

WMPA18-0006 &
WRZA18-0006
Marshall Ranch

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>February 12, 2019</u> | |
| Date of action by County: <u>February 5, 2019</u> | |
| Date Decision filed with Secretary: <u>February 7, 2019</u> | |
| Appellant Information | |
| Name: Kenneth Krater | Phone: 775-815-9561 |
| Address: 901 Dartmouth Drive | Fax: 775-786-2702 |
| | Email: ken@kraterconsultinggroup.com |
| City: Reno State: NV Zip: 89509 | Cell: 775-815-9561 |
| Describe your basis as a person aggrieved by the decision: I am the applicant. | |
| Appealed Decision Information | |
| Application Number: WMPA18-0006 and WRZA18-0006 | |
| Project Name: Marshall Ranch | |
| State the specific action(s) and related finding(s) you are appealing: I am appealing the Planning Commission's decision to deny both the Master Plan Amendment (WMPA18-0006) and Regulatory Zone Amendment (WRZA18-0006). We concur with the staff report that all of the findings required for a master plan amendment and regulatory zone amendment can be made. The Spring Mountain Ranch, which lies directly to the west and is zoned for 12,000 residential units and 2,000,000 sq. ft. of commercial uses, along with the recent removal of the Marshall Ranch from the TMSA and City of Reno's Sphere of Influence will allow MDR and Open Space Zoning to provide both medium to high compatibility with surrounding properties and also address the significant change that just occurred in removing the Marshall Ranch from the TMSA and SOI to the benefit of Washoe County residents. | |

| Appealed Decision Information (continued) | |
|--|--|
| <p>Describe why the decision should or should not have been made:</p> <p>The Planning Commission erred in not considering the potential long-term impacts of the adjoining Spring Mountain Ranch that lies directly to the west and is zoned for 12,000 residential units and 2,000,000 sq. ft. of commercial uses, along with the recent removal of the Marshall Ranch from the TMSA and City of Reno's Sphere of Influence. MDR and Open Space zoning will provide a buffer between General Rural zoned properties (mainly federally controlled land) and the high intensity uses that have been entitled by the City of Reno. The policies of the proposed Marshall Ranch Character Management Area will ensure that any development will be of the highest quality and protect the existing lifestyles of the surrounding area. (See the attached letter).</p> | |
| <p>Cite the specific outcome you are requesting with this appeal:</p> <p>To obtain approval of the requested Master Plan Amendment (WMPA18-0006) to Rural Residential and Regulatory Zone Amendment (WRZA18-0006) to Medium Density Rural and Open Space zoning that will adopt the policies of the proposed Marshall Ranch Character Management Area and that the protections afforded by the Character Management Area policies will ensure that any development will be of the highest quality and protect the existing lifestyles of the surrounding area.</p> | |
| <p>Did you speak at the public hearing when this item was considered?</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Did you submit written comments prior to the action on the item being appealed?</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| Appellant Signature | |
| <p>Printed Name: Kenneth Krater</p> | |
| <p>Signature:</p> | |
| <p>Date: February 11, 2019</p> | |

KRATER CONSULTING GROUP

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February 12, 2019

Washoe County Commission
P.O. Box 11130
1001 E. 9th Street
Reno, NV 89520-0027

RE: WMPA18-0006 and WRZA18-0006 (Marshall Ranch)

Dear Commissioners:

My partners and I first toured the Marshall Ranch in March of 2017 after several months of record snow and rain. The adjoining mountain peaks were capped in snow, wild flowers were blooming, and ponds were full. It was this moment that convinced us that this property, previously in the Truckee Meadows Service Area and City of Reno Sphere of Influence needed to be brought back into Washoe County at a land use and density that made sense for the property and citizens of Warm Springs.

To accomplish this, we met with Washoe County staff, City of Reno staff, and Truckee Meadows Regional Planning staff to come up with a systematic entitlement plan supported by and to the benefit of all three agencies. Per our meetings with the agencies, it was clearly understood that the goal was to significantly reduce the number of planned/entitled lots and general commercial from 2,500 homes and 130,000+/- sq. ft. of commercial development to less than 200 homes with no commercial development (A 92% reduction in residential units). The three-step process that we agreed upon would consist of the following:

- 1) Having the City of Reno sponsor a request to amend the 2012 Truckee Meadows Regional Plan to remove three parcels that comprise the property and totaling 1,091+/- acres from Reno's portion of the TMSA, thus placing the parcels in the Rural Development Area (RDA);
- 2) Filing an application with the Truckee Meadows Regional Planning Agency to remove the property from the Truckee Meadows Service Area (TMSA) and the City of Reno's Sphere of Influence (SOI) to bring the property back into Washoe County within a Rural Development Area; and
- 3) Filing a Regulatory Zone Amendment with Washoe County to change the zoning from General Rural to Medium Density Rural (MDR) and Open Space (OS) on areas with slopes exceeding 30%. Based on meetings with county and regional planning staff, our plan was to rezone the property to Medium Density Rural to allow what we approximated to become 190+/- lots in a very scenic and bucolic setting. This is in comparison with the 2,500 lots and 130,680 sq. ft. of commercial development that the property was planned for in the City of Reno.

We voluntarily performed steps 1 and 2 in good faith with the understanding that pursuant to step 3, the property would come into the county as Rural Residential with MDR zoning. The only step remaining in the original plan is to approve a Master Plan Amendment from Rural to Rural Residential and approve the Medium Density Rural and Open Space zoning.

In June 2017, we filed an application with the Truckee Meadows Regional Planning Agency to remove the Marshall Ranch from the Truckee Meadows Service Area (TMSA) and the City of Reno's Sphere of Influence (SOI). At its August 23, 2017 City Council meeting, the City of Reno unanimously approved sponsoring the request to amend the 2012 Truckee Meadows Regional Plan. The proposed amendment included removing three parcels that make up the property totaling approximately 1,091 acres from Reno's portion of the TMSA. This, in

turn placed the parcels in the Rural Development Area (RDA). Due to the removal of this site from the City's TMSA, the overall capacity shifted in a positive direction from -987.54 acres to 47.46 acres (-987.54 acres +1,035 acres = 47.46 acres) that will now allow for future expansion of the City of Reno's TMSA.

TMRPA received the sponsorship request from the city on August 28, 2017. On October 11, 2017, the Regional Planning Commission (RPC) held a public hearing on the item and voted unanimously to recommend approval of the proposed amendment to the RPGB.

Spring Mountain remains entitled in the city via a Planned Unit Development Handbook for 12,000 residential dwelling units and 2,000,000 sq. ft. of commercial uses. General Rural Zoning remained on the Marshall Ranch, but the property was designated within the city's Master Plan as a Special Planning area that would allow for filing of a Planned Unit Development to fully entitle the planned 2,500 lots and 130,680 sq. ft. of commercial development. A Special Planning area is allowed in all Washoe County land uses per Appendix 7 of the 2012 Truckee Meadows Regional Plan RE: "Translation of Land Use Upon Removal of a City's Sphere of Influence" (EXHIBIT A). From our discussions with staff, we understood that the property would come back into the county as Rural Residential as a more appropriate land use designation in line with the 2,500 planned lots. But due to a technicality, a land use change from Rural to Rural Residential was also required.

Bottom line is that the Medium Density Rural and Open Space zoning will allow the property to serve as a buffer between the intense uses approved in the city for the Spring Mountain development and the adjoining rural land uses in Warm Springs. The creation of the buffer is one of the primary reasons that we all agreed to undertake this process. As noted in the staff report, Medium Density Rural and Open Space zoning will provide for medium to high compatibility with the surrounding rural lands in Warm Springs.

As noted in the staff report for the Regional Plan Amendment (***Bold Italic - Emphasis added***):

- **Regional form and pattern, including open space**

*Regional form and pattern, including open space – As stated previously, the proposed amendment includes removing the site from the TMSA and designating it as RDA. Policy 1.1.5 of the Regional Plan defines the Rural Development Area (RDA) as being properties outside of the TMSA. The RDA is characterized as "dispersed residential, employment and other uses that do not require the provision of municipal services." Furthermore, the policy also limits residential development to parcels of five acres in size or larger. **Material submitted with the sponsorship indicates that the property owner wishes to development large lot residential uses, which would be approximately five acre lots. This is consistent with the RDA requirements in the Regional Plan.***

It should be noted that of the ±1,091-acre site, ±1,035 is considered developable acreage due to the existence of Development Constraints Area (DCA) (slopes over 30%) on site.

- **Housing**

*The **proposed amendment would allow for large lot residential development (5-acre sites or greater) in an area with a rural setting. Due to the lack of proximity to existing services and facilities, this type of residential development is more appropriate for the area, as opposed to the previously contemplated densities.***

PROPOSED AMENDMENT

...As noted in attachment 4 (EXHIBIT B), Washoe County does not oppose the potential plans, and has stated that the requested rural development is supported by the Warm Springs Area Plan, within which the site is located.

On Thursday October 26, 2017, the Regional Planning Governing Board after hearing the presentation from TMRPA staff and the applicant including the fact that 5-acre densities were planned, unanimously approved the following:

- *PUBLIC HEARING - Regional Plan Amendment (RPA17-005) - Consideration and possible adoption of RPGB Resolution 17-05 regarding an amendment to the Truckee Meadows Service Areas (TMSA) to modify the boundaries of the City of Reno's portion of the TMSA by removing three parcels totaling approximately ±1,091 acres located near Winnemucca Ranch Road, ±30 miles north of the Interstate 80/Interstate 580 System Interchange, and designating these parcels as Rural Development Area (RDA).*

Thus, the 1,090+/- acre ranch that was previously in the TMSA and City's Sphere of Influence as a Special Planning Area was back under control of Washoe County. Per Policy 1.2.16 of the Regional Plan:

2) *When lands are removed from a city's SOI, the following policies apply:*

a) the city land use that is in existence at the time of the SOI change, as translated to corresponding County land use in Appendix 7, shall provide guidance in the County until Policy 1.2.16(2)(b) is satisfied; and,

b) the County shall prepare and submit its master plan amendment for conformance review with the land uses determined as described in Policy 1.2.16(2)(a) within 120 days and upon a finding of conformance take jurisdiction for actions covered under NRS 278.010-630.

As noted above, the adopted land use for the Marshall Ranch when it was within the city's SOI was "Special Planning Area" with plans for 2,500 lots and 130,680 sq. ft. of commercial development. And, a Special Planning area is allowed in all Washoe County land uses per Appendix 7 of the 2012 Truckee Meadows Regional Plan. Thus, we feel that the request to Change the Land Use designation from the City of Reno's Special Planning Area to Rural Residential (RR) is entirely justified and appropriate.

CHARACTER MANAGEMENT AREA

The protections afforded by the Character Management (CMA) Area policies will ensure that any development that might occur on the ranch will be of the highest quality and protect the existing lifestyle of the surrounding area. The Character Management Area policies will ensure that impacts to the surrounding area, wildlife, vegetation, fire risk, open space, etc. upon any future development are negligible. In addition, we would still need to file a Tentative Map and go through the entire public hearing process, including the ability of the project to be appealed to the County Commission, and a requirement of the CMA policies that the developer take into account responses and issues of the Warm Springs CAB and that their concerns be included in the design, conditions, and/or CC&R's for the project.

In summary, the character management area includes the following policies:

- *Grading requirements to follow natural topography and contours.*
- *Weed management plans*
- *A plan that responds to CAB input.*
- *Mandatory dark sky lighting.*
- *Fire resistant landscape designs and low water use plants.*
- *Plans that support the conservation of water recharge areas, wildlife habitat areas, wildlife corridors, and open vistas.*
- *A community water system*

- *A recreational trail system that provides access to open space and public lands*
- *And mandatory improvements to the Pyramid Highway/Winnemucca Ranch road intersection.*

Our proposed entitlement and character management area policies go far beyond any other developments occurring within the Warm Springs Area Plan and ANY development on our ranch will be high quality in order to comply with the plan once approved. We feel strongly that we have achieved the best possible outcome for the Warm Springs Community with the character management area policies that were developed in conjunction with staff and comments and input from area residents. We hope that after careful consideration that the County Commission agrees and allow us to obtain our requested entitlements within Washoe County.

PUBLIC OUTREACH

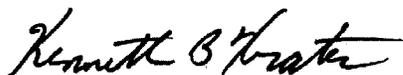
We knew that we would have to work closely with the Warm Springs community to explain our proposed entitlements and develop support for our project. To date, we presented the project to the Warm Springs Task force on Thursday November 1st, 2018, presented the project to the Warm Springs CAB on November 13th, 2018, spoke under public comment at the Warm Springs January 9, 2019 meeting, and have met with individual community members several times in the past 4 months. For some reason we weren't put on the Warm Springs CAB agenda this past January although we had offered to come back to their next meeting when I spoke in November. After our initial meeting with the CAB in November and after hearing public comments at the Warm Springs CAB meeting in January, I felt compelled to hold one additional meeting to make sure folks have all the facts on the project. Thus, I planned to hold one final neighborhood meeting at the Regional Shooting Facility on Saturday February 2nd to make it easy for Warm Spring residents to attend. We sent out invites to everyone noticed for the planning commission hearing and everyone who left us an e-mail address or mailing address at the November CAB meeting. Unfortunately, there was a scheduling conflict with CCW classes, but I still was able to meet with three individuals that morning. In summary, we did conduct significant community outreach and are confident that many residents support our plans for the property.

SUMMARY

In summary, the Marshall Ranch was originally planned for 2,500 homes and 130,680 sq. ft. of commercial development within the City of Reno. Following meetings with all concerned parties, we agreed to voluntarily reduce that density by a significant amount (92%). We worked closely with staff from 3 governmental agencies to come up with a plan to benefit all three agencies and the Warm Spring Community to remove the property from the TMSA and city's SOI to allow for development of 5-acre lots under MDR zoning to serve as a buffer between the intense use planned in the city for the Spring Mountain Ranch and the rural land used allowed in Warm Springs. Significant character management area policies were developed to ensure a development of the highest quality and to protect the exiting lifestyle of Warm Springs residents.

We removed the property from the sphere of influence in good faith with the understanding that the MDR and Open Space zoning would ultimately be approved. We now respectfully request that the Commissioners approve the third and final step in our agreed upon process. We are confident that the requested master plan and regulatory zone amendments, coupled with the CMA provide for the highest and best use for this property and hope you concur with staff's recommendation of approval.

Sincerely,



Kenneth Krater, P.E.

ATTACHMENT "A"

2012 Truckee Meadows Regional Plan

Version 11

APPENDIX 7

**TRANSLATION OF LAND USE UPON REMOVAL OF A CITY'S
SPHERE OF INFLUENCE (SOI)
(SEE POLICY 1.2.16)**

The following table is applicable when lands are removed from the City of Reno's SOI [Amended 12/12/13]

| Reno Master Plan Land Use | Washoe County Master Plan Land Use |
|------------------------------|---|
| Unincorporated Transition | Rural Residential or Rural Residential |
| Single-Family Residential | Rural Residential or Suburban Residential |
| Mixed Residential | Suburban Residential or Urban Residential |
| Urban Residential/Commercial | Urban Residential or Commercial |
| Industrial | Industrial |
| Public Facility | Open Space |
| Park/Recreation/Open Space | Open Space |
| Special Planning Area | Allowed in all WC land uses |

The following table is applicable when lands are removed from the City of Sparks' SOI

| Sparks Master Plan Land Use | Washoe County Master Plan Land Use |
|---------------------------------------|---|
| 5 - 10 ac/du | Rural Residential |
| Estate Density Res. 1-3 du/ac | Suburban Residential |
| Low Density Res. 3-7 du/ac | Suburban Residential |
| Low Density Res./Medium Density Res. | Suburban Residential |
| Low Medium Density Res. 7-14 du/ac | Suburban Residential or Urban Residential |
| Medium Density Res. 14-20 du/ac | Urban Residential |
| High Density Res. 20-43 du/ac | Urban Residential |
| Mixed Use | Commercial |
| Industrial | Industrial |
| Tourist Commercial | Commercial |
| Tourist Commercial/General Commercial | Commercial |
| Office Professional | Commercial |
| OS/Rural Reserve | Rural, Rural Residential, or Open Space |
| Park | Allowed in all WC land uses |
| Public Facility | Allowed in all WC land uses |
| School | Allowed in all WC land uses |

ATTACHMENT "B"



WASHOE COUNTY
Planning and Building
INTEGRITY COMMUNICATION SERVICE

ATTACHMENT 4

RPGB Meeting - 10/26/17

Agenda Item 7.C

Fax: (775) 328-6133

Date: August 16, 2017

To: Reno City Council
Through: Sienna Reid, Senior Planner, Reno Community Services Department
From: Mojra Hauenstein, Director of Planning and Building
Subject: Case No. LDC-00072 (Marshall Ranch TMSA Amendment)

Dear Council Members,

Washoe County Planning and Building Division staff has met with the applicant, local government staff, and Truckee Meadows Regional Planning staff to discuss the above referenced TMSA amendment request. This letter is to convey to the Reno City Council Washoe County's support for the proposed amendment. Washoe County does not oppose the subject properties being removed from the Reno TMSA provided they are subsequently placed in the Rural Development Area (RDA) of Washoe County planning jurisdiction.

Further, Washoe County does not oppose potential plans by the property owners to achieve large lot development at a maximum of one dwelling per 5-acres (i.e. 5-acre lots). To Washoe County staff's knowledge, the subject properties currently have a regulatory zone designation of General Rural, which allows one dwelling per 40-acres (i.e. 40-acre lots). This type of rural development is supported by the Warm Springs Area Plan, within which the property is located.

Should you have any questions regarding this correspondence, please do not hesitate to call me at 328-3619. Regards,

A handwritten signature in black ink, appearing to read "Mojra Hauenstein".

Mojra Hauenstein,
Director of Planning and Building

xc: Bob Webb, Planning Manager
John Slaughter, County Manager

