



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: August 16, 2022

DATE: July 15, 2022
TO: Board of County Commissioners
FROM: Courtney Weiche, Senior Planner, Planning and Building Division,
Community Services Department, 328.3627, cweiche@washoecounty.gov
THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building, Community
Services Department, 328-3619, kmullin@washoecounty.gov
SUBJECT: Public Hearing: Re-hearing of Master Plan Amendment Case Number
WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-
0005 (Highland Village Phase II).

Recommendation to:

(1) Amend the Washoe County Master Plan, Sun Valley Area Plan Appendix C – Maps, to reconfigure the boundaries of the Suburban Residential master plan designation, decreasing that designation from 16.7 to 14.7 acres; and reconfigure the boundaries of the Rural master plan designation, increasing that designation from 1.67 to 3.68 acres on three adjacent parcels (APN's 508-020-04, -42 & -44). 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

(2) Approve, subject to final approval of the associated master plan amendment and a favorable conformance review by the Truckee Meadows Regional Planning Commission, a regulatory zone amendment to the Sun Valley Regulatory Zone Map to change the regulatory zone on 3 parcels from 16.706 acres of Low Density Suburban (LDS - 1 dwelling unit per acre) and 1.676 acres of General Rural (GR – 1 dwelling unit per 40 acres) to 14.702 acres of High Density Suburban (HDS - 7 dwelling units per acre) and 3.68 acres of GR on 18.382 acres, and reconfigure the boundaries of the proposed HDS and GR zones on the three adjacent parcels (APN's 508-020-04, -42 & -44);

And

Introduce and conduct a first reading of an ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a development agreement between Washoe County and LC Highland 2, LLC for Highland Village II, which limits the gross density to 4.5 dwelling units per acre for the ±18.3-acre project area (APNs 508-020-04, -42 & -44) for a maximum of 82 total dwelling units.

AGENDA ITEM # _____

The Board of County Commissioners may adopt the proposed master plan and regulatory zone amendments with a condition precedent of adoption of the accompanying development agreement; may adopt the proposed master plan and regulatory zone amendments without the accompanying development agreement; may further modify the proposed master plan amendment and refer the matter back to the Planning Commission for its report in accordance with NRS 278.220(4); or may deny the proposed amendments after the public hearing.

If the Board introduces and conducts the first reading of the ordinance, the Board shall set the public hearing, second reading and possible adoption of the Ordinance for September 13, 2022, and, if adopted, further authorize the Chair to execute the final Development Agreement. (Commission District 5.)

SUMMARY

This master plan amendment is a request to reconfigure the Rural and Suburban Residential master plan designations on three adjacent parcels of land (APN's 508-020-04, -42 & -44), totaling approximately 18.408 acres (herein referred to as "project area"), in an effort to better align future development with the topographical constraints associated with steeper slopes and rocky terrain. The Suburban Residential designation would be reduced from 16.7 to 14.7 acres, and the Rural designation would be increased from 1.67 to 3.68 acres.

The regulatory zone amendment is a request to change the regulatory zone on all three subject parcels from Low Density Suburban (LDS) to High Density Suburban (HDS) and to reconfigure the HDS and GR regulatory zones to match the proposed Master Plan Designation on all three parcels of land. For a full discussion of the proposed master plan and regulatory zone amendment requests, please see Attachment E which contains the April 12, 2022 BCC staff report and minutes.

On April 12, 2022, the Board held a public hearing to consider these master plan and regulatory zone amendments. The Board directed that the master plan and regulatory zone amendments be reconsidered with a Development Agreement to cap the property density to no more than 5 dwelling units per acre. The applicant has subsequently submitted a development agreement for consideration by the Board which provides for a maximum density of 4.5 dwelling units per acre for project area and 5.6 dwelling units for the portion of the HDS regulatory zone. If approved, this will limit the number of dwelling units to 82 for the project area.

Washoe County Strategic Objectives supported by this item:
Economic Impacts: Meet the needs of our growing community.
Fiscal Sustainability: Long-term sustainability.

PREVIOUS ACTION

On May 10, 2022, the Washoe County Board of County Commissioners denied a request by Commissioner Herman to reconsider the decision made by the Board on April 12, 2022. *See* Attachment D for BCC staff report and minutes.

On April 12, 2022, the Washoe County Board of County Commissioners heard the master plan and regulatory zone amendment requests in question and directed staff to work with the applicant on a Development Agreement to cap the property density at 5 dwelling units per acre. *See* Attachment E for BCC staff report and minutes.

On December 7, 2021, the Washoe County Planning Commission heard the master plan and regulatory zone amendment requests in question and unanimously recommended adoption of the amendments as proposed.

On October 25, 2021, a neighborhood meeting was held to receive community feedback on the master plan and regulatory zone amendment requests in question. The meeting lasted approximately 2 hours and included a detailed presentation on the project with numerous questions asked and concerns brought up. A summary of feedback received at the neighborhood meeting is included as Exhibit F to the Planning Commission Staff Report, attached hereto as Attachment E. This meeting fulfilled the neighborhood meeting requirement per NRS 278.210(2).

BACKGROUND

At the April 12, 2022, Washoe County Commission meeting for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II), the proposed amendments were discussed and the Board concluded that a development agreement which limits the number of dwelling units per acre to no more than 5 should be considered.

The applicant has now submitted a proposed development agreement which provides that Highland Village II project area be limited to a gross density of 4.5 dwelling units per acre. The result of the restricted density as proposed would limit the density to 5.6 dwelling units for the HDS regulatory zone and 4.5 dwelling units overall, despite the allowable density (7du/ac for HDS) allowed with adoption of the proposed master plan and regulatory zone amendments. *See* Attachment C for the proposed development agreement and ordinance. The capped density will only include the areas with a regulatory zone of High Density Suburban (HDS). The areas with a regulatory zone of General Rural (GR) will not be included in the gross density calculation of the development agreement.

Under NRS 278.0205 and Washoe County Code (WCC) Section 110.814.25, a development agreement must be entered into via ordinance after special notice and a public hearing. If the Board introduces and conducts a first reading of the ordinance, then the County Clerk will publish the title of the ordinance and the required notice of intent to adopt the ordinance and schedule a public hearing for the second reading and possible adoption in accordance with NRS 244.100 and Washoe County Code.

Under WCC 110.814.25 notice of the public hearing and possible adoption of a development agreement must be sent to all property owners within three hundred (300) feet of the property which is the subject of the development agreement. Notice will be provided in a newspaper of general circulation within Washoe County at least 10 days

before the public hearing date. The development agreement is required to be executed by both the property owner's representative and the Chair of the Washoe County Commission.

FISCAL IMPACT

No fiscal impact.

POSSIBLE MOTIONS TO ADOPT MASTER PLAN AND REGULATORY ZONE AMENDMENTS

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to adopt:

(1) Master Plan Amendment Case Number WMPA21-0008 to amend the Washoe County Master Plan, Appendix C - Maps to reconfigure the boundaries of the Suburban Residential master plan designation, decreasing that designation from 16.7 to 14.7 acres, and reconfigure the boundaries of the Rural master plan designation, increasing the designation from 1.67 to 3.68 acres, on three adjacent parcels (APN's 508-020-04, -42 & -44); and to authorize the Chair to sign the resolution included as Attachment A to this staff report to that effect. 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

(2) Approve Regulatory Zone Amendment Case Number WRZA21-0005, subject to final approval of the associated master plan amendment and a favorable conformance review by the Truckee Meadows Regional Planning Commission, to amend the Sun Valley Regulatory Zone Map to change the regulatory zone on 3 parcels from 16.706 acres of Low Density Suburban (LDS) and 1.676 acres of General Rural (GR) to 14.702 acres of High Density Suburban (HDS) and 3.68 acres of GR on 18.382 acres and reconfigure the boundaries of the proposed HDS and GR zones on the three adjacent parcels (APN's 508-020-04, -42 & -44); and to authorize the Chair to sign the resolution included as Attachment B to this staff report to that effect.

In making this motion, the Board is able 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.

In making this motion, the Board is also able to make the required Sun Valley Area Plan Finding Goal Thirteen:

SUN13.1. The amendment will further implement and preserve the Vision and Character Statement. The amendment conforms to all applicable policies of the Sun Valley Area Plan and the Washoe County Master Plan. The amendment will not conflict with the public's health, safety or welfare.

Finally, in making this motion, the Board is able 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.

POSSIBLE MOTION FOR THE FIRST READING OF THE DEVELOPMENT AGREEMENT

“Move to introduce Bill Number [insert bill number as provided by the County Clerk] and set the public hearing and second reading of the ordinance for possible adoption during the meeting of September 13, 2022.

- Attachments:
- A. WMPA22-0008 Master Plan Amendment Resolution
 - B. WRZA22-0005 Regulatory Zone Amendment Resolution
 - C. Ordinance & A-1 Development Agreement containing:
Exhibit A (Legal Description)
 - D. BCC staff report dated May 10, 2022
 - E. BCC staff report dated April 12, 2022

cc:

Applicant: Krater Consulting Group, PC, ken@kraterconsultinggroup.com

Property Owner: LC Highland 2, LLC, jholbrook@landcapip.com