



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.gov

STAFF REPORT

BOARD MEETING DATE: February 25, 2025

DATE: January 27, 2025

TO: Board of County Commissioners

FROM: Tim Evans, Planner, Planning and Building Division, Community Services Department, (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 Regulatory Zone Amendment Case Number WRZA24-0004 which seeks to amend the North Valleys Regulatory Zone Map to change the regulatory zone on three parcels, totaling 47.15 acres, from Low Density Suburban (LDS- 1 du/acre) to Medium Density Suburban (MDS- 3 du/acre), and to change the regulatory zone on a 2.08 acre portion of Osage Road from Public/Semi-Public Facilities (PSP) to MDS.

The applicant for the regulatory zone amendment, property owner, and appellant is Lifestyle Homes TND, LLC. The addresses of the subject parcels are 10600, 10100 and 10101 Osage Road in Reno. The Assessor's Parcel Numbers are 086-350-37; 086-370-09; 086-370-18; and 086-370-10.

The Board of County Commissioners shall consider the appeal 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 reverses 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

SUMMARY

Washoe County received an appeal of the Washoe County Planning Commission's (PC) denial of WRZA24-0004 on December 3, 2024, as follows:

Lifestyle Homes TND, LLC (Appellant) has appealed the Planning Commission's decision, arguing that all findings required under Washoe County Code 110.821.15(d) for

AGENDA ITEM # _____

the approval of the regulatory zone amendment can be satisfied. Appellant is seeking approval of WRZA24-0004. *See* Attachment A.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 25, 2024, at 5:30 pm via Zoom. A total of thirty-three (33) 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 20, 2024. Applicant Lifestyle Homes TND, LLC, submitted an appeal of the Planning Commission’s decision to deny Regulatory Zone Amendment Case Number WRZA24-0004.

December 3, 2024. The Washoe County Planning Commission reviewed and denied Regulatory Zone Amendment Case Number WRZA24-0004 by a unanimous 5:0 vote, with 2 Commissioners absent.

In order to approve Regulatory Zone Amendment Case Number WRZA24-0004, 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.

The Planning Commissioners made individual comments reflecting which of the findings they could not make, as follows:

- Commissioner Lazzareschi could not make finding #6.
- Commissioners Nelson and Barnes could not make findings #2, #4, or #6.
- Commissioner Pierce could not make findings #1, #2, #3, #4, #5, or #6.
- Commissioner Owens could not make findings #2, #4, #5, or #6.

BACKGROUND AND REQUIRED LEGAL FINDINGS

The appeal before the Board for consideration is for the Planning Commission's denial of WRZA24-0004. Appellant requests the Board overturn the PC's decision on the regulatory zone amendment and alleges the following in its Appeal (Attachment A):

“As stated in our presentation to the Planning Commission and in the staff report, all Findings can be made to support the Regulatory Zone Amendment.”

On December 3, 2024, the Planning Commission considered the proposed regulatory zone amendment for the three parcels at 10600, 10100, and 10101 Osage Road (APNs 086-350-37; 086-370-09; and 086-370-18), and also for a portion of Osage Road (APN 086-370-10). The Planning Commission unanimously denied the regulatory zone amendment request by a vote of 5:0 with 2 Commissioners absent. The primary concern articulated by the Planning Commissioners was the prevalence of flooding in the area, the closed hydrographic basin, and the risk that increasing the residential density on the parcels could expose more residents to flooding issues. Individual Commissioners also made comments about which of the required findings they were unable to make.

After a thorough discussion by the Planning Commission, the Planning Commissioners voted and made individual comments reflecting which of the findings they could not make, as follows:

- Commissioner Lazzareschi could not make finding #6.
- Commissioners Nelson and Barnes could not make findings #2, #4, or #6.
- Commissioner Pierce could not make findings #1, #2, #3, #4, #5, or #6.
- Commissioner Owens could not make findings #2, #4, #5, or #6.

The parcels which are subject to this request are 8.56 acres, 20.00 acres, 13.20 acres, and 5.39 acres, respectively. The three residential parcels have a master plan designation of Suburban Residential (SR) and a regulatory zoning of Low Density Suburban (LDS - 1du/acre). APN 086-370-10 is a roadway parcel. The applicant is requesting to rezone a 2.08-acre portion of the 5.39 acre roadway parcel, which is adjacent to the three residential parcels and is part of Osage Road. The roadway parcel has a regulatory zone of Public Semi-Public Facilities (PSP).

The specific request is to change the regulatory zoning from LDS on three residential parcels to Medium Density Suburban (MDS- 3 du/acre), and to change a 2.08-acre portion of a 5.39-acre roadway parcel from PSP (no residential density) to MDS. The parcels have a master plan land use designation of Suburban Residential (SR). The LDS, PSP, and MDS regulatory zones are all allowed in the SR master plan designation. Accordingly, there is

no corresponding request to change the master plan land use designation. The minimum lot size for the LDS zoning is 35,000 square feet (approx. 0.803 acres), with a maximum density of one (1) dwelling unit per acre, and there is no minimum lot size or density for the PSP regulatory zone. The minimum lot size for MDS zoning is 12,000 square feet (approx. 0.275 acres), with a maximum density of three (3) dwelling units per acre. If this request is approved, the total maximum density over the parcels will be increased from 41 units to 131 units.

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

The Appellant provided a detailed narrative with the appeal application (*see* Attachment A, p. 4) explaining their position as to how the proposed regulatory zone amendment meets the required findings. Below is a summarized list of the main points of their position:

- The proposed amendment is in compliance with the policies and action programs of the Envision Washoe County 2040 Master Plan as the requested MDS zoning allows for a maximum density of three (3) dwelling units per acre, which will provide for the area's rising population needs while also preserving the area's suburban residential, semi-rural character.
- The proposed MDS regulatory zone is compatible with the adjacent land uses and provides for a gradual increase in residential density while allowing an appropriate transition between the suburban residential uses within Washoe County's jurisdiction to the north and west and the industrial and multi-family uses within the City of Reno's jurisdiction to the east and south.
- No concerns about adverse impacts on public health, safety, or welfare were raised by agencies that were provided with the project information during the agency review period for the regulatory zone amendment application.
- The Traffic Generation Letter (Attachment C, p. 65) concluded that under baseline and future project conditions, the study roadway segments are anticipated to operate within the level of service policy.
- The Master Plan identifies a need and desire for an increase in availability of housing in the area due to an expected steady population increase over the coming years. Rezoning the subject parcels to MDS would directly address the need for additional housing in the area. The subject parcels are located near the Reno-Stead Airport and the RenoAir Logistics Center. The Reno AirLogistics Park will be 1,700-3,000 acres of development, including office buildings, flex office buildings, manufacturing, industrial, other approved uses, and other appropriate infrastructure. The regulatory zone amendment would directly support the growing employment center that is developing in the Reno AirLogistics Park and the employment opportunities around the Reno-Stead Airport.
- The subject parcels are located within an area that has the infrastructure capacity to support the regulatory zone amendment to MDS, all the facilities needed for the regulatory zone amendment are present, and no adverse comments were received from agencies during the agency review period concerning infrastructure.
- To address the comments made by the Planning Commission concerning the floodplain, the appellant enlisted a civil engineer that specializes in flooding and water rights. The engineer's report and conclusions are included at Attachment A, p.11.

The parcel at 10101 Osage Road (APN 086-370-18) is developed, with an approximate 2700-square-foot dwelling. The remaining three (3) parcels that are part of the proposed regulatory zone amendment, one of which includes the parcel that comprises part of Osage Road, are undeveloped. The developed parcel is served by a septic system and well.

All parcels are gently sloping and have little to no portions with slopes between 15% and 30%. *See Slope Map* on the following page for slope percentages.

Most of the adjacent parcels to the north and west are, on average, approximately 1.0 – 2.0 acres and developed with single-family dwellings, with the remaining parcels being undeveloped residential parcels. The parcels to the east and south are within the City of Reno and include industrially developed parcels, multi-family developed parcel, and single-family developed parcels with sizes of approximately 20 acres, 0.3 acres, and 0.2 acres, respectively.

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 C, p. 65) 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 1,246 Daily, 92 AM peak hour, and 124 PM peak hour trips. With the Regulatory Zone Amendment, the trip generation for the proposed project is expected to increase by approximately 830 Daily, 61 AM peak hour, and 83 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 830 Daily, 61 AM peak hour, and 83 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.

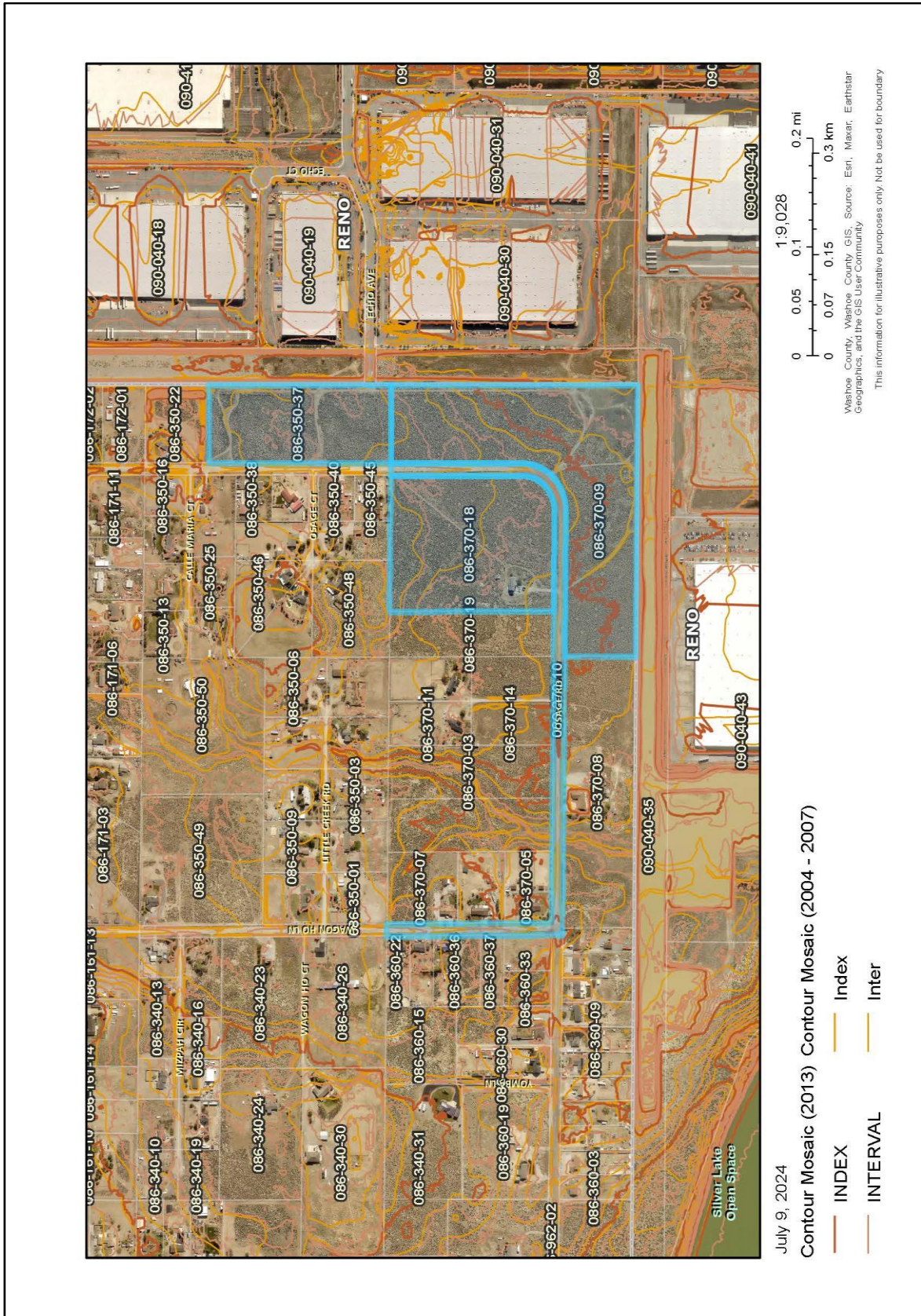


Figure 2. Slope Map

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
South	Industrial (I) and Parks, Greenways and Open Space (PGOS) – Both regulatory zones are City of Reno regulatory zones	Industrial Buildings & Undeveloped Land
West	LDS	Single-Family Dwellings
East	Mixed Employment (ME), Industrial (I), Multi-Family (MF14) - regulatory zones are City of Reno regulatory zones	Industrial Buildings and Multi-Family Dwellings

Planning staff completed a full analysis of the regulatory zone amendment request, including an analysis of the Master Plan and all findings, which can be found in the Planning Commission staff report at Attachment C.

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. Grant Lifestyle Homes TND, LLC’s appeal and reverse the Planning Commission’s decision; and thereby approve Regulatory Zone Amendment Case Number WRZA24-0004 (Osage Road) as presented to the Planning Commission; or
2. Deny Lifestyle Homes TND, LLC’s appeal and affirm the Planning Commission’s decision; and thereby, deny Regulatory Zone Amendment Case Number WRZA24-0004 (Osage Road) as presented to the Planning Commission.

POSSIBLE MOTIONS

Should the Board affirm the Planning Commission’s denial of Regulatory Zone Amendment Case Number WRZA24-0004, staff offers the following motion:

“Move to deny Lifestyle Homes TND, LLC’s appeal and affirm the Planning Commission’s decision to deny Regulatory Zone Amendment Case Number WRZA24-0004 (Osage Rd.). The affirmance of the Planning Commission’s decision is based upon the inability to make all six of the regulatory zone amendment findings required by WCC Section 110.821.15(d) based on the record and evidence presented today. [Specify which findings cannot be made].”

or

Should the Board reverse the Planning Commission’s decision to deny Regulatory Zone Amendment Case Number WRZA24-0004, staff offers the following motion:

“Move to grant Lifestyle Homes TND, LLC’s appeal and reverse the Planning Commission’s decision to deny Regulatory Zone Amendment Case Number WRZA24-

0004 (Osage Rd.) Further move to adopt Regulatory Zone Amendment Case Number WRZA24-0004 (Osage Rd.) and authorize the Chair to sign the resolution contained in Attachment J to that effect. The reversal of the Planning Commission's decision and adoption of the proposed amendment is based on the Board's ability to make all the findings required by WCC Section 110.821.15(d) based on the record and evidence presented today."

Attachments A-H constitute the record on appeal:

Attachment A: Appeal Application from Lifestyle Homes TND, LLC, Applicant - dated 12/20/24

Attachment B: Planning Commission Action Order dated 12/10/24

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

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

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

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

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

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

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

Attachment J: Resolution to Adopt WRZ24-0004 (if needed)

cc: Appellant: Lifestyle Homes TND, LLC; Garrett Gordon, Esq.,
GGordon@lewisroca.com; Aubrey Powell, Esq.,
apowell@lewisroca.com