



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE: October 22, 2024**

**DATE:** September 13, 2024

**TO:** Board of County Commissioners

**FROM:** Tim Evans, Planner, Community Services Dept., (775) 328-2314,  
tevans@washoecounty.gov

**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division,  
Community Services Department, (775) 328-3619,  
kmullin@washoecounty.gov

**SUBJECT:** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 to adopt an amendment to the Washoe County Master Plan, Truckee Canyon Master Plan Land Use Map, to change the master plan land use designation on a 5.65-acre parcel (APN 084-080-15) from Rural to 3.45 acres Industrial and 2.20 acres Open Space; and adopt an amendment to the Truckee Canyon Regulatory Zone Map to change the regulatory zone on the same parcel from General Rural (GR) (residential density of 0.025 dwelling units per acre) to 3.45 acres Industrial and 2.20 acres Open Space (OS) (no residential density allowed for I and OS).

The applicant is Lockwood Development Group, LLC, who owns the subject parcel located at 10705 Lockwood Drive, Sparks, Nevada; Assessor's Parcel Number 084-080-15. The appellant is the applicant, Lockwood Development Group, LLC.

The Board of County Commissioners shall consider the appeal based on the record on appeal and any additional evidence presented at the Board's public hearing. The Board of County Commissioners may affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 or may reverse the decision. If the Board reverses the Planning Commission's decision and decides to adopt the proposed amendments, the amendments would only take effect after a determination that the master plan amendment conforms with the Truckee Meadows Regional Plan by the regional planning authorities. If adopted, the Board must authorize the Chair to sign resolutions to this effect. (Commission District 4.)

## **SUMMARY**

Appellant Lockwood Development, LLC, is seeking to overturn the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood). The appellant alleges the following in the Appeal (Attachment B):

*"Planning Commission staff voted for denial without regard or reason as to why they were denying the motion, thereby exhibiting prejudice decision making. When the secretary to the Planning Commission motioned that they needed to state their reasoning for denial, they were not readily available to do so, and seemed to pick numbers from the list of required findings in Washoe County Section 110.820.15(d). There was no regard to the staff report, which showed compliance with findings 2, 3, and 4. Four members voted that they could not support items 2, 3, and 4 without any reason or reference to the staff report. Furthermore, five members voted that they could not support MPA finding 2 (Compatible Land Uses), but they did support RZA finding 2 (Compatible Land Uses), thereby nullifying their reasoning for the decisions being made. We have several other reasons as to why we feel the PC decision should be overturned." See Appeal at Attachment B, p. 2.*

The applicant, Lockwood Development Group, LLC, applied for an amendment to the Washoe County Master Plan, Truckee Canyon Master Plan Land Use Map, to change the master plan land use designation on a 5.65-acre parcel (APN 084-080-15) from Rural to 3.45 acres Industrial and 2.20 acres Open Space; and also to adopt an amendment to the Truckee Canyon Regulatory Zone Map to change the regulatory zone on the same parcel from General Rural (GR) to 3.45 acres Industrial and 2.20 acres Open Space.

Washoe County staff made no recommendation for either approval or denial of the requested amendments for the reasons discussed in the Planning Commission staff report (Attachment C) and discussed at the Planning Commission's August 6, 2024, public hearing on this matter. The video recording of the Planning Commission's public hearing on this matter can be found in Attachment G. The Washoe County Planning Commission unanimously voted (6-0) to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 based on the inability to make at least three of the five required findings set forth in Washoe County Code Section WCC 110.820.15(d) and the inability to make all six of the required findings set forth in WCC 110.821.15(d). See Action Order at Attachment A, and video of Planning Commission public hearing at Attachment G.

The Board shall consider the appeal based on the evidence submitted in the Record on Appeal and any additional evidence presented at the Board's public hearing, and may affirm or reverse the Planning Commission's decision.

Washoe County Strategic Objective supported by this item: Economic Impacts: Meet the needs of our growing community.

## **PREVIOUS ACTION**

August 26, 2024. Appellant Lockwood Development Group, LLC, submitted an appeal of the Planning Commission's unanimous decision to deny Master Plan Amendment

Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002.

August 6, 2024. The Washoe County Planning Commission reviewed and denied Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002.

### **NEIGHBORHOOD MEETING**

December 28, 2023. A neighborhood meeting was held via Zoom. A total of six (6) members of the public attended the meeting and voiced the following:

- Notices were not sent to all 500 homes in Rainbow Bend in Storey County;
- A leach field could encroach into underground flow water table of the Truckee River;
- Canyon Way may not be capable of handling the increased traffic load; and
- Concerns about increased noise/light levels affecting residential properties across the Truckee River.

### **BACKGROUND**

On August 6, 2024, the Planning Commission considered proposed master plan and regulatory zone amendments on APN 084-080-15 for the Lockwood Development Group, LLC. The subject 5.65-acre parcel is located south of Interstate 80 and directly north and adjacent to the Truckee River. Access to the parcel is from Canyon Way. The parcel to the north is zoned Public Semi-Public Facilities (PSP) and contains a railroad line. To the south is the Truckee River. Directly across the river to the south is a residential subdivision and across the river to the south/southwest is an industrial complex—both of which are located in Storey County. The parcel to the west is zoned Parks and Recreation and is undeveloped. To the east is the Truckee River and the residential subdivision in Storey County.

The applicant, Lockwood Development Group, LLC, applied for an amendment to the Washoe County Master Plan, Truckee Canyon Master Plan Land Use Map, to change the master plan land use designation on the subject parcel from Rural to 3.45 acres Industrial and 2.20 acres Open Space; and for an amendment to the Truckee Canyon Regulatory Zone Map to change the regulatory zone on the same parcel from General Rural (GR) to 3.45 acres Industrial and 2.20 acres Open Space. *See the following pages for Figure 1, Existing Master Plan Designation and Regulatory Zone Designation, and Figure 2, Proposed Master Plan Designation and Regulatory Zone Designation.*

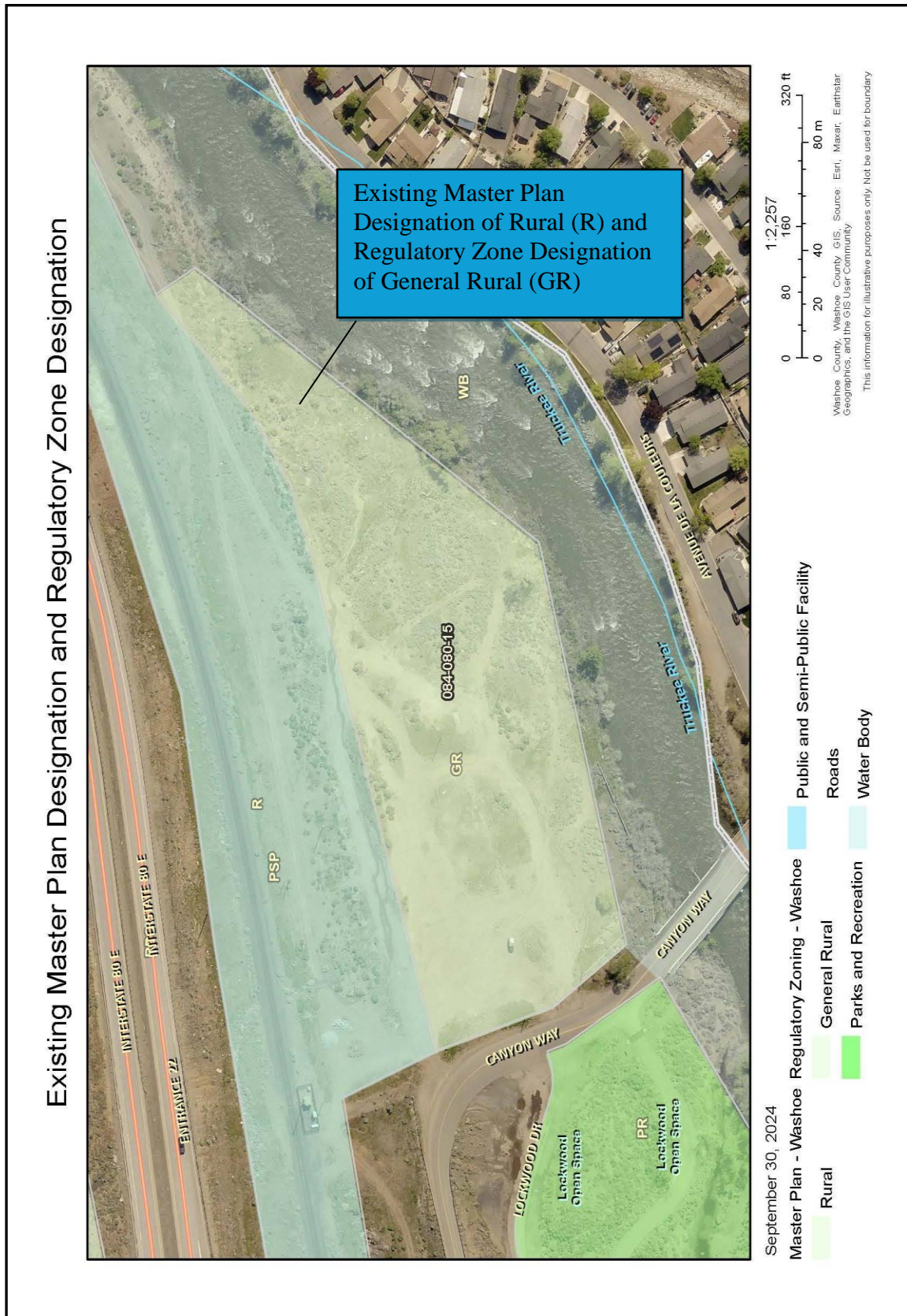
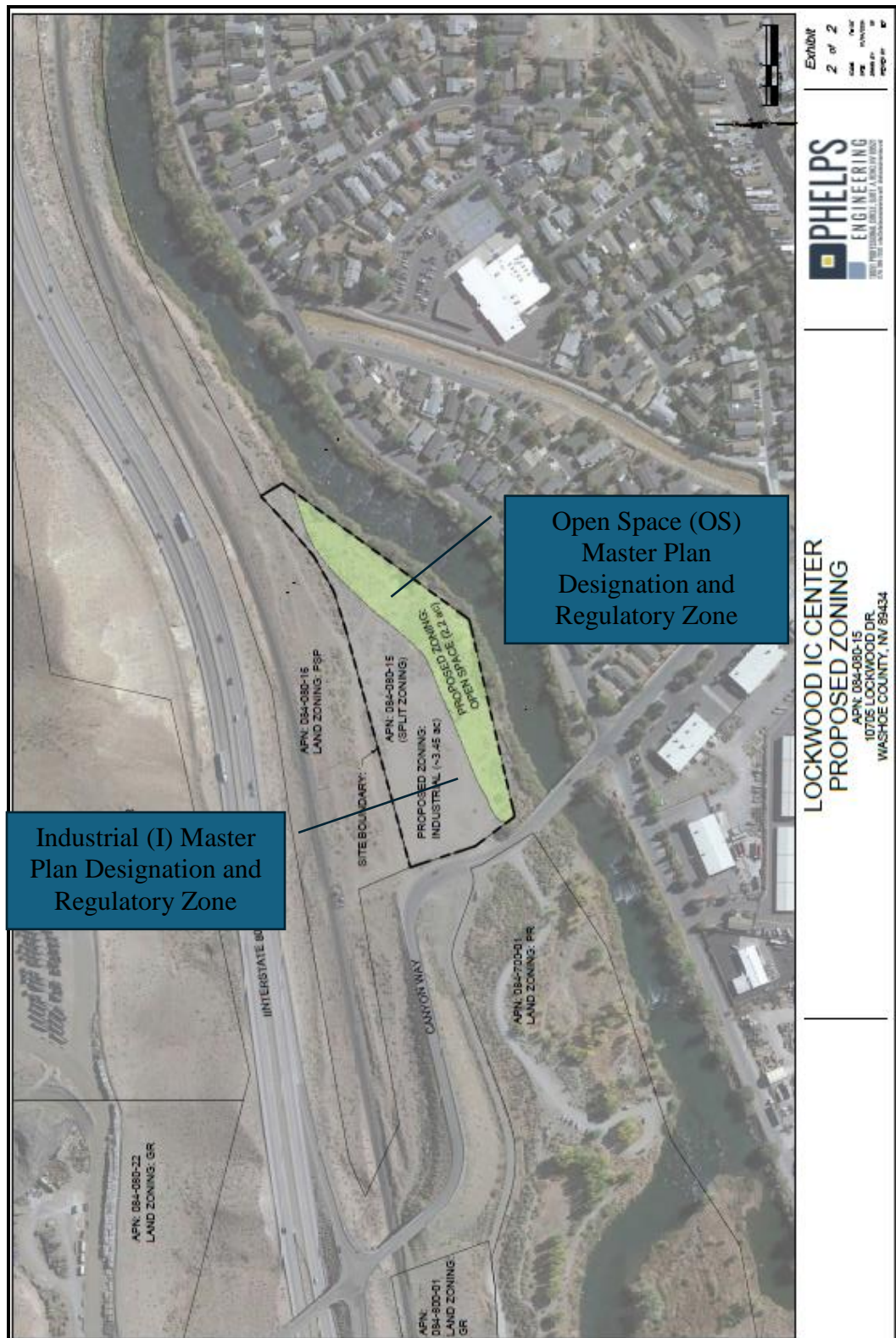


Figure 1  
Existing Master Plan Designation and Regulatory Zone Designation





**Figure 2**  
**Proposed Master Plan Designation and Regulatory Zone Designation**

In order to approve Master Plan Amendment Case Number WMPA24-0002, at least 2/3 (5 members) of the Planning Commission's total membership (7 members) had to make at least three (3) of the following five (5) findings from WCC 110.820.15(d), *Findings*, which are as follows:

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 Change 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.
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 Planning Commission could not make at least three of the five findings and individual Commissioners specified the findings they were unable to make in WCC 110.820.15(d), as follows:

- L. Kennedy could not make findings 1, 2, 3, and 4.
- K. Nelson could not make findings 1, 3, 4, and 5.
- M. Flick, J. Barnes, and R. Pierce could not make findings 1, 2, 3, and 4.
- A. Owens could not make findings 1, 2, 3, and 5.

In order to approve Regulatory Zone Amendment Case Number WRZA24-0002, a majority of the Planning Commission's total membership (7 members) had to make all six (6) of the required findings from WCC 110.821.15(d), *Findings*, which are as follows:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
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 Change Conditions; more desirable use. 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 amendment.
5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. 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 Planning Commission could not make all the required findings and individual Commissioners specified the findings that they were unable to make in WCC 110.821.15(d), as follows:

- K. Nelson and R. Pierce could not make findings 1, 3, 4, 5, and 6.
- L. Kennedy could not make findings 1, 3, 4, and 5.
- M. Flick, J. Barnes, and A. Owens could not make findings 1, 3, 4, and 5.

Thus, after review of the project by the Planning Commission, the Planning Commission was unable to make the required findings and unanimously denied Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood).

A full staff analysis of the project and required findings can be found in Attachment C, Planning Commission Staff Report. A summary of this analysis highlighting some of the points presented to the Planning Commission is included below.

### **PROJECT ANALYSIS**

Staff did not make a recommendation for approval of the MPA/RZA request because of three primary reasons: concerns regarding inconsistencies with the Washoe County Master Plan, only partial compatibility with adjacent land uses, and concerns regarding the availability of facilities.

#### **Consistency with the Washoe County Master Plan:**

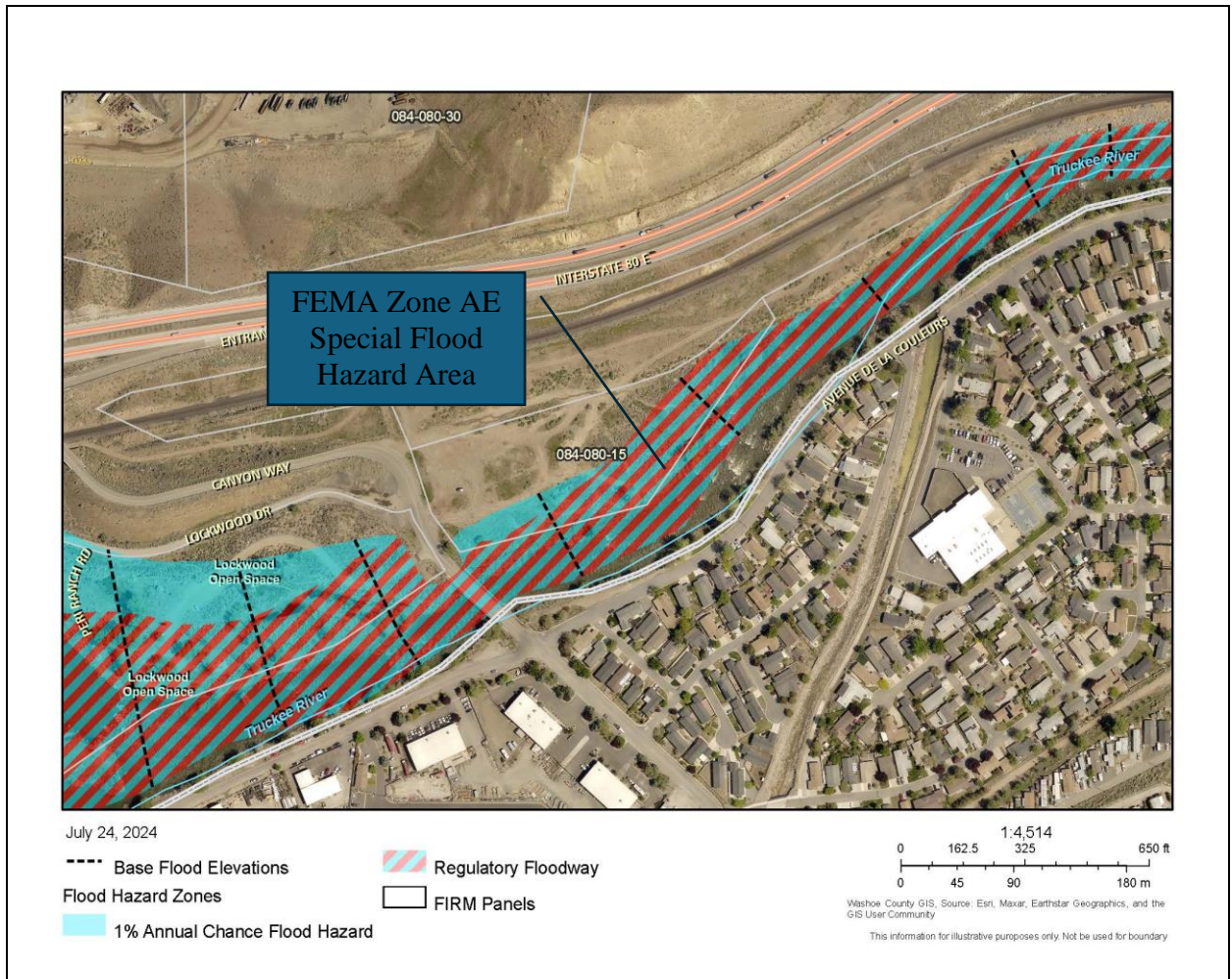
The proposed amendment is consistent with the Envision Washoe 2040 Master Plan Truckee Canyon Planning Area's Vision Statement as described in the following section.

**Table 1: Master Plan Conformance**

Vision Statement	Explanation of Conformance with Vision Statement
<i>"The community looks to the future through a lens of conservation to provide longevity for the beauty and health of the community by thoughtful development that complements the land and serves its people."</i>	Future development of the project area will be subject to the design standards of Washoe County Development Code (and all other applicable governing documents) assuring such scenic protections. The applicable codes, as well as the Open Space

	<p>zoning coterminous with the Zone AE Special Flood Hazard Area, will help ensure thoughtful development of the parcel.</p> <p>The proposed amendment will promote the desired pattern for the orderly physical growth of the County by allowing for industrial use on a portion of the subject property while restricting development of the remaining portion of the property due to the proposed Open Space land use designation to be coterminous with the Zone AE Special Flood Hazard Area (SFHA) (see map on page 15). The Zone AE Special Flood Hazard Area is the area of 100-year flood that has the base flood elevation determined. As the Zone AE SFHA is coterminous with the Truckee River, this area is considered a "Floodway" pursuant to WCC Section 110.902.15, General Definitions, which states a floodway is "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot." Pursuant to WCC Section 110.416.70, Flood Hazard Reduction: Prohibited Uses and Structures within Floodways, "Every new encroachment, including fill, new construction, substantial improvement and other development, is prohibited in a designated floodway." Therefore, to ensure development does not occur within the floodway, the Open Space zoning is being proposed coterminous to the Zone AE SFHA.</p> <p>In the end, development in all areas of a community, including industrial, is needed in order to support the needs of an expanding community.</p>
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### **FEMA Flood Map**

The proposed amendments are not consistent with all the applicable Envision Washoe 2040 Priority Principles & Policies as described in Table 2.

**Table 2: Master Plan Element Conformance Priority Principles & Policies**

Master Plan Element	Priority Principles & Policies	Explanation of Conformance with Priority Principles & Policies
<b>Regional Form and Coordination Principle 3.</b> Utilize land use transportation decisions to support a healthy economic base.		
<b>RFC Policy 2.4</b> - Promote new industrial land use and zoning where services are available or can be provided in accordance with the Regional Plan.		The proposed amendment would allow for the establishment of new industrial uses. The project was sent for review to the TMRPA and TMRPA provided comments stating that water rights are required to serve the parcel (Exhibit A). The subject parcel, per the comment from Northern Nevada Public Health - Environmental Health (Exhibit A), the subject parcel would be served by a commercial well and commercial septic system. Comment was also provided by <i>the Nevada Division of Water Resources which stated that there are no water rights associated with the property and that the property is within the Truckee Meadows Water Authority (TMWA) for water service, which would require the submission of a will serve letter from TMWA to the State Engineer prior to development of the parcel. Therefore, water service may be available to serve the parcel, but sewer service is not readily available.</i>
<b>Land Use Principle 1.</b> Facilitate partnerships to ensure land use decisions are based on the best available information.		
<b>LU Policy 1.1</b> - Continue to cooperate with TMRPA to ensure the County's approach to growth and development is consistent with and supportive of the regional vision.		<p>TMRPA received notice of the application and provided comments, included as Exhibit A. A concern was expressed by TMRPA for a portion of the property being within the Zone AE Special Flood Hazard Area (SFHA) and development being prohibited within that area. To address the Zone AE SFHA, the applicant has proposed to have the Open Space zoning area coterminous with the Zone AE SFHA to ensure no structures will be built within the Zone AE SFHA. If approved, the Open Space land use designation would comprise approximately 2.2 acres of the 5.6-acre parcel.</p> <p>The Zone AE Special Flood Hazard Area is the area of 100-year flood that has the base flood elevation determined. As the Zone AE SFHA is coterminous with the Truckee River, this area is considered a "Floodway" pursuant to WCC Section 110.902.15, General Definitions, which</p>

	states a floodway is “the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.” Pursuant to WCC Section 110.416.70, <i>Flood Hazard Reduction: Prohibited Uses and Structures within Floodways</i> , “Every new encroachment, including fill, new construction, substantial improvement and other development, is prohibited in a designated floodway.” Therefore, to ensure development does not occur within the floodway, the Open Space zoning is being proposed coterminous to the Zone AE SFHA.
<b>LU Policy 1.2</b> - Provide a variety of opportunities to involve the community in the review of future growth and development.	In addition to County-required noticing per NRS for the Planning Commission meeting, the applicant held the required and duly noticed neighborhood meeting, which included noticing Washoe County residents as well as those residents in Storey County within 750 feet of the subject property, to solicit feedback and comment from adjoining property owners prior to submittal of a formal application. Further, the County’s Neighborhood Meeting HUB webpage ( <a href="https://neighborhood-washoe.hub.arcgis.com/">https://neighborhood-washoe.hub.arcgis.com/</a> ) allows for an additional opportunity for community engagement and feedback for the project.
<b>LU Policy 1.3</b> - Continue to coordinate land use policies and decisions with the public health goals of the Northern Nevada Public Health (NNPH).	Northern Nevada Public Health received a notice of the application and provided comments stating that any future development of the land for an industrial use would require a commercial well and septic system.
<b>Land Use Principle 4.</b> Design communities and neighborhoods to create a strong sense of place.	
<b>LU Policy 4.1</b> - Encourage design of industrial, commercial, and multifamily uses to contribute to the community’s sense of place rather than detract from it.	The proposed project is for the establishment of industrial zoning to allow for industrial uses.

The proposed amendments are not consistent with all the applicable Envision Washoe 2040 Priority Principles & Policies for the Truckee Canyon Planning Area, as described in Table 3.

**Table 3: Master Plan Conformance with Truckee Canyon Planning Area Priority Principles & Policies**

Priority Principles & Policies	Explanation of Conformance with Priority Principles & Policies
<b>Conservation of Natural and Cultural Resources Principle 3.</b> Protect key wildlife and vegetation resources.	
<p><b>NCR Policy 3.1</b> Protect key wildlife and fishery habitats; habitats of threatened, endangered, or rare species; key migration routes; and areas important for scientific study.</p>	<p>To address the potential for wildlife and their habitats present on the property, the applicant hired Phelps Engineering Design and Development Services to conduct a Biological Resources Screening Report (Report) (Exhibit H). The purpose of the Report is to provide a “desktop level” biological resource investigation to identify areas for future field work and possible mitigation strategies. The report found no substantial evidence concerning wildlife or habitats existing on the property.</p> <p>The area coterminous with the Zone AE Special Flood Hazard Area is proposed as the Open Space land use designation to ensure no development within the Zone AE boundaries. The Open Space designation would also serve to address any impacts to wildlife and riparian areas. The Open Space land use designation will comprise approximately 2.2 acres of the 5.6-acre parcel.</p>
<b>Conservation of Natural and Cultural Resources Principle 4.</b> Protect and improve water resources.	
<p><b>NCR Policy 4.2</b> Buffer water bodies, seeps, springs, playas, wetlands, and riparian areas from development.</p>	<p>The area coterminous with the Zone AE Special Flood Hazard Area is proposed as the Open Space land use designation to ensure no development within the Zone AE boundaries. The Open Space designation would also serve to address any impacts to riparian areas.</p>
<p><b>NCR Policy 4.5</b> Continue to implement the One Truckee River Management Plan to protect the Truckee River and its tributaries and apply best practices to all stretches of the Truckee River in Washoe County.</p>	<p>The One Truckee River Management Plan (Exhibit G), developed by One Truckee River, focuses on improving the health of the river through long-term and sustainable management strategies. Specifically Objective 1.1, <i>Assure that storm drains are delivering the cleanest water into the river,</i></p>

	<p>of the One Truckee River Management Plan states the following:</p> <p><i>“Polluted storm water runoff is transported from smaller storm drain systems and ultimately discharged into local rivers and streams without treatment. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and discarded trash such as cigarette butts, paper wrappers and plastic bottles. These pollutants can end up in the Truckee River and have a negative impact by discouraging recreational use, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.”</i></p> <p>Allowing intense uses, such as Industrial uses, including uses that do not require the construction of a building such as a parking area, within the development constraints on the parcel specifically related to the Truckee River does not support Objective 1.1 of the One Truckee River Management Plan, which is not in conformance with Master Plan NCR Policy 4.5.</p>
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Compatibility with Surrounding Land Uses:

Concerning the compatibility with surrounding land uses, the proposed amendment is partially compatible with adjacent land uses. The project information was sent to Storey County Planning staff for review. Comments (Attachment C) were provided concerning the lack of compatibility of industrial land uses with the neighboring residential subdivision within Storey County located immediately to the south across the Truckee River from the subject parcel. However, in the vicinity, both within Washoe County and Storey County, there are parcels with industrial land uses. For example, there are parcels to the east, which are less than 2,000 feet from the residential subdivision, which were zoned Industrial by Washoe County in 2011 and are also adjacent to the Truckee River. Furthermore, to the west of the residential subdivision in Storey County is an industrial complex. Therefore, while locating industrial regulatory zoning across from an established residential subdivision would generally not be considered compatible with adjacent land uses, in this area, it is not uncommon to have industrial land uses within close range of residential land uses.

An additional component of the compatibility of the proposed land use is in relation to the adjacency of the Truckee River. Washoe County Code Article 106, Master Plan Categories and Regulatory Zones, Section 110.106.10(f) and (g) state the following:



“Industrial. The Industrial Master Plan category is intended to provide for industrial uses of all types such as manufacturing, warehousing, mining and construction. The Industrial category is intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses. The following Regulatory Zones are allowed in and are consistent with the Industrial Master Plan category: Industrial, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.”

“Open Space. The Open Space Master Plan category is intended to create, preserve, and connect areas of natural, cultural, and scenic resources, including but not limited to, ridges, stream corridors, natural shoreline, scenic views, agricultural, or other land devoted exclusively to open space uses. The following Regulatory Zones are allowed in and are consistent with the Open Space Master Plan category: Open Space, Public and Semi-Public Facilities, and Parks and Recreation.”

There is only one (1) parcel directly adjacent to the subject property, which is the Public Semi-Public Facilities (PSP)-zoned parcel to the north which contains a railroad line owned by Union Pacific Railroad. The proposed Industrial (I) regulatory zone on the subject parcel has similar allowed uses per Article 302, *Allowed Uses*, as the PSP zoned parcel that is immediately adjacent to the property. The next closest parcel is the parcel to the west across Canyon Way that is zoned Parks and Recreation (PR) and is undeveloped. The remaining parcels that are closest are those across the river in Storey County, which are zoned residential and industrial, and which contain an established residential subdivision and industrial buildings.

As mentioned above, the purpose of the Industrial regulatory zone is “to provide for industrial uses of all types such as manufacturing, warehousing, mining and construction” and “create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses.” (emphasis added).

To ensure preservation and protection of the water quality of the Truckee River, Article 222, *Truckee Canyon Area*, includes Section 110.222.10, *Truckee River Corridor Standards*, which sets forth the purpose of the section as the following:

*“The purpose of this section, Truckee River Corridor Standards, is to establish regulations to develop, preserve, protect and improve the inherent water quality of the river.”*

WCC Section 110.222.10(b) and (c) of the *Truckee River Corridor Standards* sets forth the following in relation to grading and structural setbacks from the Truckee River:

*“(b) Grading. A special use permit, as enumerated in Article 810, Special Use Permits, approved by the Washoe County Board of Adjustment, shall be required for all grading and earthmoving activities within the 100-year floodplain, or within three hundred (300) feet of the center of the Truckee River, whichever is greater.”*

*“(c) Structural Setback. No permanent building structures shall be erected within the 100-year floodplain, or within three hundred (300) feet of the center of the Truckee River, whichever is greater.”*

The 300-foot buffer mentioned in WCC 110.222.10(b) and (c) establishes a developmentally constrained area. It is staff’s opinion that locating industrial regulatory zones and uses within the established 300-foot buffer area along the Truckee River conflicts with the stated purpose of WCC 110.222.10 above. Locating industrial regulatory zoning and uses within that buffer area would not “preserve, protect and improve the inherent water quality of the river.”

The application proposes locating the Industrial regulatory zone within three hundred (300) feet of the centerline of the Truckee River on the subject parcel. The Industrial regulatory zone allows intense uses, many of which are allowed by right. The intent and expectation are for the regulatory zone to be utilized for the intent set forth in the definition of the Industrial regulatory zone. Allowing intense industrial uses (e.g., warehousing, manufacturing, mining, construction) are not uses that would constitute a “minimal impact on the natural environment.” Therefore, as the proposal includes amending the master plan and regulatory zone to Industrial in a developmentally constrained area adjacent to the Truckee River, the proposal is in conflict with the Washoe County Development Code and the purpose of the Industrial regulatory zone.

Availability of Facilities:

Regarding the availability of services, project information was provided to all impacted agencies – Truckee Meadows Fire Protection District, Washoe County Engineering, NV Energy, Nevada Division of Water Resources, Truckee Meadows Regional Planning Agency (TMRPA), Northern Nevada Public Health (Environmental Health) - and no comments of opposition were received. However, in regard to the availability of water and sewer, the subject parcel would be served by a commercial well and commercial septic system, and there may be a possibility of water service provided by the Truckee Meadows Water Authority (TMWA). The Truckee Meadows Regional Planning Agency (TMRPA) provided comment stating that: “future water rights to serve the project are needed.” Further, the Nevada Division of Water Resources stated that there are no water rights associated with the property and that the property is within TMWA’s authority for water service, which would require the submission of a will serve letter from TMWA to the State Engineer prior to development. Therefore, water service may be available to serve the parcel, but sewer service is not readily available.

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended that the Board of County Commissioners review the whole record and consider the record and any testimony, materials and evidence submitted at the Board’s public hearing. The Board may take one of the following actions:

1. Affirm the Planning Commission’s decision to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood); or

2. Reverse the Planning Commission's decision, and thereby approve Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood), as presented to the Planning Commission.

### **POSSIBLE MOTIONS**

Should the Board agree with the *Planning Commission's* denial of WMPA24-0002 and WRZA24-0002 (Lockwood), staff offers the following motion:

"Move to affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood). The affirmance of the Planning Commission's decision is based upon the inability to make at least three of the five master plan amendment findings required by WCC Section 110.820.15(d) [specify which findings cannot be made], and the inability to make all six of the regulatory zone amendment findings required by WCC Section 110.821.15(d) [specify which findings cannot be made] based on the record and evidence presented today."

or

Should the Board disagree with the *Planning Commission's* denial of WMPA24-0002 and WRZA24-0002 (Lockwood), staff offers the following motion:

"Move to grant the appeal and reverse the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA24-0002 and Regulatory Zone Amendment Case Number WRZA24-0002 (Lockwood). I further move to adopt Master Plan Amendment Case Number WMPA24-0002 based on the ability to make at least three of the five master plan amendment findings required by WCC Section 110.820.15(d) [specify which findings can be made]; and subject to final approval of the associated master plan amendment and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, adopt Regulatory Zone Amendment Case Number WRZA24-0002 based on the ability to make all of the regulatory zone amendment findings required by WCC Section 110.821.15(d). I further move to authorize the Chair to sign the resolutions contained in Attachments I and J to that effect."

Attachments A – J Constitute the Record on Appeal:

- A. Planning Commission signed Action Order dated 8/16/2024
- B. Appeal received 8/26/2024
- C. Planning Commission staff report dated 8/6/2024
- D. County Staff PowerPoint Presentation to Planning Commission
- E. Applicant Presentation to Planning Commission
- F. Written Public Comments to Planning Commission
- G. Video recording of Planning Commission Hearing
- H. Planning Commission Meeting Minutes dated 8/6/2024
- I. Resolution to Adopt WMPA24-0002 (if needed)
- J. Resolution to Adopt WRZ24-0002 (if needed)

cc: Appellant: Lockwood Development Group, LLC; Parker@DevelopersIG.com  
Applicant/Owner: Lockwood Development Group, LLC; Parker@DevelopersIG.com  
Applicant Representative: Phelps Engineering Services, Inc.; Devin Perry, Planning Manager,  
dperry@phelpsengineering.net