



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: February 26, 2019

DATE: January 25, 2019

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: Possible adoption of resolution adopting **Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan)** – Which amends the Washoe County Master Plan, Warm Springs Specific Plan to eliminate “Appendix G - Financing Plan.” The financing plan was meant to serve as the mechanism for funding a variety of community infrastructure items in the Warm Springs Specific Plan Area over time, including roads, community water or sewer services and limited recreation (parks) and fire and police facilities. Since 1995 when the plan was adopted, it has required developers to pay fees to the County for future use in the construction of the infrastructure based on a formula per unit. Currently, only \$796,000 is available for use under the financing plan, but little or none of the contemplated infrastructure has been built due to a lack of adequate funding and/or need, and funds are in the process of being refunded to current property owners.

The Board may adopt, not adopt, or modify the Master Plan Amendment. The affected area is the Warm Springs Specific Plan (WSSP) of the Warm Springs Area Plan.

And if approved, authorize the Chair to sign the resolution adopting the amendment, subject to favorable conformance review by the Regional Planning authorities. (Commission District 5.)

SUMMARY

If adopted, the Master Plan Amendment would remove “Appendix G – Financing Plan” from the Warm Springs Specific Plan (WSSP), a component of the Warm Springs Area Plan and the Washoe County Master Plan.

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

AGENDA ITEM # _____

PREVIOUS ACTION

On March 7, 1995, the Board of County Commissioners (Board) adopted the Warm Springs Specific Plan, including Appendix G – Financing Plan.

On June 26, 2018, the Board directed staff of the Planning and Building Division to initiate an amendment to the Warm Springs Specific Plan to remove the financing component from that plan. The Board also voted to refund collected WSSP development fees to current property owners.

On September 25, 2018, the Board initiated Master Plan Amendment Case Number WMPA18-0008 to remove the financing component from the WSSP.

NRS 278.210(2) and WCC Section 110.820.20 require a neighborhood meeting for any proposed Master Plan amendment.

On October 19, 2018, staff of the Planning and Building Division held a neighborhood meeting in accordance with WCC Section 110.820.20. The meeting was held at the Regional Shooting Facility in the Warm Springs Area. Approximately 30 residents attended.

Topics of interest expressed at that meeting include:

- The current amendment request is in response to a lawsuit, and is intended to comply with legal requirements.
- What is the legal process for a Master Plan Amendment?
- Will the funds collected to date be returned with interest?
- Why were Certificates of Occupancy issued for dwellings within the SPA without paved roads and other required infrastructure being constructed?
- The Financing Plan should not be removed until the entire Area Plan is updated. The Area Plan should be updated immediately.
- Will subsequent fees and additional taxes be imposed upon the current owners of property who receive refunds of impact fees?
- The increase in population of the WSSP requires additional services such as police, fire and EMS.
- The refund should be given to the Palomino Valley General Improvement District, rather than the property owners as the improvements were not constructed.
- The developers who recorded final maps should be held responsible now to construct improvements.
- There should be a moratorium imposed on all construction in the Plan Area until the Area Plan is updated.
- The Master Plan and Area Plan should be updated and edited at the same time as the removal of the finance plan.
- What assurance is there that County standards for roadways and infrastructure will be enforced without the Financial Plan?

The current amendment is based upon the action taken by the Board which directed staff to begin the Warm Springs Area Plan update process by removing “Appendix G - Financing Plan” from the Warm Springs Specific Plan.

On December 4, 2018, the Washoe County Planning Commission was scheduled to conduct a hearing on the proposed Master Plan Amendment, however, due to a heavy snow storm, there was a lack of a quorum and that meeting was cancelled.

On January 2, 2019, the Washoe County Planning Commission conducted a public hearing on the proposed Master Plan Amendment and adopted the amendment to the Washoe County Master Plan, Warm Springs Specific Plan eliminating “Appendix G – Financing Plan” and unanimously recommended its adoption to the Board of County Commissioners.

BACKGROUND

It is anticipated that the WSSP amendment will ultimately involve a two-part process in which the first amendment will be the removal of the financing plan component of the specific plan. The second amendment will take a closer look at the specific plan and will likely involve a wholesale amendment to the WSSP.

In the 23 years since the Warm Springs Specific Plan was adopted, it has become clear that the financing component of that plan is insufficient to build the infrastructure contemplated by the plan. It was envisioned at the time of adoption of the WSSP that Washoe County would act as a repository for development fees collected as required by the financing component and that infrastructure would be constructed in the WSSP by those developing the land. The County would then appropriately reimburse those developers with the collected development fees. The planned infrastructure has not been constructed in the WSSP.

The Financing Plan provides specific amounts and methods of fees and payments for certain types of infrastructure. The Financing Plan was adopted with the Warm Springs Specific Plan in 1995. The Financing Plan has been found to be unworkable and financial resources specified in the Financing Plan that were put in place at that time are no longer sufficient for development.

Washoe County was involved in a lawsuit concerning the refund of the collected development fees. As part of that lawsuit, the Courts have ruled that the development fees are impact fees as regulated within NRS Chapter 278B. Impact fees must be refunded to current property owners, if the fees have not been used within a 10 year period. In a separate action, the Board directed staff to refund collected WSSP development fees to current property owners. This refunding process is currently underway.

Since the fees collected as required by the WSSP financing component were deemed impact fees by the Courts, and not development fees, and the collected fees are insufficient to build the WSSP planned infrastructure, the Board directed staff to initiate an amendment to the WSSP to remove the financing component of the plan. After this amendment action is completed, staff will likely return at a future time with a request to initiate an amendment to the entire WSSP. This second amendment should, at a minimum, evaluate the infrastructure components of the plan in the context of current and potential WSSP development.

Based upon the action taken by the Washoe County Planning Commission on January 2, 2019, and direction given to staff by the Board of County Commissioners on June 26, 2018, staff recommends adoption of Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan).

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners adopt the resolution included as Attachment A to the staff report, which adopts Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan) and direct staff to submit the Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan) to the Truckee Meadows Regional Planning Agency for review for conformance with the Regional Plan.

POSSIBLE MOTION

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

"Move to:

- 1) Adopt the resolution included as Attachment A to the staff report, which adopts Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan). AND
- 2) Direct staff to submit Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan) to the Truckee Meadows Regional Planning Agency for review for conformance with the Truckee Meadows Regional Plan."

Attachments:

A: BCC Resolution Adopting Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan)

B: PC Resolution Adopting Master Plan Amendment Case Number WMPA18-0008 (Warm Springs Specific Plan)

C: PC staff report of 1/2/2019

cc:

Dave Solaro, Director, CSD

Mojra Hauenstein, Division Director, Planning and Building

Trevor Lloyd, Planning Manager

Nate Edwards, Deputy District Attorney