



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: May 22, 2018

DATE: Friday, May 18, 2018

TO: Board of County Commissioners

FROM: Roger Pelham, MPA, Senior Planner, Planning and Building Division, Community Services Department, 328-3622, rpelham@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public Hearing: Appeal of the Washoe County Planning Commission's denial of **Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan)** – Which sought to amend the Washoe County Master Plan, Sun Valley Area Plan, at Policy SUN.1.2 to remove the sentence, “New single family detached residential, including mobile homes, will not be allowed within the DCMA.” If approved and subsequently found in conformance with the Truckee Meadows Regional Plan, the Sun Valley Area Plan would no longer prohibit new single family detached residential units in the Sun Valley DCMA. AND **Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers)** – Which sought to amend Chapter 110 of the Washoe County Code (WCC) at 110.218.35(a) to remove “Neighborhood Commercial / Office” zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed within the Sun Valley area. If approved, placement of mobile homes and manufactured homes within these zones would instead be subject to the general placement rules found in Table 110.302.05.1, which allows them with a Board of Adjustment special use permit.

The Board may affirm, reverse, or modify the decision of the Planning Commission. In doing so, the Board may remand the matter back to the Planning Commission with instructions.

The appellant is Ron Bell. The applicant is the Washoe County Planning and Building Division. The affected area is the Downtown Character Management Area (DCMA) of the Sun Valley Area Plan. (Commission Districts 3&5.)

SUMMARY

If approved, the Master Plan Amendment and Development Code Amendment would allow the placement or construction of a single-family dwelling, including a mobile home

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on a parcel of land within the Downtown Character Management Area of the Sun Valley Area Plan, with a regulatory zone of Neighborhood Commercial (NC), subject to the approval of a Special Use Permit. Currently, the placement or construction of a single-family dwelling, including a mobile home on a parcel of land within the Downtown Character Management Area of the Sun Valley Area Plan with a regulatory zone of Neighborhood Commercial (NC), is prohibited.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On January 2, 2018, staff of the Planning and Building Division made a report to the Washoe County Planning Commission (PC). The Planning Commission initiated the amendment as proposed.

On February 5, 2018, the North Valleys Citizen Advisory Board (CAB) considered the proposed amendments. At the CAB meeting Margaret Reinhardt moved to recommend denial 7a & 7b. Michael Rider seconded the recommendation to deny. The motion passed unanimously.

On April 3, 2018, the Washoe County Planning Commission held a public hearing on these items. The PC denied the proposed amendments with a vote of 4 to deny and 3 to approve, based upon the inability to make the findings required by Washoe County Code Section 110.820.15(d).

BACKGROUND

The Washoe County Planning Commission denied the above referenced Master Plan Amendment case number based on the inability to make the findings 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 Changed 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; and
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 also denied the above-referenced Development Code Amendment case number based on the inability to make the findings required by Washoe County Code Section 110.818.15(e).

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Please see the Planning Commission meeting minutes for the April 3, 2018 meeting (included as Exhibit D to this report) for discussion of each of these findings.

The appellant, Ron Bell, has stated that the reasons for the appeal are:

“In 2010 Sun Valley master plan revised in the spirit to clean up Sun Valley Blvd and promote commercial development. Unfortunately they made the area too broad and included residential lots a block or more from the Blvd. including mine at 109 Grumpy. This has created blight and unimproved properties including mine. The Planning Commission didn’t read or understand the staff report provided to them by Washoe Planning dept. recommending approval of amendment.”

Please see the appeal application, included as Exhibit C, to this report.

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 WMPA18-0001 (Sun Valley Area Plan) and Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers).

POSSIBLE MOTIONS

Should the Board of County Commissioners agree with the Planning Commission's denial of Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan), and Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers) a possible motion would be:

“Move to affirm the denial of:

Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan) – Which sought to amend the Washoe County Master Plan, Volume 2, Sun Valley Area Plan, at Policy SUN.1.2 to remove the sentence, “New single family detached residential, including mobile homes, will not be allowed within the DCMA.” If approved and subsequently found in conformance with the Truckee Meadows Regional Plan by the regional planning authorities, the Sun Valley Area Plan would no longer prohibit new single family detached residential units in the Sun Valley DCMA. Because this was a possible amendment to the master plan, approval must be by resolution supported by a 2/3 vote of the entire planning commission membership.

AND

Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers) – Which sought to amend to Chapter 110 of the Washoe County Code (WCC) at 110.218.35(a) to remove “Neighborhood Commercial / Office” zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed within the Sun Valley area. If approved, placement of mobile homes and manufactured homes within these zones would instead be subject to the general placement rules found in Table 110.302.05.1, which allows them with a board of adjustment special use permit.

The Board of County Commissioners is unable to make the findings 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 Changed 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; and
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 based on the inability to make the findings required by Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.”

Should the Board of County Commissioners disagree with the Planning Commission’s denial of Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan) and Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers), a possible motion would be:

“Move to reverse the denial of, and adopt, both:

Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan) – Which amends the Washoe County Master Plan, Volume 2, Sun Valley Area Plan, at Policy SUN.1.2 to remove the sentence, “New single family detached residential, including mobile homes, will not be allowed within the DCMA.” If approved and subsequently found in conformance with the Truckee Meadows Regional Plan by the regional planning authorities, the Sun Valley Area Plan would no longer prohibit new single family detached residential units in the Sun Valley DCMA.

and

Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers) – Which amends Chapter 110 of the Washoe County Code (WCC) at 110.218.35(a) to remove “Neighborhood Commercial / Office” zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed within the Sun Valley area. If approved, placement of mobile homes and manufactured homes within these zones would instead be subject to the general placement rules found in Table 110.302.05.1, which allows them with a board of adjustment special use permit.

The Board of County Commissioners is able to make the findings 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 Changed 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; and
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 Board of County Commissioners is able to make the findings required by Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

I further move to direct staff to return to the Planning Commission, for a report on the approval of this item by the Board of County Commissioners within 40 days (in accordance with NRS 278.220), and then return to the Board of County Commissioners with a resolution for adoption of the Master Plan Amendment as well as an ordinance for first and second reading for approval of the Development Code Amendment at the next available hearing date thereafter.”

Exhibits:

Exhibit A: Planning Commission Action Order dated 4/3/2018

Exhibit B: Planning Commission Staff Report dated 3/6/2018

Exhibit C: Appeal Application dated 4/13/18

Exhibit D: DRAFT Planning Commission Minutes of 4/3/2018

Appellant: Ron Bell, 2390 Homestead Place, Reno, NV 89509