

APPEAL TO BOARD OF COUNTY COMMISSIONERS

Arguments to Overturn the Denial Action Order Decision at the August 6, 2024 Planning Commission Meeting

Presentation Date: October 22, 2024

RE: Lockwood IC Center

10705 Lockwood Drive (APN 084-080-15)
Application Number: WMPA-24-0002 & WRZA-24-0002
Master Plan Amendment and Regulatory Zone Amendment

TO: The Honorable Alexis Hill, Chairman of the Washoe County Board of Commissioners
The Honorable Jeanne Herman, Vice-Chair, Washoe County Board of Commissioners
The Honorable Michael Clark, Commissioner, Washoe County Board of Commissioners
The Honorable Mariluz Garcia, Commissioner, Washoe County Board of Commissioners
The Honorable Clara Andriola, Commissioner, Washoe County Board of Commissioners

Lockwood Development Group, LLC (hereinafter “LDG”) is seeking the reversal of the WC Planning Commission’s denial of Appellant’s **WMPA & WRZA Application Request** presented to WCPC on August 6, 2024.

The Appellant, LDG, has three (3) main grievances for the Board to hear and understand, which are critical to our Appeal. The first of which is directly related to the Planning Department’s personnel and their sudden incoherent and unexplainable reasoning as to why they could no longer support our Amendment Application. The second, was how the Planning Department, after purposely changing its support for our Amendment, delayed our PC hearing dates in order to draft and redraft the Department’s Report and Recommendation, which was confusing for all of us, but most importantly, for the PC. The final grievance is with the Planning Commissioners, and their lack of interest, inquiries, and questions as to why the Planning Department would draft and submit such a confusing Staff Report with both conflicting statements and mixed recommendations. The three main grievances are as follows:

Main Grievances:

1. **The County’s subjective planning procedures, processes, and timing with no published standard of responsibilities and accountabilities.**

LDG was completely blindsided by the Planning Department.

- a. For over 17 months we have been dealing with the County Planning Department, with nothing but support and encouragement from all county staff, departments, and agencies for the first 9 months.
- b. After 5 months of departmental meetings, land studies, engineering analysis, and regulatory reviews, it was staff who suggested we consider the industrial and open space designations and a MPA & RZA Application submittal for January 2024.
- c. Once all the procedural requirements were met, costs expended and fees paid, we submitted our MPA & RZA Application, only to be told two weeks later that the Planning Manager will NOT and would NOT recommend approval. When we asked staff how the Planning Manager can unilaterally make the denial recommendation, he did not know and did not think it was the right decision either.
- d. Even though the two reasons given by the Planning Manager, in the only meeting he afforded us, were soundly refuted, he insisted the Department needed to do further studies. Three months later, not one study was enacted.
- e. We are now into our eighth (8) month of delay; with over \$60,000 in expenses and costs directly and negligently attributable to the Planning Department.
- f. At first we had the staff's "high" recommendation for approval, then denial, and then with less than a week before the PC hearing, we were told the legal department suggested that the Planning Department make NO RECOMMENDATION.

2. The Planning Department's duplicitous dealings, unfair practices, departmental management bias, and denial of Appellant's substantive due process.

LDG was given several different conflicting reasons as to why the Planning Department was delaying its Recommendation of Denial, none of which made any sense.

- a. The Planning Department purposely delayed the PC hearing date to figure out how best to present a denial recommendation now, after fully supporting our Amendment Application for 9 months.
- b. The extreme time delay allowed the manager and staff to draft several versions of the PC Staff Report, but giving us no time to properly review it and respond.
- c. There were many typos, mixed messages and inflammatory false claims throughout the final Staff Report. The Planning Department actually made more positive Findings, three (3 out of 5) to be exact, than negative, but the Report's "**No Recommendation,**" was both confusing and perceived by the PC as a "**negative recommendation.**"
- d. There was a purposeful lack of communication by the Planning Department as we got towards the PC hearing date, and only after demanding a meeting a week before the hearing, did we find out about the No Recommendation. The department's denial of our substantive due process was prejudicial, harmful, and costly.

3. The Planning Commission's indifference and lack of interest when it comes to investigative knowledge and understanding of our PC Application, its disregard for transparency and impartiality, as the Planning Manager promoted his preference for GR, and not what would promote the highest and best use for the County, its environmental initiatives, and its economic growth.

- a. The Lockwood Staff Report, along with the Exhibits, was 211 pages; completely unnecessary for a small site MPA & RZA Application. We believe the Planning Department purposely made it long and cumbersome so that no one would want to take the time to do an investigative analysis of the highest and best use of the Site.
- b. The Staff Report on Page 13 used the development standards for the Truckee River Corridor to suggest that Industrial zoning would have more of a "development impact" than general rural zoning. Nothing could be farther from the truth, but the Staff was willing to mislead the Commissioners. Development, regardless of zoning, is regulated by the County's development codes and standards.
- c. Though difficult to discern, the Staff Report did make three (3) positive Findings (2, 3, & 4) for both the MPA & RZA, which the Commissioners could have agreed with, but Staff, during its presentation, did not make it clear that those Findings were supported by Staff.
- d. Several places throughout the Report the Staff said the proposed Amendment is consistent with the Envision Washoe 2040 Master Plan and that industrial is needed in order to support the needs of an expanding community and in other places they say Industrial would be more harmful than General Rural; very inconsistent.
- e. Not one county agency or department had any negative finding for the Amendments.
- f. In fact, on Page 16 and 17, RFC 2.4, LU 1.1, LU 4.1 encourage designs of industrial uses.
- g. LDG did a Biological Screening Report on the natural resources and wildlife impact on the sight and all findings were negative.
- h. The Staff "supposedly" had only three major concerns: 1) that there would be no negative impacts as to the availability of services; sewer, water, power, transportation, etc.; 2) that drainage, storm runoff and other natural occurring pollutants would be arrested and mitigated prior to any of it being deposited into the Truckee River, and that sustainable management strategies are in line with the One Truckee River Management Plan; and 3) that Industrial Zoning would allow more of a "negative" impact on the non-structural developable land area than General Rural would allow.

Clearly, the Report tried to indicate that Industrial Zoning would be potentially more intense, and thus, possibly more harmful to the environment. However, the Report did NOT mention that any development, regardless of zoning would have to deal with the same three concerns listed above, and would need to provide mitigating solutions in order to develop and build any project on that Site.

- i. BTW: The building structural setback requirement, 300' from the centerline of the Truckee River, is the same for both zoning uses.
- j. It became apparent as the PC was voting for our MPA & RZA Application that the Commissioners had predetermined to follow Staff's "no recommendation," which turned out to be exactly the outcome the Planning Manager desired; **a denial of the Application**. Sadly, the Finding votes of denial were embarrassingly inconsistent, and not in alignment with Staff's Report, but since no discussions took place as to "why" the Amendment Application was being denied, it became "group think" and the most expeditious out for the PC.

Developers spend a lot of time and money agonizing over whether to move forward with submitting a Master Plan and Regulatory Zone Amendment, but it's curious that not one Commissioner had any interest in opening up a discussion with Staff or the developer about why keeping it General Rural was or wasn't of greater value for the County than allowing it to be developed as Industrial.

As stated at the PC Meeting, LDG believes it can make an approval Finding for all five areas for the MPA and all six areas for the RZA, as our Slide 13 indicates. I hope the Board of Commissioners will not be swayed by the NEW Staff Report that conveniently forgets to mention the major Industrial properties directly to east of our property, but instead, says residential (Storey County across the Truckee River) is east of our property. I pray the Commissioners will allow us to truly discuss the property's highest and best use for both Washoe County and the developer, along with all the positive and negative impacts and concerns of the General Rural vs. Industrial Zoning.

We respectfully submit this Appeal to the Board of Commissioners. Thank you for your consideration to reverse the denial of our Amendments by the WCPC and make a finding for approval of our Amendment Application.

Respectfully submitted,

JS Parker

JS Parker, Manager
Lockwood Development Group, LLC