



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: September 11, 2018

DATE: August 22, 2018

TO: Board of County Commissioners

FROM: Roger Pelham, Senior Planner, Community Services Department
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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building
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SUBJECT: Public Hearing: Appeal of the denial, by the Washoe County Planning Commission of Tentative Subdivision Map Case Number WTM18-005 (Autumn Wood Phase 2), a tentative subdivision map for a 17-lot, common open space, single-family residential subdivision. The maximum allowable residential density in the zone is 3 dwellings to the acre. The applicant is proposing 2.91 dwellings to the acre. The request also includes reducing the required side yard setbacks from 8 feet to 0 feet on one side of each lot to allow for a shared common wall as this project is proposed to be a townhome development.

AND

Appeal of the denial, by the Washoe County Planning Commission of Special Use Permit Case Number WSUP18-0005 (Jeppson Lane Storm Water Detention Basin), a special use permit for Major Grading of approximately 5.83 acres and approximately 28,000 cubic yards of excavation, part of which is within the Sensitive Stream Zone Buffer Area of Whites Creek. The grading is proposed for construction of off-site storm water detention improvements in association with the Autumn Wood residential subdivision.

The proposed project is located on the west side of Jeppson Lane, approximately 500 feet north of its intersection with Zolezzi Lane. The Assessor's Parcel Number is 162-010-31. The applicant and property owner is D.R. Horton, Inc.

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, or may directly grant all or part of the tentative subdivision map and special use permit requested. (Commission District 2.)

AGENDA ITEM # _____

SUMMARY

Autumn Wood, a tentative subdivision map to create a 47-lot single-family townhome common open space subdivision on ± 4.75 acres, was approved by the Washoe County Planning Commission on March 7, 2006. (see Attachment D to this report)

The applicant, D.R. Horton, applied for a tentative subdivision map (Autumn Wood Phase 2) to create a 17-lot, common open space, single-family residential subdivision on the adjoining parcel immediately north of the approved 47-lot Autumn Wood project site. The maximum allowable residential density of the regulatory zone of the subject property is 3 dwellings to the acre. The applicant proposed 2.91 dwellings to the acre. The request also included reducing the required side yard setbacks from 8 feet to 0 feet on one side of each lot to allow for a shared common wall as this project is proposed to be a townhome development. The applicant also applied for a special use permit for Major Grading of approximately 5.83 acres and approximately 28,000 cubic yards of excavation, part of which is within the Sensitive Stream Zone Buffer Area of Whites Creek. The grading was proposed for construction of off-site storm water detention improvements in association with the Autumn Wood residential subdivision, and the Autumn Wood Phase 2 subdivision.

Both requests were denied by the Washoe County Planning Commission on July 3, 2018.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On July 3, 2018, the Washoe County Planning Commission (PC) held a duly-noticed public hearing on Tentative Subdivision Map Case Number WTM18-005 and WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin). The PC denied that request based upon the inability to make the findings of fact as required by Washoe County Code Sections 110.608.25 and 110.608.25. (see Attachment A to this report)

On July 13, 2018, the applicant, D.R. Horton, filed an appeal of those denials. The justification for those appeals is included in the appeal applications. (see Attachments B and C to this report)

BACKGROUND

During the public hearing on Tentative Subdivision Map Case Number WTM18-005 and WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin), on a motion made by Commissioner Lawson and seconded by Commissioner Bruce, the Planning Commission voted seven in favor and none opposed to deny both of these items. The Planning Commission found that the proposed tentative map is not consistent with the Master Plan and was uncomfortable with calling this subdivision a continuation of the previous Autumn Wood subdivision and found that the special use permit was also inconsistent with the Master Plan.

The discussion of the Planning Commission is included in the minutes of that meeting, which are included with this report as Attachment F.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners affirm the decision of the Planning Commission and deny Tentative Subdivision Map Case Number WTM18-005 and WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin).

POSSIBLE MOTIONS

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

“Move to affirm the decision of the Planning Commission and deny Tentative Subdivision Map Case Number WTM18-005 and WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin), finding that both items are inconsistent with the Washoe County Master Plan and being unable to make the findings of fact required by Washoe County Code Sections 110.608.25 and 110.608.25.”

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

“Move to reverse the decision of the Planning Commission and approve Tentative Subdivision Map Case Number WTM18-005 and Special Use Permit Case Number WSUP18-0005 (Autumn Wood Phase 2 and Jeppson Lane Storm Water Detention Basin), subject to the conditions of approval included as Attachments G and H to this report, finding that both items are consistent with the Washoe County Master Plan and being able to make the findings of fact required by Washoe County Code Sections 110.608.25, 110.608.25 and 110.418.30 and the Southwest Truckee Meadows Area Plan, including:

For Tentative Subdivision Map Case Number WTM18-005:

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

And for Special Use Permit Case Number WSUP18-0005:

- 1) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
- 2) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- 3) Site Suitability. That the site is physically suitable for type of development, i.e. a bed and breakfast inn, etc., and for the intensity of such a development;
- 4) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- 5) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.
- 6) Community Character. The Community Character as described in the SWTM character statement can be adequately conserved through the mitigation of any identified potential negative impacts.
- 7) Special Review Considerations. The special review considerations required by Article 418 have been appropriately addressed.”

Attachments:

A: WTM18-005 and WSUP18-0005 Planning Commission Action Order dated 7/5/2018
B: Appeal Application for WTM18-005
C: Appeal Application for WSUP18-0005
D: TM06-002 Action Order and Staff Report
E: WTM18-005 and WSUP18-0005 Planning Commission Staff Report dated 6/15/2018
F: Planning Commission Minutes [draft] of 7/3/2018
G: WTM18-005 Possible Conditions of Approval
H: WSUP18-0005 Possible Conditions of Approval
I: Documents and Letters submitted during public comment at Planning Commission Hearing

cc: Dave Solaro, Assistant County Manager
Mojra Hauenstein, Division Director, Planning and Building
Trevor Lloyd, Planning Manager
Nate Edwards, Deputy District Attorney
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