



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: February 25, 2025

**DATE:** January 17, 2025

**TO:** Board of County Commissioners

**FROM:** Tim Evans, Planner, Planning and Building Division, Community Services Department, (775) 328-2314, [tevans@washoecounty.gov](mailto:tevans@washoecounty.gov)

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

**SUBJECT:** Public hearing: Appeal of the Washoe County Planning Commission's approval of Regulatory Zone Amendment Case Number WRZA24-0003 which seeks to amend the North Valleys Regulatory Zone Map to change the regulatory zone on two parcels from 169.91 acres of Low Density Suburban (LDS-1 du/acre) to 163.92 acres of Medium Density Suburban (MDS-3 du/acre) and 5.99 acres of Open Space (OS).

The applicant and property owner is Silver Sky Ranch, LLC. The addresses for the parcels are 10235 White Owl Dr. and 12000 Red Rock Rd., Reno. The Assessor's Parcel Numbers are 086-250-81 and 086-250-01. The appellant is Russ Earle who lists his address as 11400 Osage Road. The applicant also filed an appeal to preserve their rights to judicial review.

The Board of County Commissioners shall consider the appeals based on the record and any testimony and materials submitted at the public hearing. The Board of County Commissioners may affirm or reverse the Planning Commission's decision. If the Board affirms the Planning Commission's decision, it may adopt the requested regulatory zone amendment. If adopted, the Board shall authorize the Chair to sign a resolution to this effect. (Commission District 5.) FOR POSSIBLE ACTION

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## **SUMMARY**

Washoe County received two appeals of the Washoe County Planning Commission's (PC) approval of WRZA24-0003 on December 3, 2024, as follows:

1. Russ Earle and "some/certain residents of Silver Knolls" (Appellant) has appealed the Planning Commission's decision, arguing that the findings required under Washoe County Code 110.821.15(d) - specifically Consistency with Master Plan, Compatible

Land Uses, Availability of Facilities, Desired Pattern of Growth, No Adverse Effects and Effect on a Military Installation - for the approval of the regulatory zone amendment have not been satisfied. The Appellant is seeking denial of WRZA24-0003 (*See Attachment A*); and

2. Silver Sky Ranch, LLC, applicant for WRZA24-0003, also filed an appeal to preserve its right to file a petition for judicial review if the Board of County Commissioners denies the requested regulatory zone amendment. The applicant asserts that to have standing to file a petition for judicial review challenging a land-use decision under NRS 278.3195(4), a petitioner must be both aggrieved and have appealed the lower body's decision to the governing body. Silver Sky Ranch, LLC remains in favor of the approval of WRZA24-0003 and acknowledges the appeal is "of the favorable decision of the Planning Commission, filed to preserve a right to judicial review." (*See Attachment B*).

Washoe County Strategic Objectives supported by this item: Meet the Needs of Our Growing Community and Support a Thriving Community

### **NEIGHBORHOOD MEETING**

The applicant held a neighborhood meeting on April 25, 2024, at 6:30 pm via Zoom. A total of thirty-two (32) members of the public attended the meeting.

The common concerns from the public were as follows:

- Utilities (water, sanitary sewer, storm drainage)
- Access – road maintenance, fire plans, increase in traffic
- Flooding potential (storm drainage)
- Effect on current lifestyle (i.e. larger lots, equestrian uses)
- Desire to maintain the current rural/low density suburban character of the area

### **PREVIOUS ACTION**

December 13, 2024. Appellant Russ Earle and unspecified "some/certain residents of Silver Knolls" submitted an appeal of the Planning Commission's (PC) decision to approve Regulatory Zone Amendment Case Number WRZA24-0003.

December 13, 2024. Applicant Silver Sky Ranch, LLC, submitted an appeal of the Planning Commission's decision to approve Regulatory Zone Amendment Case Number WRZA24-0003 to preserve its right to judicial review.

December 3, 2024. The Washoe County Planning Commission reviewed and approved Regulatory Zone Amendment Case Number WRZA24-0003 by a vote of 3 in favor, 2 against, with 2 members absent.

### **BACKGROUND AND REQUIRED LEGAL FINDINGS**

The Board has the following two appeals – Russ Earle and "some/certain residents of Silver Knolls," and Silver Sky Ranch, LLC - before it for consideration.

Russ Earle and “Some/Certain Residents of Silver Knolls” Appeal:

The appeal is for the PC’s approval of WRZA24-0003. The Appellant requests the Board overturn the PC’s decision on the regulatory zone amendment and alleges the following in the Appeal (Attachment A):

*“The Planning Commission should have found that the following findings were NOT met by the applicant.*

- 1. Consistency with the Master Plan - the request does not adhere/follow the MP, North Valley Area Plan, Sliver Knolls Suburban Character Management Area section NV.1.5.e pertaining to density in this zone[.]<sup>1</sup>*
- 2. Although somewhat compatible with surrounding land use, increased density will have an adverse effect on community safety and welfare ([i]ncreased fire potential and use of sparse emergency services).*
- 4. Availability of Facilities: We have a severe lack of law enforcement resources already along with delayed fire response to our community, public transportation is non-existent, transportation [i]s gridlocked with only one way [i]n and out of the North Valley's. The applicant states they are relying on public water with no water rights in their application. State water protection states [i]t takes 7-10 years to permit and build a waste water [sic] treatment facility but they claim 1-3 years.*
- 6. Desired Pattern of Growth - It does not seem prudent to increase housing density in an area that is slated to have the largest lithium/sulfur (hazmat) battery manufacturing plant [i]n the world in [i]ts very close proximity.*
- 7. Military Impact - The applicant has not contacted the Army Aviation unit at Stead to see how [i]ncreased noise complaints from a higher density housing development will adversely affect [sic] their training and flying abilities.”*

See Attachment A, p. 2.

Silver Sky Ranch, LLC, Appeal:

Silver Sky Ranch, LLC, applicant who is in favor of the approval of the regulatory zone amendment, appealed the PC decision to preserve the right to petition for judicial review pursuant to NRS 278.3195(4) if aggrieved by the decision of this Board (Attachment B).

On December 3, 2024, the Planning Commission considered the proposed regulatory zone amendment for APN 086-250-81 and APN 086-250-01 for the Silver Sky Ranch, LLC. The subject parcels are located within the North Valleys planning area at 10235 White Owl Drive (APN 086-250-81) and 12000 Red Rock Road (APN 086-250-01) and are 89.91 acres and 80.00 acres in size, respectively. Both parcels have a master plan designation of Suburban Residential (SR) and a regulatory zone designation of Low Density Suburban (LDS).

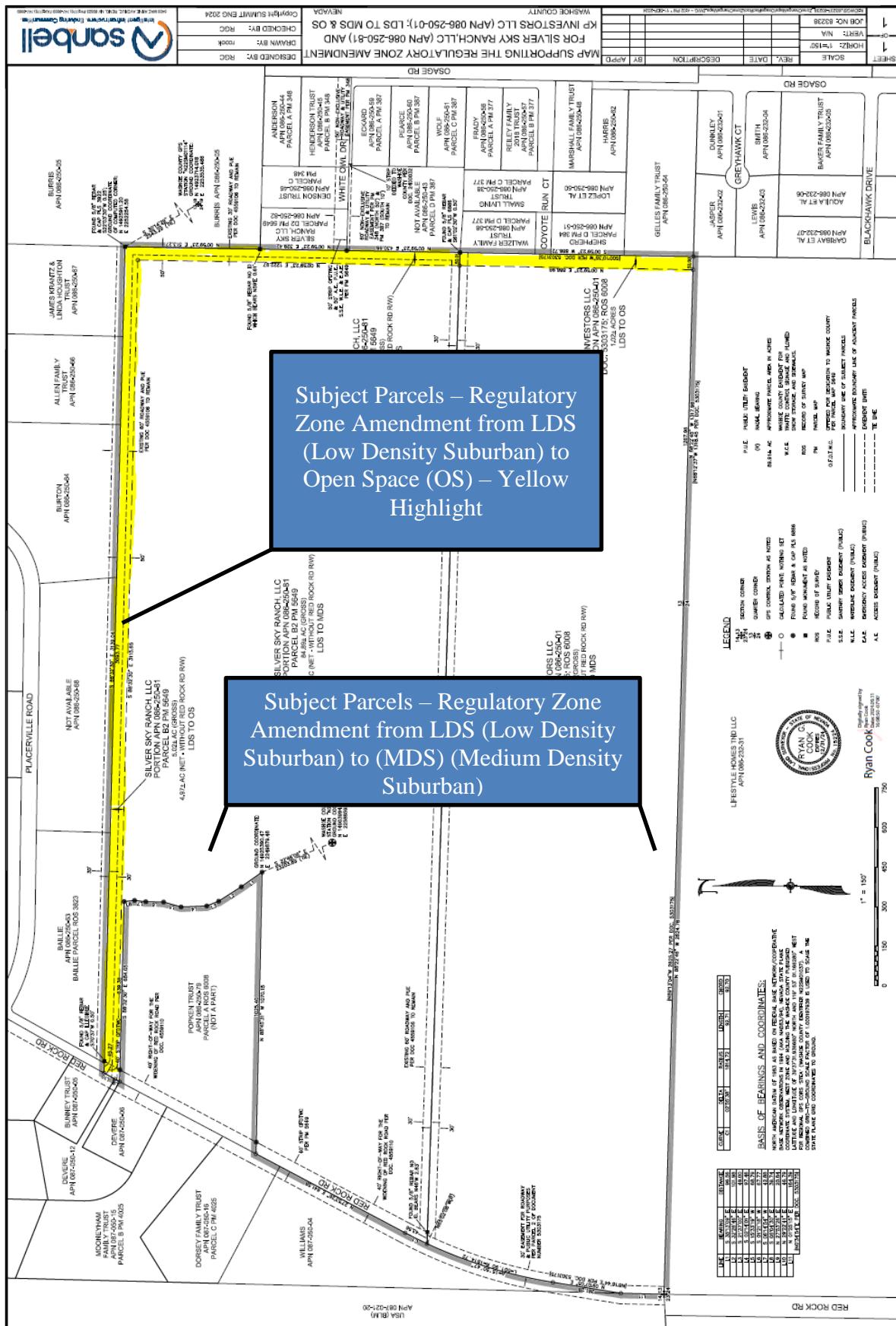
The request is to change the regulatory zoning from LDS to Medium Density Suburban (MDS) and Open Space (OS), retaining the SR master plan designation. The LDS, MDS, and OS regulatory zones are all allowed in the SR master plan designation. The minimum

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<sup>1</sup> Note: The appellant references the North Valley Area Plan and Silver Knolls Suburban Character Management Area, which are no longer in effect with the adoption of Envision Washoe 2040.

lot size for the LDS regulatory zone is 35,000 square feet (approx. 0.803 acres), with a maximum density of one (1) dwelling unit per acre. The minimum lot size for the MDS regulatory zone is 12,000 square feet (approx. 0.275 acres), with a maximum density of three (3) dwelling units per acre. The OS regulatory zone does not have a minimum acreage or an allowed density, and dwelling units are not permitted in the OS regulatory zone. If this request is approved, the total maximum density over the two parcels will be increased from approximately 169 units to approximately 489 units.

*See the following page for Figure 1, Existing and Proposed Regulatory Zone Designation.*



**Figure 1. Existing and Proposed Regulatory Zone Designations**

The subject parcel at 10235 White Owl Drive (APN 086-250-81) is vacant and undeveloped, and the subject parcel at 12000 Red Rock Road (APN 086-250-01) is developed with one approximately 3,300 square foot single-family dwelling toward the center of the parcel. The developed parcel is currently served by a septic system and well. Both parcels are located within the jurisdiction of the Truckee Meadows Service Area (TMSA), and services for water and sewer can be made available to serve the properties.

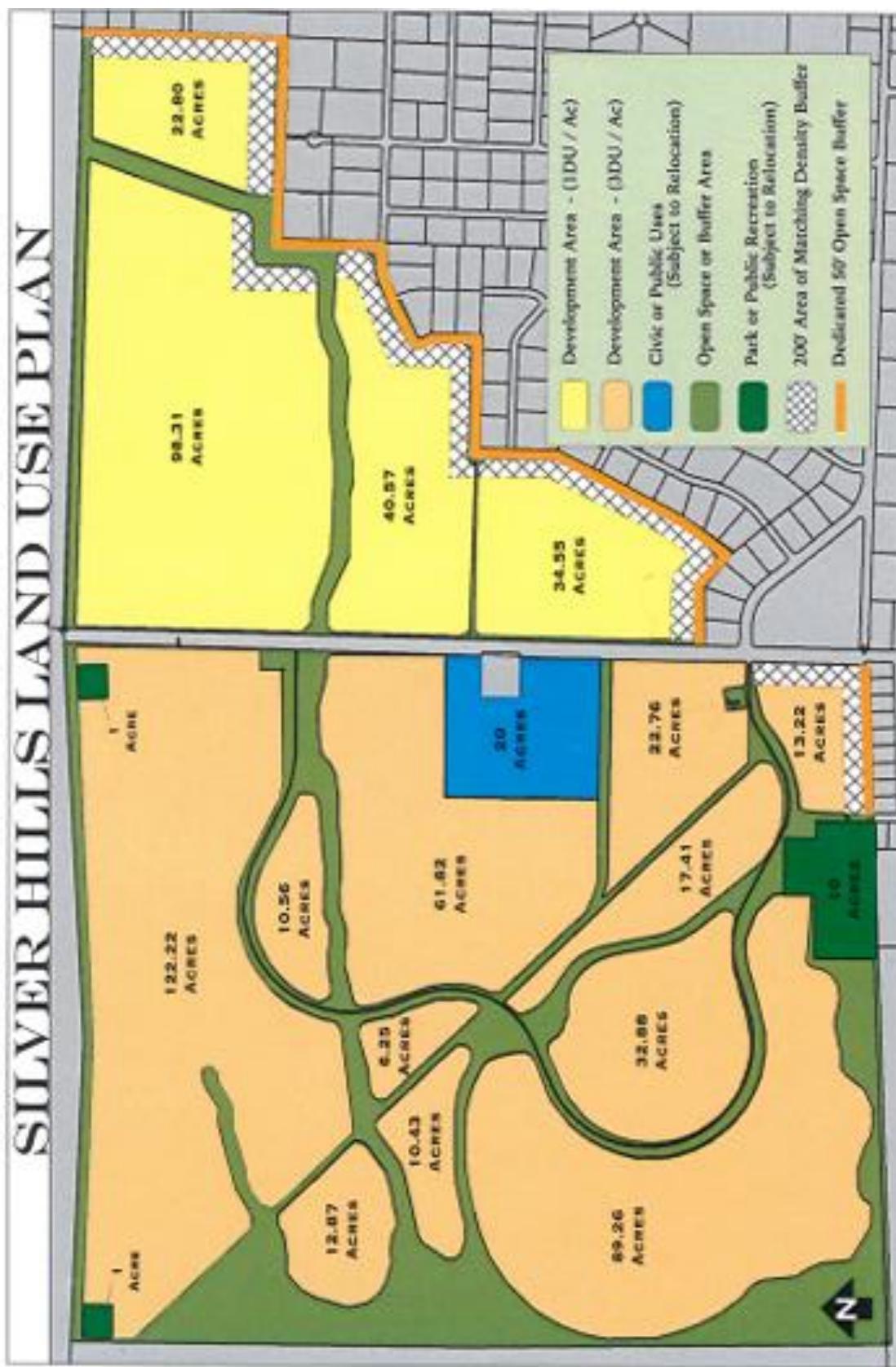
Both parcels are gently sloping and have minimal portions with slopes between 15% and 30%. *See Slope Map on page 9 for slope percentages.*

Most of the adjacent parcels to the north, east, and a portion of the west are zoned LDS and, on average, consist of lots approximately 1.0 acre in size and are developed with single-family dwellings, with the remaining parcels being undeveloped residential parcels. The remaining portion of the parcels to the west are undeveloped land owned by the United States Bureau of Land Management (BLM).

The request to change the zoning to MDS (3 units per acre) is a departure from historical development patterns within the Silver Hills/Silver Knolls community. The property to the south is a 190-acre parcel that is part of an approximately 780-acre approved residential specific plan development (Silver Hills), which at full buildout will have 1,872 lots. The Silver Hills Specific Plan was adopted in 2020 and has a mix of densities between one (1) dwelling unit per acre on the 190-acre parcel and three (3) dwelling units per acre on approximately 551 acres of the Silver Hills development, with the intent of preserving one-acre lot sizes along the east side of Red Rock Road (*see map on page 7*). Below is the description of the eastern parcels within the Silver Hills Specific Plan as submitted by the Silver Hills applicant:

*The east side of Silver Hills (east of Red Rock Road) is characterized by a more rural development pattern. This area is envisioned to "blend" with the established homes and development that exists within Silver Knolls to the south. Thus, larger lots are planned in this area creating a more rural atmosphere. Consistent with existing development patterns, open space areas will primarily consist of buffers and trails allowing for larger homesites. This not only complements existing development within Silver Knolls but will serve as a transition between existing neighborhoods and new neighborhoods within the west side of Silver Hills.*

To address compatibility of the higher density MDS regulatory zone, which allows up to three (3) units per acre, to the adjacent current development pattern of larger lots along the east side of Red Rock Road, the applicant is proposing the Open Space regulatory zone along the northern and eastern property line of 10235 White Owl Drive and along the eastern property line of 12000 Red Rock Road to allow for a fifty (50) foot buffer between the larger lots and the proposed higher density zoning.



Per the application attached to the Planning Commission staff report (Attachment D, p. 53), the subject parcels are nearby industrial land uses that require housing. For example, phase 1 of the Reno AirLogistics Park is currently under construction and includes 1,118,000 square feet of warehouse/industrial space located on approximately 58 acres in the southwest corner of the Reno-Stead Airport property. The MDS zoning designation would allow for an increase in density that would support the existing employment opportunities in the immediate area and would also support the Reno AirLogistics Center currently under construction.

### ***Traffic***

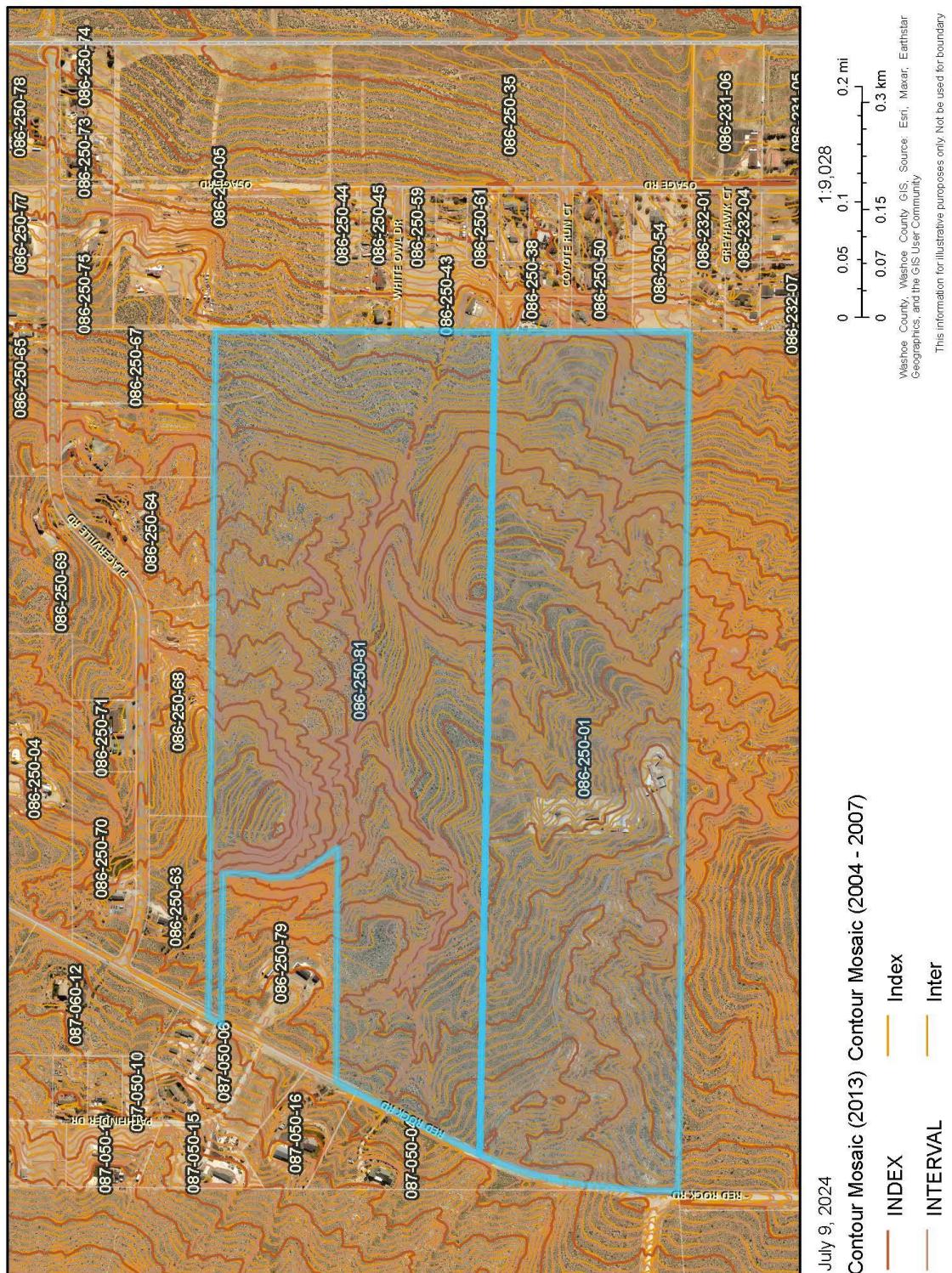
This is a request for a regulatory zone amendment, and as such, there is no specific project tied to this request currently under review. If and when a future development application is submitted, a traffic analysis may be required to analyze project-specific traffic impacts based on the project design. However, a Traffic Generation Letter (Attachment D, p. 61) was submitted by the applicant stating the following in relation to potential trips generated as a result of the proposed density:

*“[T]he proposed project zoned as Medium Density Suburban (MDS) could generate approximately 4,640 Daily, 344 AM peak hour, and 462 PM peak hour trips. With the Regulatory Zone Amendment, the trip generation for the proposed project is expected to increase by approximately 3,092 Daily, 229 AM peak hour, and 308 PM peak hour trips.”*

*“The following is a list of key findings and recommendations:*

- With the Regulatory Zone Amendment, the trip generation for the proposed project is expected to increase by approximately 3,092 Daily, 229 AM peak hour, and 308 PM peak hour trips.*
- Under Baseline Plus Project Conditions, the study roadway segments are anticipated to operate within level of service policy.*
- Under Future Plus Project Conditions, the study roadway segments are anticipated to operate within policy level of service thresholds with the planned Red Rock Road widening from 2 to 4 lanes between Osage Road and Moya Boulevard.*
- It is anticipated that the regional improvements on Red Rock Road will be adequate to carry the Silver Hills project plus additional traffic generated with this Regulatory Zone Amendment. A project specific Traffic Impact Study and recommendations regarding access will be provided with the Tentative Map Application as is the standard process.”*

Washoe County Engineering reviewed the project information, including the Trip Generation Letter, and had no comments concerning traffic.



## Slope Map

## Subject Property Surrounding Land Uses and Compatibility

**Table 1: Surrounding regulatory zones and existing uses**

Location	Regulatory Zone	Existing Use
North	Low Density Suburban (LDS)	Single-Family Dwellings and Undeveloped
South & Southwest	Specific Plan (SP)	Vacant Land – 780.30 acres proposed for the Silver Hills Development
West	LDS and Open Space (OS)	Undeveloped & Single-Family Dwellings
East	Low Density Suburban (LDS)	Single-Family Dwellings

Washoe County Code Article 106, Master Plan Categories and Regulatory Zones, Section 110.106.10(c) states the following:

“Suburban Residential. The Suburban Residential Master Plan category is intended primarily for residential uses of low to medium densities. Supporting neighborhood scale commercial uses and mixed-use village center development is allowed with approval of a discretionary permit. The following Regulatory Zones are allowed in and are consistent with the Suburban Residential Master Plan category: Low Density Suburban One, Low Density Suburban Two, Medium Density Suburban, Medium Density Suburban Four, High Density Suburban, Public and Semi-Public Facilities, Specific Plan, Parks and Recreation, and Open Space.”

The master plan designation for the parcels to the north, south, east, and a portion of the west are Suburban Residential (SR) and the other adjacent parcels to the west have an Open Space (OS) master plan designation. All of the surrounding parcels, with the exception of the few parcels to the west with the Open Space regulatory zone, have a residential zoning of either LDS or Specific Plan (SP). The proposed MDS regulatory zone has similar allowed uses per Article 302, *Allowed Uses*, as the LDS and SP zoned parcels – the SP zoned parcels are proposed for a 1,872-unit residential subdivision - that are immediately adjacent to the subject parcels. To address compatibility of the higher density MDS regulatory zone to the adjacent current development pattern of larger lots along the east side of Red Rock Road, the applicant is proposing the Open Space regulatory zone along the northern and eastern property line of 10235 White Owl Drive and along the eastern property line of 12000 Red Rock Road to allow for a fifty (50) foot buffer between the larger lots and the proposed higher density zoning.

The adjoining and proposed regulatory zones are compatible regulatory zones within the same Master Plan category.

## **2040 Master Plan Consistency**

The proposed amendment is consistent with the Envision Washoe 2040 Master Plan North Valleys Planning Area Vision Statement as described in the following section.

**Table 2: Master Plan Conformance**

Vision Statement	Explanation of Conformance with Vision Statement
<p><i>“The North Valleys is known for its wealth of natural resources and open space, providing views and access to regional assets for its community members. This area experiences a large range of uses, both residential and commercial.”</i></p>	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. Therefore, the proposed regulatory zone amendment should not have a negative impact on natural resources or scenic protections.
<p><i>“Uses shift from rural residential to medium density residential, demonstrating the North Valleys’ varying needs.”</i></p>	The proposed amendment will promote the desired pattern for the orderly physical growth of the County by allowing for residential use similar to that of the current regulatory zone and the residential regulatory zones of the surrounding parcels.

The proposed amendment is consistent with the applicable Envision Washoe 2040 Priority Principles & Policies as described in Table 3.

**Table 3: Master Plan Element Conformance Priority Principles & Policies**

Master Plan Element	Priority Principles & Policies	Explanation of Conformance with Priority Principles & Policies
	<b>Population and Housing Principle 2.</b> Coordinate population growth with the availability of water, sanitary sewers, streets and highways, and other public facilities and services.	
	<b>PH 2.2</b> - Direct development of residential densities greater than 1 unit per five acres into the TMSA where it can utilize planned local and regional infrastructure.	Per the comment from Engineering on October 30, 2024, sewer service would be provided by the City of Reno. The Reno/Stead wastewater treatment facility is being expanded and the remaining capacity of the existing treatment facility is approximately 1,081 residential units, which is enough capacity to serve the density proposed under this regulatory zone amendment.

	<p>The Truckee Meadows Water Authority stated the following:</p> <p><i>“Any future development of these parcels must comply with TMWA’s Water Rules. Initially, the developer must annex the parcels into TMWA’s retail service area. The developer must dedicate sufficient water rights, which are available for purchase through TMWA, to serve the development. Infrastructure improvements, including but not limited to a booster pump station, transmission mains, and storage facilities, will be necessary to serve the parcels. TMWA will prepare a detailed water service plan during the annexation process. The developer may request a discovery at any time, and TMWA can provide a detailed service plan prior to annexation.”</i></p> <p>Therefore, services are within the nearby area that can be made available and can be extended to serve the subject parcels with water service.</p>
<b>Land Use Principle 1.</b> Facilitate partnerships to ensure land use decisions are based on the best available information.	
<b>LU 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.	Truckee Meadows Regional Planning Agency (TMRPA) was provided the project application and information during the agency review period. No comments or concerns were received concerning the proposed regulatory zone amendment.
<b>LU 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, the applicant held the duly noticed neighborhood meeting 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.

LU 1.3 - Continue to coordinate land use policies and decisions with the public health goals of the Northern Nevada Public Health (NNPH).	Northern Nevada Public Health was provided the project application and information during the agency review period. No comments or concerns were received concerning the proposed regulatory zone amendment.
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The proposed amendment is consistent with the applicable Envision Washoe 2040 Priority Principles & Policies for the North Valleys Planning Area, as described in Table 4.

**Table 4: Master Plan Conformance with North Valleys Priority Principles & Policies**

Priority Principles & Policies	Explanation of Conformance with Priority Principles & Policies
<b>Public Facilities and Services Principle 3. Provide adequate service to developments and maintain a communicative, transparent planning process.</b>	
<b>PFS 3.1</b> Identify barriers to service delivery goals to meet Washoe County's minimum service standards for potable water, wastewater, storm water and flood, schools, and transportation as depicted in the Regional Plan List of Facilities and Service Standards.	These parcels are within the TMSA with a proposed density of three (3) units per acre. The subject parcels are near municipal services that can be made available to serve the subject parcels for water and sewer services. Concerning transportation, the applicant submitted a Traffic Generation Letter (Attachment D, p. 61) and Washoe County Engineering reviewed the project information and had no comments concerning traffic.  This is a request for a regulatory zone amendment, and as such, there is no specific project tied to this request currently under review. If and when a future development application is submitted, items such as storm water, flood, and school capacity will be reviewed at that time based on project design.

In order to approve Regulatory Zone Amendment Case Number WRZA24-0003, a majority of the Planning Commission's membership present at the meeting had to make all of the applicable 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.

### **FISCAL IMPACT**

No fiscal impact.

### **POSSIBLE ACTIONS**

The Board of County Commissioners should review and consider the record and any testimony and materials submitted at the public hearing. The Board may take one of the following actions:

1. Deny Russ Earle's appeal and affirm the Planning Commission's decision; and thereby approve Regulatory Zone Amendment Case Number WRZA24-0003 (White Owl Drive and Red Rock Road) as presented to the Planning Commission; or
2. Grant Russ Earle's appeal and reverse the Planning Commission's decision; and thereby deny Regulatory Zone Amendment Case Number WRZA24-0003 (White Owl Drive and Red Rock Road) as presented to the Planning Commission.

### **POSSIBLE MOTIONS**

Should the Board find that approval of Regulatory Zone Amendment Case Number WRZA24-0003 is appropriate after consideration of the factors in WCC 110.821.15(d), a potential motion is:

“Move to deny Russ Earle's appeal and affirm the Planning Commission's decision. Further move to adopt Regulatory Zone Amendment Case Number WRZA24-0003 (White Owl Dr. and Red Rock Rd.) and authorize the Chair to sign the resolution contained in Attachment K to that effect. The affirmance of the Planning Commission's decision and adoption of the proposed amendment is based upon the ability to make all six of the required regulatory zone amendment findings in WCC Section 110.821.15(d) based on the record and evidence presented today.”

**or**

Should the Board find that denial of Regulatory Zone Amendment Case Number WRZA24-0003 is necessary after consideration of the factors in WCC 110.821.15(d), a potential motion is:

“Move to grant Russ Earle’s appeal and reverse the Planning Commission’s decision. I further move to deny Silver Sky Ranch, LLC’s, application for Regulatory Zone Amendment Case Number WRZA24-0003 (White Owl Dr. and Red Rock Rd.) based on the Board’s inability to make all six of the findings required by WCC Section 110.821.15(d) [specify which findings cannot be made].”

Attachments A-I constitute the record on appeal:

Attachment A: Appeal Application from Russ Earle and Some/Certain Residents of Silver Knolls - dated 12/13/24

Attachment B: Appeal Application from Silver Sky Ranch, LLC, Applicant - dated 12/13/24

Attachment C: Planning Commission Resolution 24-21 dated 12/3/24

Attachment D: Planning Commission Staff Report dated 12/3/24

Attachment E: Planning Commission Staff Presentation dated 12/3/24

Attachment F: Planning Commission Applicant Presentation dated 12/3/24

Attachment G: Planning Commission Minutes of 12/3/24

Attachment H: Planning Commission Meeting Video Recording of 12/3/24

Attachment I: Public Comments received prior to 12/3/24 Planning Commission Meeting

Attachment J: Additional Public Comments received after 12/3/24 Planning Commission Meeting

Attachment K: Resolution to Adopt WRZ24-0003 (if needed)

cc: Appellant A: Russ Earle, 24FireLT@gmail.com

Appellant B: Silver Sky Ranch, LLC, attn: Aubrey Powell, Esq.,  
apowell@lewisroca.com