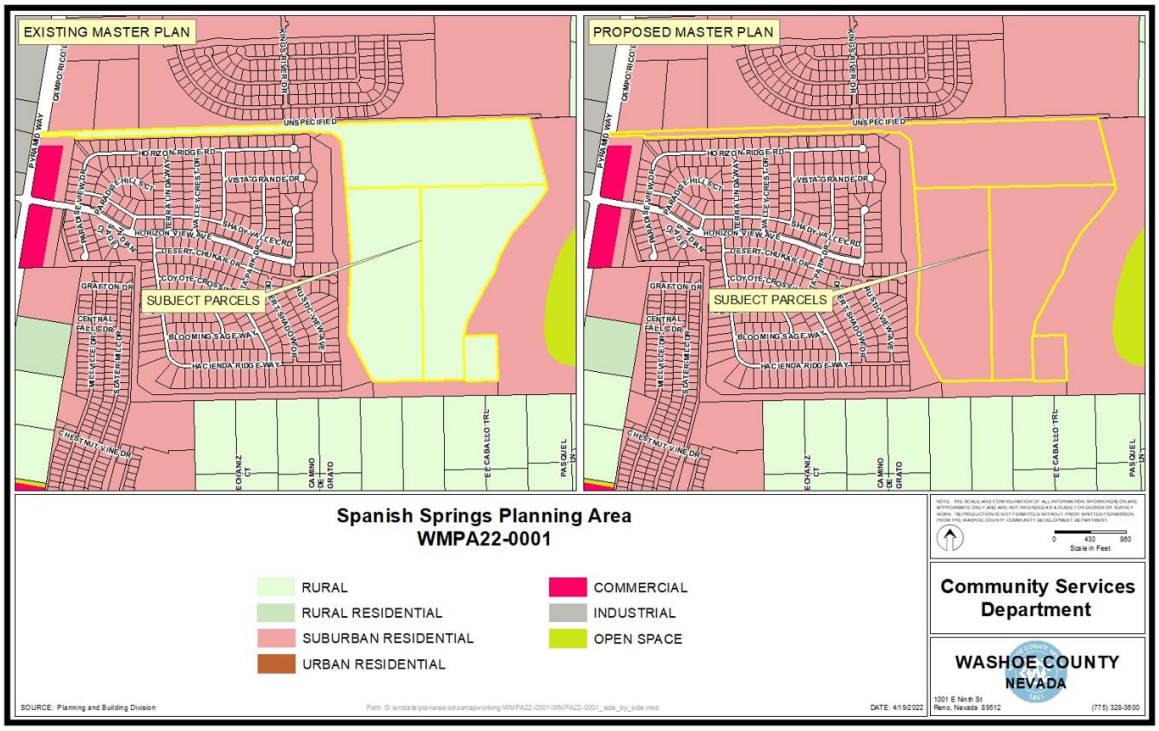

Figure 1

Existing and Proposed Master Plan Designations

Regulatory Zone Amendment Request

The second part of the appellant's request is to change the regulatory zone on all four subject parcels from General Rural (GR) to Low Density Suburban (LDS). See Figure 2 - Existing and Proposed Zoning Designations.

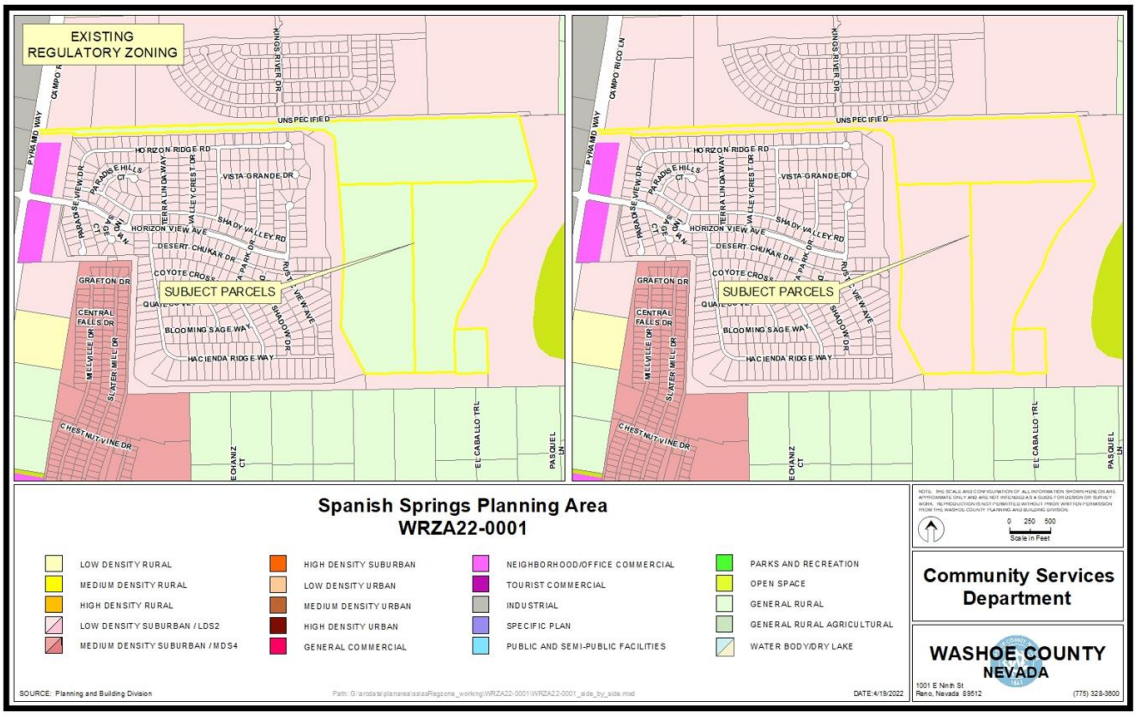

Figure 2
Existing and Proposed Zoning Designations

PREVIOUS ACTION

On May 3, 2022, the Washoe County Planning Commission held a duly noticed public hearing on Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001.

Regarding the request for a master plan amendment: Commissioner Donshick moved to deny WMPA22-0003, which was seconded by Commissioner Chesney. The motion passed with a vote of four in favor of the motion, one opposed, one Commissioner absent and one Commissioner who recused themselves due a conflict of interest and did not participate in the hearing of this item.

Regarding the request for a regulatory zone amendment: Commissioner Chesney moved to deny WRZA22-0001, which was seconded by Commissioner Donshick. The motion passed with a vote of three in favor of the motion, two opposed to the motion, one Commissioner absent and one Commissioner who recused themselves, as stated above.

Please see Attachment A, Signed Action Order, and Attachment C, PC Minutes, for additional information.

PUBLIC NOTICE

Notice for master plan amendments must be given in accordance with NRS 278.220(3) and WCC 110.820.23. Notice was provided in a newspaper of general circulation within Washoe County at least 10 days before this public hearing date. A legal ad was placed with the Reno Gazette Journal on July 1, 2022 for the Board's meeting on July 12, 2022.

Four hundred and seventy (414) notices were also sent out to surrounding property owners within 750 feet of the subject parcel. The notices are mailed out to property owners 10 days prior to the public hearing.

BACKGROUND AND REQUIRED LEGAL FINDINGS

Please refer to the May 3, 2022, Planning Commission Staff Report, included as Attachment B, for a detailed project description, explanation of the requested master plan and regulatory zone amendments, staff analysis and findings.

Area Plan Findings:

WCC 110.820.15(d) requires the Planning Commission to make all required findings contained in the applicable area plan in which the property that is the subject of the Master Plan amendment is located. The findings required by the Spanish Springs Area Plan are outlined below:

Policy 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.

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

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

Policy SS 17.2

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.

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.

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.

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.

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.

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.

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.

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.

Master Plan Findings:

Further, at a minimum, the Planning Commission must make at least three of the five findings required by WCC 110.820.15(d) in order to approve a Master Plan Amendment, which are outlined 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.

Regulatory Zone Findings:

The Planning Commission must make all of the findings required by WCC 110.821.15(d) in order to approve a Regulatory Zone Amendment, which are outlined 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."

Neighborhood Meeting

NRS 278.210(2) and WCC Section 110.820.20 require a neighborhood meeting for any proposed master plan amendment. A neighborhood meeting was held virtually via zoom on February 23, 2022 from 6:00pm to 7:00pm.

Notices were sent to all property owners within 750-feet of the project area (415 individual mailings) 10 days prior the meeting. A total of 44 people were in attendance. The applicants provided a summary of the meeting and is included as Attachment B, Exhibit F. Below are a list of some of the main concerns raised:

- Increased Traffic
- Concerns with access through Horizon View
- Lack of disclosure by Ryder Homes regarding future access through Horizon View
- Questions were raised about the design of the future development.

Many of the concerns raised at the meeting will be addressed and mitigated upon submittal of a future tentative map. The tentative map will be required to provide details on lot layout, lot size, open space areas, trails, traffic impacts, etc. The applicant noted the future project is envisioned to be a continuation of the Shadow Ridge neighborhood with similar lot sizes, housing types, etc. and that overall density would be restricted to no more than one unit per acre.

Planning Commission's Action:

On May 3, 2022, the Planning Commission held a public hearing on the proposed master plan and regulatory zone amendments. The Planning Commission received public comment from eight (8) individuals at the public hearing, as well as fourteen (14) emails expressing concerns and opposition to the proposed amendments, see Attachment H Public Comment. Please refer to the Planning Commission meeting minutes, included as Attachment C, and the video recording of the public hearing, included as Attachment E, for the Planning Commissioners' discussion of various concerns related to this request. The Commissioners specifically cited the inability to make the findings as specified below:

Votes by the Planning Commissioners were as follows:

1. Commissioner Chesney: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 4, 5, and 6.

2. Commissioner Chvilicek: Voted in favor of denial for MPA; unable to make MPA findings 3, 4, and 5; voted in opposition to motion to deny RZA.

3. Commissioner Donshick: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 3, 4, and 5; unable to make RZA findings 2, 4, 5, and 6.

4. Commissioner Nelson: Voted in opposition to denial for MPA; was able to make MPA findings 1, 2, and 5; voted in opposition to motion to deny RZA.

5. Commissioner Peyton: Absent.

6. Commissioner Phillips: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 2, 3, 4 and 5.

Appeal

There is one appeal in this matter being represented by both Christy Corporation, LTD (project applicant) and Donovan Land, LLC (property owner). The appellant's representative, Mike Railey, asserts in the Appeal Application:

"*…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."*

Please refer to Attachment D, Appellant 1 – Christy Corp. Appeal Application, for their appeal rationale in its in entirety.

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 and materials submitted at the public hearing. The Board may take one of the following actions:

1. Deny the appeal and affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan); or
2. Grant the appeal and reverse the Planning Commission's decision, and thereby approve Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan) as presented to the Planning Commission.

POSSIBLE MOTIONS

Should the Board agree with the action taken by the Planning Commission, a possible motion would be:

> "Move to deny the appeal and affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan). The affirmance is based upon the inability to make the master plan findings required by WCC Section 110.820.15(d) [specify which findings cannot be made] and/or the required findings in Spanish Springs Area Plan Policies SS.17.1 or SS.17.2 [specify which findings cannot be made] and the regulatory zone findings required by WCC Section 110.821.15(d) [specify which findings cannot be made]."

or

Should the Board disagree with the action taken by the Planning Commission, a possible motion would be:

"Move to grant the appeal and reverse the Planning Commission's decision. I further move to approve Master Plan Amendment Case Number WMPA22-0001 (Donovan) and, subject to a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, adopt Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan). The approval is based on the Board's ability to make all the findings required by WCC Section 110.820.15(d), the findings required in Spanish Springs Area Plan Policies SS.17.1 and SS.17.2, and the findings required by WCC Section 110.821.15(d). I further authorize the Chair to sign the resolutions to this effect."

Attachments A, B, C, D, E, F, G, and H have been included for the Board's consideration in accordance with WCC 110.912.20(b)(4)(i) and constitute the Record on Appeal.

ATTACHMENTS:

Attachment A: PC Action Order for WMPA22-0001 and WRZA22-0001

Attachment B: PC Staff Report for WMPA22-0001 and WRZA22-0001

Attachment C: PC Minutes of May 3, 2022

Attachment D: Appellant – Christy Corp. Appeal Application

Attachment E: Video Recording of Planning Commission Hearing

Attachment F: Staff Presentation to Planning Commission

Attachment G: Applicant Presentation to Planning Commission

Attachment H: Planning Commission Public Comment

Attachment I: MPA Resolution

Attachment J: RZA Resolution

CC:

Appellant

Applicant:	Christy Corporation, LTD. Attn: Mike Railey, mike@christynv.com
Property Owner:	Donovan Land, LLC rtd-tom@att.net