



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: November 19, 2024

**DATE:** October 18, 2024

**TO:** Board of County Commissioners

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**SUBJECT:** Public Hearing: Appeal of the Washoe County Planning Commission's recommendation to the Board of County Commissioners ("Board") to approve Development Code Amendment Case Number WDCA24-0004 (Housing Affordability Package 2.5a) which is proposing to amend Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three—Regulation of Uses, Division Four—Development Standards, and Division Nine—General Provisions, in order to add middle housing use types, multifamily minor, guest quarters and employee housing to the development code and regulate those use types; and to update regulations related to allowed residential uses, accessory uses and structures, lot coverage, regulatory zone development standards, common open space developments, parking minimums, alleyway standards, landscaping exemptions, residential common open space standards, and various definitions.

The appellants appear to be various unnamed individuals that have labeled themselves "Citizens of Spanish Springs". The applicant for the development code amendment is Washoe County. The proposed development code amendments apply county-wide; and if approved, will apply to all planning areas except for Tahoe.

The Board shall consider the appeal based on the record on appeal and information and materials submitted at the Board's public hearing. The Board's analysis may include a finding on the issue of standing to bring the appeal in the first place. The Board may affirm or reverse the Planning Commission's recommendation. (All Commission Districts.)  
FOR POSSIBLE ACTION

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AGENDA ITEM # \_\_\_\_\_

## **SUMMARY**

Appellants are a group of individuals who call themselves “Citizens of Spanish Springs”. County staff are not aware who the individuals are who purportedly make up this group, or which of these individuals are included as appellants. According to the submitted appeal, they are seeking to overturn the Washoe County Planning Commission’s recommendation to this Board to approve a development code amendment proposing to amend Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three—Regulation of Uses, Division Four—Development Standards, and Division Nine—General Provisions, in order to add middle housing use types, multifamily minor, guest quarters and employee housing to the development code and regulate those use types; and to update regulations related to allowed residential uses, accessory uses and structures, lot coverage, regulatory zone development standards, common open space developments, parking minimums, alleyway standards, landscaping exemptions, residential common open space standards, and various definitions. Appellants contend that the Planning Commission’s recommendation was made in error because the Planning Commission could not make any of the four (4) possible findings to support a recommendation of approval in WCC 110.818.15(e).

### **Washoe County Strategic Objective supported by this item:**

Vulnerable Populations: Expand appropriate housing options across community.

## **PREVIOUS ACTION**

September 3, 2024. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code) and voted 5-2 to recommend approval of Development Code Amendment WDCA24-0004 to the Board. In doing so, the Planning Commission was only required to make one of the four possible findings set forth in Washoe County Code Section 110.818.15(e), as follows:

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 amendments allow for a more desirable utilization of land within the regulatory zones; and
4. No Adverse Affects. 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.

The individual Commissioners specified the following findings they were able to make in WCC 110.818.15(e):

- D. Lazzareschi was able to make all four findings.
- K. Nelson, A. Owens, and J. Barnes were able to make findings 1, Consistency with the Master Plan and 3, Response to Changed Conditions.
- R. Pierce was able to make finding 1, Consistency with the Master Plan.
- M. Flick and L. Kennedy voted against the development code amendments and stated they were unable to make any of the required findings. However, M. Flick indicated that he did not yet understand all of the amendments and/or all the effects of the amendments and wasn't prepared to vote on the amendments. L. Kennedy also indicated that she wanted more study before voting.

November 14, 2023. The Washoe County Board of County Commissioners directed the Planning Program to pursue several development code amendments related to affordable and attainable housing, including a set of amendments to reduce regulatory barriers to various types of housing. This set of amendments is responsive to that direction and is known as Housing Package 2.5a.

### **STANDING**

In analyzing this appeal, the threshold issue of “standing” must be addressed. Standing is the legal right to bring a challenge in the first place. In courts it is treated as part of the analysis of subject matter jurisdiction, meaning that without it, the court has no power to even hear the challenge. **It is the appellants’ burden to establish that they have standing** to appeal the Planning Commission’s decision.

Nevada Revised Statutes Chapter 278 limits appeals of Planning Commission decisions to persons who are “aggrieved.” *See* NRS 278.3195(1). For counties with populations less than 700,000, NRS Chapter 278 does not provide a definition of what it means to be “aggrieved,” but rather, leaves it to the local governments to enact ordinances defining what it means to be an “aggrieved” person. These ordinances can broaden the scope of standing under NRS Chapter 278 but cannot narrow it. *See City of North Las Vegas v. District Court*, 122 Nev. 1197, 147 P.3d 1109 (2006). Washoe County has enacted such an ordinance.

Like NRS Chapter 278, the Development Code limits standing to "aggrieved persons." I WCC 110.910.02 defines "aggrieved person" as a person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or
- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.

Thus, as applicable here, in order to establish standing to appeal, appellants must show that they each have suffered a substantial injury to a specific personal or property right caused by the Planning Commission's recommendation that the Board approve the development code amendments.

If the Board finds that the unnamed individuals appealing the Planning Commission's recommendation have standing to challenge the recommendation, the Board must then analyze the merits of the appeal. If the Board finds no standing, the Board is free to deny the appeal without analyzing the merits. Alternatively, in the interest of completing the record in case of any possible future legal challenges, if the Board finds no standing to appeal, the Board may nonetheless also indicate what its findings on the merits would be if standing did exist.

Note: The Board's consideration of this appeal of the Planning Commission's recommendation does not waive any right to contest a court's jurisdiction for any appellant's future legal action. Washoe County reserves the right to assert all possible defenses in any future legal action(s), including defenses related to any appellant's standing to bring court actions and/or the court's jurisdiction.

If this Board makes a determination on the merits, that determination is solely limited to whether the Planning Commission could reasonably make at least one of the four possible findings in Section 110.818.15(e) (listed below) to support its recommendation of approval. In other words, in analyzing the merits of the appeal, the Board considers whether there is evidence to support any of the four possible findings. The wisdom of the content of the particular code amendments or whether those amendments should or should not undergo a first reading of the ordinance or be ultimately approved is not part of this appeal. Those are separate policy decisions for this Board to make in a separate agenda item if the appeal is denied.

### **BACKGROUND & ANALYSIS**

On September 3, 2024, the Planning Commission recommended approval of Development Code Amendment WDCA24-0004 to the Board of County Commissioners. WDCA24-0004 is proposing to amend Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three—Regulation of Uses, Division Four—Development Standards, and Division Nine—General Provisions, in order to add middle housing use types, multifamily minor, guest quarters and employee housing to the development code and regulate those use types; and to update regulations related to allowed residential uses, accessory uses and structures, lot coverage, regulatory zone development standards, common open space developments, parking minimums, alleyway standards, landscaping exemptions, residential common open space standards, and various definitions.

In recommending that this Board approve WDCA24-0004, the Planning Commission was only required to make one of four possible findings from Washoe County Code ("WCC") Section 110.818.15(e), which are:

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 Affects. 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.

A full staff analysis of the development code amendment and required findings can be found in Attachment C, Planning Commission Staff Report. The staff report also includes the history behind pursuing Package 2.5a, and an analysis of the amendments in relation to Envision Washoe 2040 and the 2019 Truckee Meadows Regional Plan. A full video-recording of the Planning Commission hearing is included as Attachment G.

Housing Package 2.5a (WDCA24-0004) is part of a series of development code amendments that implement policies in Washoe County's Strategic Plan, specifically to amend housing policies and regulations to better serve residents. Goals in the strategic plan include: "***expand appropriate housing options across (the) community***" and "***meet the needs of our growing community,***" which identifies a specific initiative to streamline planning and permitting processes that create unnecessary barriers to housing. Increasing housing diversity supports county objectives related to vulnerable populations and economic impacts, as research has shown that more housing diversity within neighborhoods increases economic resiliency in the face of circumstances such as the 2008 housing crisis.<sup>1</sup> Furthermore, increasing housing variety within neighborhoods provides opportunities for those who want to age in place in their neighborhood but currently do not have any alternative housing options in Washoe County. Housing Package 2.5a represents the direct implementation of strategic plan initiatives and the Truckee Meadows Regional Strategy for Housing Diversity (TMRSHA), which identifies housing diversity as a key strategy.

The appellants are a group of unknown and unnamed individuals who presumably call themselves "Citizens of Spanish Springs." They claim that they own and occupy property whose use and enjoyment will be adversely affected by Housing Package 2.5; and specifically, by "developers being allowed to build apartments in Spanish Springs as of right." The appellants speculate that the code amendments will adversely affect the personal rights, property rights, and property values of existing single-family home residents. The appellants are represented by attorney Mark Wray and are contesting the Planning Commission's recommendation of approval. The basis for their appeal is the claim that the Planning Commission's recommendation was made in error because the

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<sup>1</sup> Chakraborty, A., & McMillan, A. (2022). Is Housing Diversity Good for Community Stability? Evidence from the Housing Crisis. *Journal of Planning Education and Research*, 42(2), 150-161.  
<https://journals.sagepub.com/doi/epub/10.1177/0739456X18810787>

Planning Commission could not make any of the four (4) possible findings to support a recommendation of approval found in WCC 110.818.15(e). However, the appeal does not explain why the appellants believe none of the four possible findings could be made.

### **Summary of Housing Package 2.5a**

To address the gap in available housing types, staff is proposing the addition of “missing-middle” housing. Middle housing refers to a range of multi-unit or clustered housing types that are compatible in scale with detached single-family homes and help meet the growing demand for more attainable housing. These housing types are often referred to as “missing middle” because many communities have primarily developed single-family residential or large multi-family housing types, with limited development of other housing types such as duplexes or triplexes. The “middle” aspect refers to housing options that are between single family detached housing and large multi-family development in terms of size, density, and affordability. Housing Package 2.5a proposes adding those missing-middle housing types as uses in the development code, to increase opportunities to provide smaller and different housing options that can be lower cost.

Housing affordability package 2.5a is not proposing to change the regulatory zone or master plan land use designations of any property in Washoe County, which includes Spanish Springs. It also does not increase allowed densities in residential zones. Additionally, there are no development projects proposed as part of package 2.5a.

### **Analysis of Standing**

As noted above, in considering this appeal, the Board should consider the threshold issue of “standing”, i.e., whether the appellants have a right to bring the appeal in the first place. In order to have standing to appeal, each appellant must prove that they are an “aggrieved person” as defined in WCC 110.910.02, which states that an “aggrieved person” is:

“[A] person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or
- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.”

Staff will address each portion of the definition in turn. First there is the question of whether the Planning Commission’s recommendation resulted in a substantial grievance in the form of “the denial of or substantial injury to a personal or property right.” Fundamentally, there has been absolutely no change in any personal or property right based on the Planning Commission’s decision. The Planning Commission made a recommendation to the Board and thus enacted no change to any portion of the development code. Therefore, it is not possible that there was any change to personal or property rights based on the Planning Commission’s decision. Further, the appellants have not identified themselves nor provided any information on their property location(s) or regulatory zoning district(s). The appeal specifically mentions “developers being allowed to build apartments in Spanish Spring as of right.” However, the multifamily use type (considered “apartments”) has not been expanded to any regulatory zones where it was not previously allowed. Under the multifamily minor use type, apartments of up to 20 units could be built by right in urban regulatory zones, which occurs on only two

parcels in Spanish Springs totaling approximately 24 acres. These two parcels are located in the southern portion of Spanish Springs, in close proximity to existing higher density developments. Housing package 2.5a would allow a maximum of 40 multi-family units without discretionary review, well shy of the maximum potential density of those properties (which would be approximately 336 units). This is the intent of Housing Package 2.5a—streamlining smaller projects while still requiring appropriate discretionary reviews for larger ones.

The second way to be considered an “aggrieved person” is “the imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.” First of all, the decision that is subject of the appeal was made by none of the aforementioned bodies, but rather by the Planning Commission. Secondly, the decision was a recommendation and therefore results in no burden at all, since no aspect of the development code has at this point changed. Thirdly, the proposed development code amendments apply to the entire county and are based on zoning district, not just particular properties or planning areas. Therefore, there can be no illegal, unjust or inequitable burden. If approved, the new regulations would apply to all equally. It is thus clear that the appellants fail to meet either portion of the definition of “aggrieved person” and do not have standing to appeal a decision that does not even enact any new code but is simply a recommendation to the Board.

#### **Analysis of Four Possible Findings**

Though only one finding was required to be made by the Planning Commission, Washoe County Planning staff strongly believe that all four findings set forth in WCC 110.818.15(e) could be made, as follows:

**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.*

This finding is able to be made for the following reasons.

- On November 14, 2023, the Washoe County Board of County Commissioners (BCC or Board) identified four sets of amendments to Washoe County Code to **increase housing affordability and accessibility** in Washoe County. Housing Affordability Package 2.5a focuses on allowing additional housing types within Washoe County, while also reducing regulatory barriers. This is the highest priority **implementation action for Envision Washoe 2040.**
- Envision Washoe 2040 established the County’s commitment to work with regional partners on increasing housing variety.
- The proposed amendments within Housing Affordability Package 2.5a are also identified as an action in Chapter Three of Envision Washoe 2040, specifically an ongoing/immediate action item to: “*consider removing discretionary permit requirements and expand the types of housing allowed by-right in all zones where appropriate*”, as well as “*updating the development code to remove barriers to provision of affordable and workforce housing consistent with ongoing Washoe County strategic planning efforts.*”
- Envision Washoe 2040 states that “*the overarching goal of the county’s approach is to ensure accessibility of adequate housing across all market*

*segments and particularly those segments impacted by the natural imbalances that accompany growing communities*". One such imbalance in Washoe County is the prevalence of single-family residential housing with very few other housing types.

Housing affordability and attainability are identified in strategic planning and vision documents as one of the most pressing issues in Washoe County. Additionally, with action items in Envision Washoe 2040, and the Master Plan seeking to ensure accessibility and adequate housing across all market segments, staff is confident that Housing Affordability Package 2.5a more than satisfies the required finding for consistency with the master plan and is confident that the finding was properly made by the Washoe County Planning Commission.

Additional information on how package 2.5a meets finding 1, Consistency with Master Plan, can be found under finding 4, No Adverse Affects, which highlights additional language and policies from the Population and Housing Element of Envision Washoe 2040.

**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.*

This finding is able to be made for the following reasons.

- The proposed amendments promote the original purpose of the Development Code as expressed in Article 918, Adoption of Development Code, which include "promot[ing] public health [and] safety" (WCC 110.918.10(a)).
- The amendments will promote public health and safety by reducing regulatory barriers to housing in general, supporting the diversification of housing types, and supporting the expansion of housing supply in Washoe County. It is well recognized that housing affordability is a social determinant of health; that is to say, unaffordable housing is linked to many negative health outcomes.<sup>2</sup> The proposed changes would support increasing the supply of accessible, quality, and safe housing by providing minimum standards for employee housing where there previously were none, adding standards and findings for common open space development that promote public health, retaining discretionary review for multifamily developments outside of urban regulatory zones, and providing opportunities for middle housing types in more of the County. These changes lower barriers to housing development while not adversely affecting public health and safety.

**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.*

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<sup>2</sup> Carolyn B. Swope, Diana Hernández. Housing as a determinant of health equity: A conceptual model. Social Science & Medicine, Volume 243, 2019.  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7146083/#R199>.



This finding is able to be made for the following reasons.

- As described within this staff report, the proposed amendments respond to an increased demand for more diverse and accessible housing options. Most of Washoe County's housing supply is composed of large detached single-family homes. For example, one common suburban residential regulatory zone, Medium Density Suburban (MDS), is developed almost exclusively with detached single-family housing. The average home size in MDS is 1,858 square feet, with most homes falling between 1,400 and 2,200 square feet. These homes are certainly an important part of Washoe County's housing supply, but serve the needs of only part of our community. The amendments provide for more variety of housing types and reduce discretionary review barriers where appropriate. The proposed amendments will enable more housing types while providing appropriate regulations for that housing in the most streamlined manner possible.
- Washoe County is expected to accommodate 16% of the anticipated population growth through 2042 and the inclusion of middle housing use types will provide for more attainable and affordable housing use types throughout Washoe County.

***No Adverse Affects.** 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.*

This finding is able to be made for the following reasons.

- The Conservation Element addresses protecting sensitive and important lands, cooperation with other agencies to minimize wildlife conflicts, and considerations for air quality, among other policies. The Conservation Element does not prohibit development code amendments, nor does it prohibit the addition of new housing use types.
- The Population and Housing Element specifically identifies opportunities to enhance the ability for the population to age in place, including improved public transportation and expanded housing diversity and options.
  - Housing Package 2.5a explicitly pursues these goals by allowing a greater variety of housing types within different areas of the county.
- The Population and Housing Element have the following action items, which package 2.5a is attempting to complete.
  - Develop new policies and coordinate processes with the lead regional housing entity and other local governments to ensure a consistent and clear environment for development across the region.
    - Expanding opportunities for middle housing types is a stated strategy of the Truckee Meadows Regional Strategy for Housing Affordability (TMRSHA), as adopted by the Truckee Meadows Regional Planning Agency (TMRPA).
  - Align zoning with the Regional Plan, **particularly allowing a greater diversity of housing types**

- The proposed amendments define and expand allowances for different housing types, including triplexes, quadplexes, cottage courts, and employee housing.
  - Support a **greater mix of housing types** (including infill development) and **implement identified opportunities.**
    - The proposed amendments allow a broader range of housing types in some regulatory zones, specifically by allowing middle housing types in Medium Density Suburban (MDS), High Density Suburban (HDS), Neighborhood Commercial (NC), and all urban regulatory zones. Furthermore, changes to standards such as minimum lot width and setbacks will help support infill development opportunities for various housing types.
  - Support employer-assisted housing programs.
    - The proposed amendments establish standards for employee housing and allow such housing in commercial regulatory zones, creating opportunities for employer-assisted housing programs.
- Furthermore, the Population and Housing Element directs planning staff on housing policies. The following is language pulled directly from Envision Washoe 2040, within the Housing Element.
  - *Washoe County's housing policies should not exclude any housing types; however, **they should prioritize actions that create additional workforce housing, including owner-occupied duplexes, triplexes, and condos, and rental housing to serve all sectors of the local workforce.***
    - The proposed amendments focus on the housing types mentioned explicitly as a way of expanding housing for the local workforce.
- The following policies are outlined within the Population and Housing Element.
  - *2.1 Promote development of affordable and workforce housing near public facilities, schools, jobs, and public transportation using mixed-use and higher density development*
    - The proposed amendments allow a wider variety of housing types in the suburban areas of the county that have public facilities. Furthermore, allowing a broader range of housing types in Neighborhood Commercial (NC) will enable a broader range of mixed-use development.
  - *2.2 Direct development of residential densities greater than 1 unit per five acres into the TMSA where it can utilize planned local and regional infrastructure*
    - All proposed changes to allowed uses apply to suburban, urban, or commercial regulatory zones, which are primarily found within the TMSA. Proposed standards such as the requirement that cottage courts be served by municipal sewer further direct development into the TMSA.

- *3.1. Allow for more flexibility in the zoning and land use regulations to enable more housing types to be built throughout the community where adequate infrastructure exists.*
  - The proposed changes allow more housing types in different parts of the community and add flexibility in development standards to enable the on-the-ground development of those housing types.
- *3.2. Reduce regulatory barriers to the provision of affordable and workforce housing through methods including, but not limited to streamlining the development process or offering regulatory flexibility and/or financial incentives for affordable and attainable housing.*
  - The proposed amendments reduce barriers for all housing types, including affordable and workforce housing, by streamlining permitting for small (under 20 unit) multifamily developments in urban regulatory zones and providing more flexibility in site design by modifying minimum lot width and setback requirements.
- *3.4. Support accessory dwelling units as a method of providing affordable and workforce housing.*
  - The proposed amendments support accessory dwelling units by establishing clear guidelines for their establishment on properties developed with different housing types, including middle housing.
- *3.6. Disperse affordable and attainable housing throughout developments and neighborhoods.*
  - The proposed amendments allow for more attainable housing throughout neighborhoods by allowing middle housing types in suburban and urban regulatory zones.

Envision Washoe 2040, and the Population and Housing Element further state that an increased **diversity of available housing types** is necessary to support this expected population profile. Housing Package 2.5a does not adversely affect the implementation of the policies and action programs of the Population and Housing Element because it *is* the implementation of those policies and action programs.

Staff is confident that the evidence supports Finding 4, No Adverse Affects.

It is important for the Board to recognize that only **one** of the **four** findings were required to be made by the Planning Commission to recommend approval.

#### **REQUIRED FINDINGS RAISED BY APPELLANT**

The appellant contends that none of the four possible findings required for a development code amendment could be made. However, the appeal does not explain why appellants believe these findings could not be made.

#### **FISCAL IMPACT**

No fiscal impact.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners review the record and the evidence submitted during the Board's public hearing and take one or more of the following actions:

1. Dismiss the appeal for a lack of standing;

AND/OR

2. Affirm the decision of the Planning Commission to recommend approval of WDCA24-0004 (Housing Affordability Package 2.5a) to this Board; or
3. Grant the appeal and reverse the decision of the Planning Commission to recommend approval of WDCA24-0004 (Housing Affordability Package 2.5a) to this Board.

### **POSSIBLE MOTIONS**

Standing:

Should the Board find that the appellant(s) lacks standing to appeal, staff offers the following motion:

“Move to dismiss and/or deny the appeal, having found that the appellant lacks standing.”

On the merits:

Should the Board agree with staff that the *Planning Commission* recommendation was supported by at least one of the four findings set forth in WCC 110.818.15(e), staff offers the following motion:

*“Move to deny the appeal and affirm the Planning Commission’s decision to recommend that this Board approve WDCA24-0004 (Housing Affordability Package 2.5a). The denial of the appeal and affirmance of the Planning Commission’s decision is based upon the ability to make at least one of the four possible findings set forth in WCC Section 110.818.15(e), Findings [specify which findings can be made].”*

or

Should the Board agree with appellant that the *Planning Commission’s* recommendation was not supported by any of the four findings set forth in WCC 110.818.15(e), staff offers the following motion:

*“Move to grant the appeal and reverse the Planning Commission’s decision to recommend that this Board approve WDCA24-0004 (Housing Affordability Package 2.5a). The grant of the appeal and reversal of the Planning Commission’s decision is based on the Board’s inability to make any of the possible findings set forth in WCC Section 110.818.15(e), Findings.”*

- Attachments: A. Record on Appeal: Planning Commission signed Resolution, dated 9/3/2024, Resolution Number 24-17  
B. Record on Appeal: Appeal received 9/13/2024  
C. Record on Appeal: Planning Commission staff report dated 8/13/2024

- D. Record on Appeal: Public Comments received for Planning Commission public hearing on WDCA24-0004
- E. Record on Appeal: Planning Commission Draft Minutes dated 9/3/2024
- F. Record on Appeal: County Staff PowerPoint Presentation to Planning Commission
- G. Record on Appeal: Video recording of Planning Commission hearing

cc: Applicant: Washoe County; [koakley@washoecounty.gov](mailto:koakley@washoecounty.gov);  
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