

Washoe County Board of County Commissioners



Appeal of **WMPPA22-0001 & WRZA22-0001**

July 12, 2022

Appeal

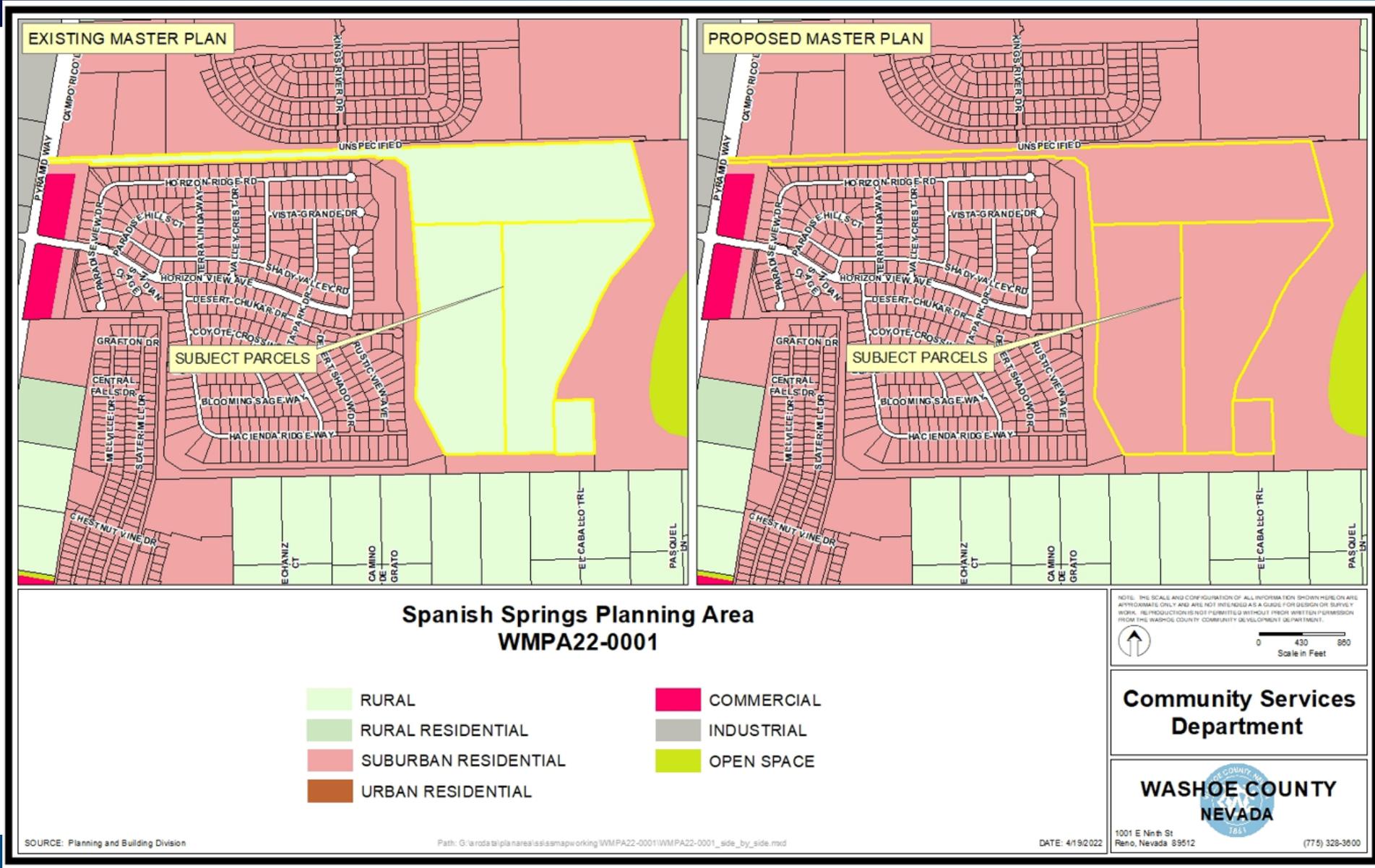


- On May 3, 2022, the Planning Commission held a public hearing on the proposed master plan and regulatory zone amendments and passed a motion to deny each.
- On May 10, 2022, the appellant, Christy Corporation, LTC, submitted an appeal application, included as Attachment D, seeking to overturn the Washoe County Planning Commission's denial of both WMP22-0001 & WRZA22-0001

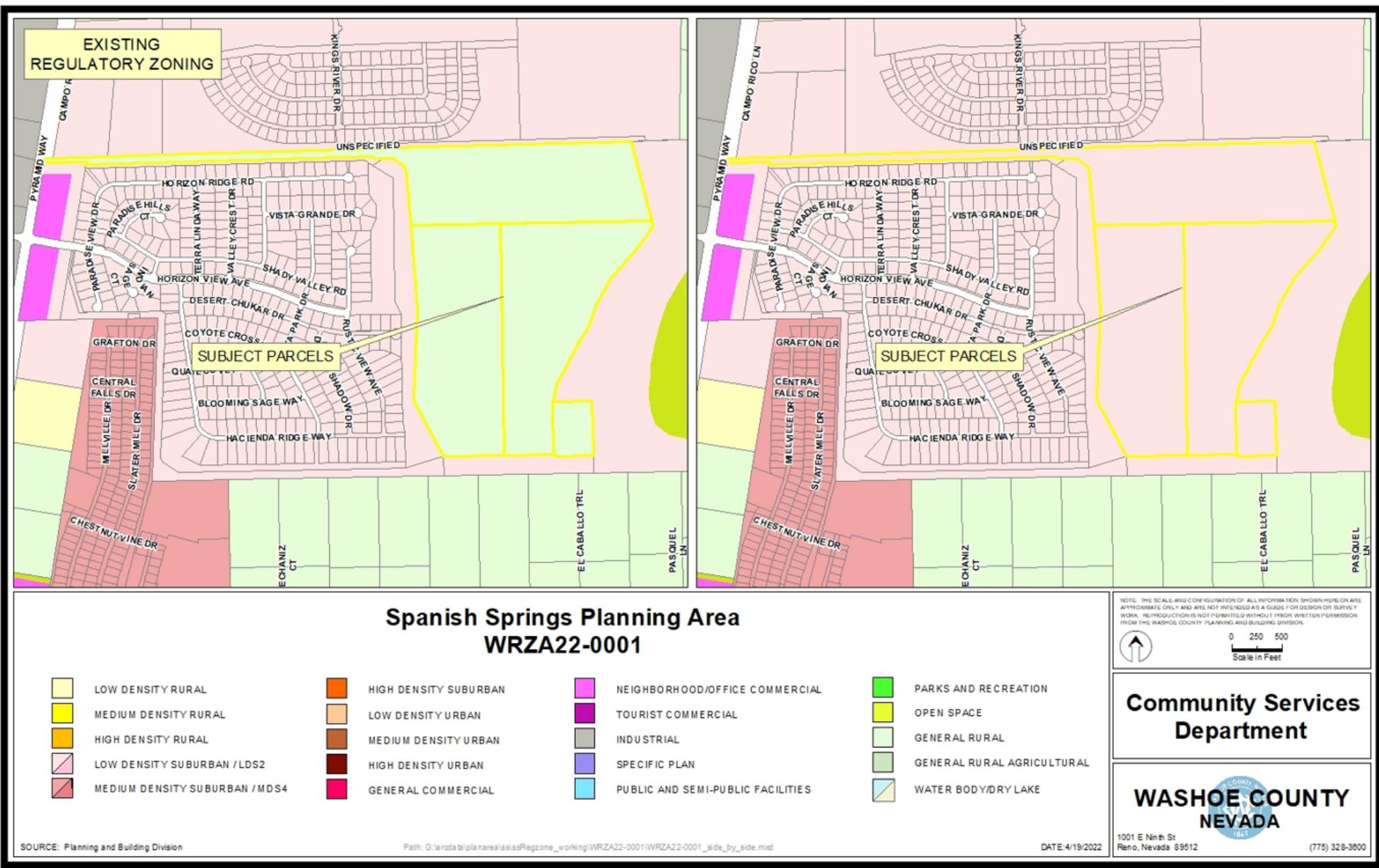
Background & Location



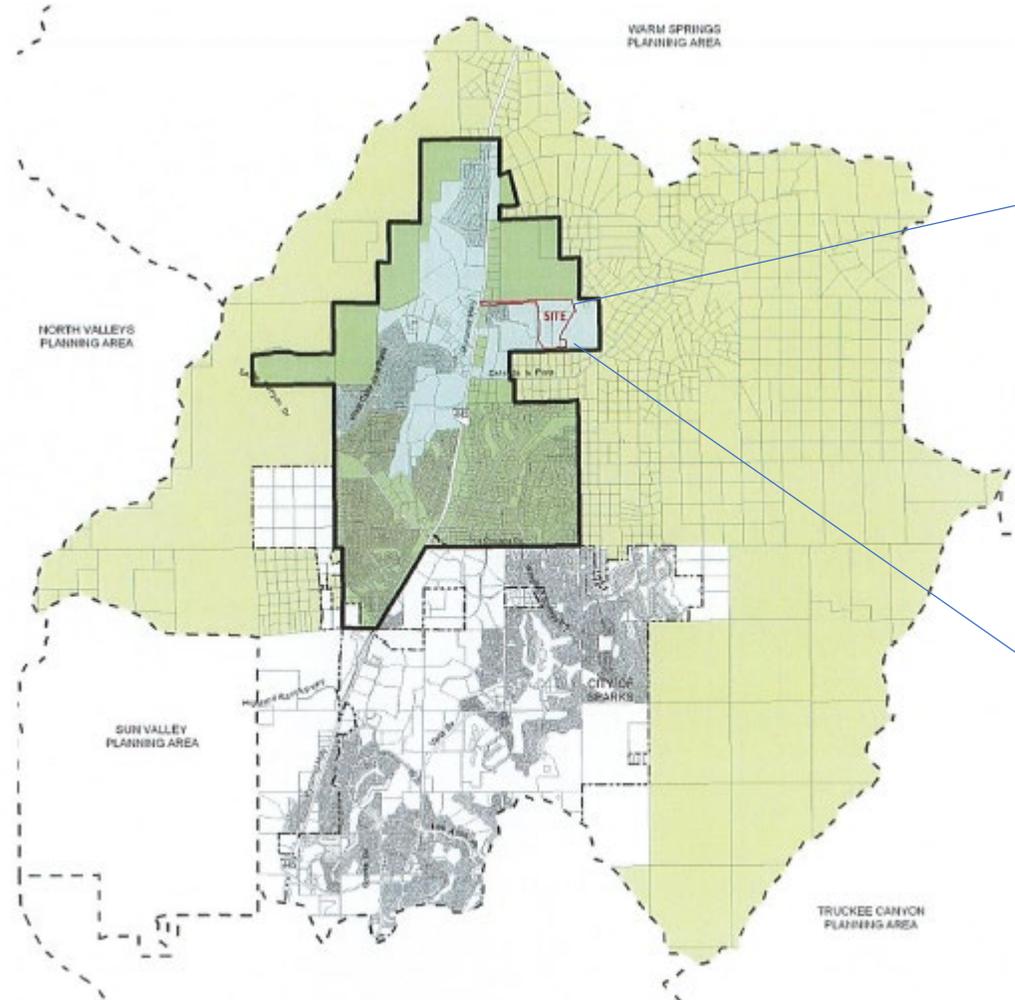
Applicant Request - MPA



Applicant Request - RZA



Spanish Springs Suburban Character Management Area (SCMA)



NOTE: SCMA boundary is outlined in bold.

Neighborhood Meeting



The neighborhood meeting was held virtually via zoom on February 23, 2022 from 6:00pm to 7:00pm. The applicants provided a thorough summary of the meeting, included as Exhibit F to the PC staff report.

Predominant concerns surrounded around:

- ✓ Increased Traffic
- ✓ Concerns with access through Horizon View
- ✓ Lack of disclosure by Ryder Homes regarding possible future access through Horizon View
- ✓ Questions about the design of the future development



Master Plan Amendment Findings

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.

Staff Comment: The staff report provides a discussion on applicable goals and policies of the Spanish Springs Area Plan. The proposed amendment does not conflict with the policies and action programs of the Master Plan as outlined in the Master Plan and Area Plan analysis above.

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.

Staff Comment: As identified on page 9 of this staff report, the proposed amendment will have a high compatibility rating with all surrounding uses. The proposed reconfiguration will provide for land uses compatible with the adjacent existing 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.

Staff Comment: The applicants are seeking to end operation of the Donovan Aggregate facility and wish to restore and mitigate the property by means of a future residential development. The applicants wish to develop the site with a more desirable utilization of the 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.

Staff Comment: All needed services are in close proximity to the project area, including public safety facilities. All impacted agencies received a notice of application for the amendment and no comments in opposition were received.

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.

Staff Comment: The proposed amendment will promote the desired pattern for the orderly physical growth of the County with a better allocation of the land for development vs. undeveloped land that takes into account topography, access, desire for public trails, and sensitivity to traffic issues in the area.

Regulatory Zone Amendment Findings



1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.

Staff Comment: The staff report provides a discussion on applicable goals and policies of the Spanish Springs Area Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.

2. 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.

Staff Comment: As identified on page 9 of this staff report, the proposed amendment will have a high compatibility rating with all surrounding uses. The proposed amendment will increase density, which will provide more housing in the area and conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan as described earlier in this report. The proposed amendment will not conflict with the public's health, safety or welfare.

3. 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.

Staff Comment: The amendment will increase the availability of housing in the area, which is needed and desired by the Spanish Springs Area Plan and the Washoe County Master Plan and will comply with the 2019 Truckee Meadows Regional Plan. Additionally, the applicants are seeking to end operation of the Donovan Aggregate facility and wish to restore and mitigate the property by means of a future residential development. The applicants wish to develop the site with a more desirable utilization of the land.

4. 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.

Staff Comment: All needed facilities are existing or will be provided by the applicant with any future development plans. The amendment was reviewed by various departments and agencies; no recommendations of denial were received for the proposed amendment. A traffic study submitted by the applicant indicates that a Level of Service (LOS) "C" or better currently operates on impacted roadways and recommends a comprehensive traffic analysis prior to submittal of a tentative map application that will provide recommended roadway improvements to support the increased traffic levels.

5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.

Staff Comment: The proposed amendment will not adversely affect the impact of the implementation of the policies and action programs of the Washoe County Master Plan.

6. 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.

Staff Comment: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County by increasing housing units in a manner that is consistent with adjacent residential housing and as detailed in this staff report.

Spanish Springs Area Plan Findings



SS.17.1 In order for the Washoe County Planning Commission to recommend the approval of ANY amendment to the Spanish Springs Area Plan, the following findings must be made:

- a) The amendment will further implement and preserve the Vision and Character Statement.
- b) The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.
- c) The amendment will not conflict with the public's health, safety or welfare.

Staff Comment: Staff reviewed the Vision and Character Statement as well as the goals and policies of the Spanish Springs Area Plan and determined that the proposed request is consistent with the Vision and Character Statement and does not conflict with any of the goals or policies of the Area Plan.

SS.17.2

A. A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resource plans for Spanish Springs by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.

Staff Comment: The applicant provided as part of their application a feasibility analysis that can be found on page 25 of the attached application, which evaluated the potential impacts on municipal water, sewer and stormwater. The study indicates that the Truckee Meadows Water Authority will provide municipal water service. The applicant infers that no additional infrastructure will be required.

B. A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the [unincorporated] Spanish Springs Hydrographic Basin and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.

Staff Comment: The applicant supplied a traffic study indicating that a future development resulting from the proposed amendment would add an estimated 101 AM peak hour and 135 PM peak hour trips at the Horizon View/Ingenuity/Pyramid Way intersection. The traffic study also indicated that there will be a drastic reduction in truck traffic and improve traffic safety along Pyramid Highway at the Horizon View/Pyramid Highway intersection.

C. For residential land use intensifications, the potential increase in residential units will not exceed Washoe County's policy growth level for the Spanish Springs Area Plan, as established in Policy SS.1.2.

Staff Comment: The potential increase in residential units will not exceed Washoe County's policy growth level for the Spanish Springs Area Plan, as established in Policy SS.1.2. Prior to this amendment, there are 1,144 available residential units remaining.

D. If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission and Washoe County) within the Spanish Springs Hydrographic Basin, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, this finding may be waived by the Washoe County Planning Commission upon written request from the Regional Transportation Commission.

Staff Comment: The applicant supplies part of the future tentative map submittal. Ied a study indicating that the overall traffic volumes will increase with the potential for 144 new residential units; however, the associated roadways are currently operating at a level of service C. A more detailed traffic analysis is recommended

E. If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and Regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.

Staff Comment: Roadways are not currently operating below adopted levels of service according to the traffic study from Headway Transportation dated January 3, 2022.

F. Washoe County will work to ensure that the long range plans of facilities providers for transportation, water resources, schools and parks reflect the policy growth level established in Policy SS.1.2.

Staff Comment: The potential increase in residential units will not exceed Washoe County's policy growth level for the Spanish Springs Area Plan, as established in Policy SS.1.2.

G. If the proposed intensification results in existing facilities exceeding design capacity and compromises the Washoe County School District's ability to implement the neighborhood school philosophy for elementary facilities, then there must be a current capital improvement plan or rezoning plan in place that would enable the district to absorb the additional enrollment. This finding may be waived by the Washoe County Planning Commission upon request of the Washoe County Board of Trustees.

Staff Comment: The application was submitted to the Washoe County School District (WCSD); however, to date no comments have been received by the WCSD.

H. Any existing development in the Spanish Springs planning area, the Sun Valley planning area, the Warm Springs planning area, or the City of Sparks, which is subject to the conditions of a special use permit will not experience undue hardship in the ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities.

Staff Comment: There is no known Special Use Permit that will experience undue hardship in the ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities. If the requested changes are approved

Planning Commission Action



1. Commissioner Chesney: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 4, 5, and 6.
2. Commissioner Chvilicek: Voted in favor of denial for MPA; unable to make MPA findings 3, 4, and 5; voted in opposition to motion to deny RZA.
3. Commissioner Donshick: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 3, 4, and 5; unable to make RZA findings 2, 4, 5, and 6.
4. Commissioner Nelson: Voted in opposition to denial for MPA; was able to make MPA findings 1, 2, and 5; voted in opposition to motion to deny RZA.
5. Commissioner Peyton: Absent.
6. Commissioner Phillips: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 2, 3, 4 and 5.

Recommendation

1. Deny the appeal and affirm the Planning Commission's decision to deny Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan); or
2. Grant the appeal and reverse the Planning Commission's decision, and thereby approve Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan) as presented to the Planning Commission.

Possible Motion



Should the Board agree with the action taken by the Planning Commission, a possible motion would be:

“Move to deny the appeal and affirm the Planning Commission’s decision to deny Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan). The affirmance is based upon the inability to make the master plan findings required by WCC Section 110.820.15(d) [specify which findings cannot be made] and/or the required findings in Spanish Springs Area Plan Policies SS.17.1 or SS.17.2 [specify which findings cannot be made] and the regulatory zone findings required by WCC Section 110.821.15(d) [specify which findings cannot be made].” or

Should the Board disagree with the action taken by the Planning Commission, a possible motion would be:

“Move to grant the appeal and reverse the Planning Commission’s decision. I further move to approve Master Plan Amendment Case Number WMPA22-0001 (Donovan) and, subject to a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, adopt Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan). The approval is based on the Board’s ability to make all the findings required by WCC Section 110.820.15(d), the findings required in Spanish Springs Area Plan Policies SS.17.1 and SS.17.2, and the findings required by WCC Section 110.821.15(d). I further authorize the Chair to sign the resolutions to this effect.”

Thank you

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