

Washoe County Board of County Commissioners



Appeal of WSUP22-0006 (Reno Tahoe Gateway Grading)

June 21, 2022

Staff: Courtney Weiche, Senior Planner

Appeal

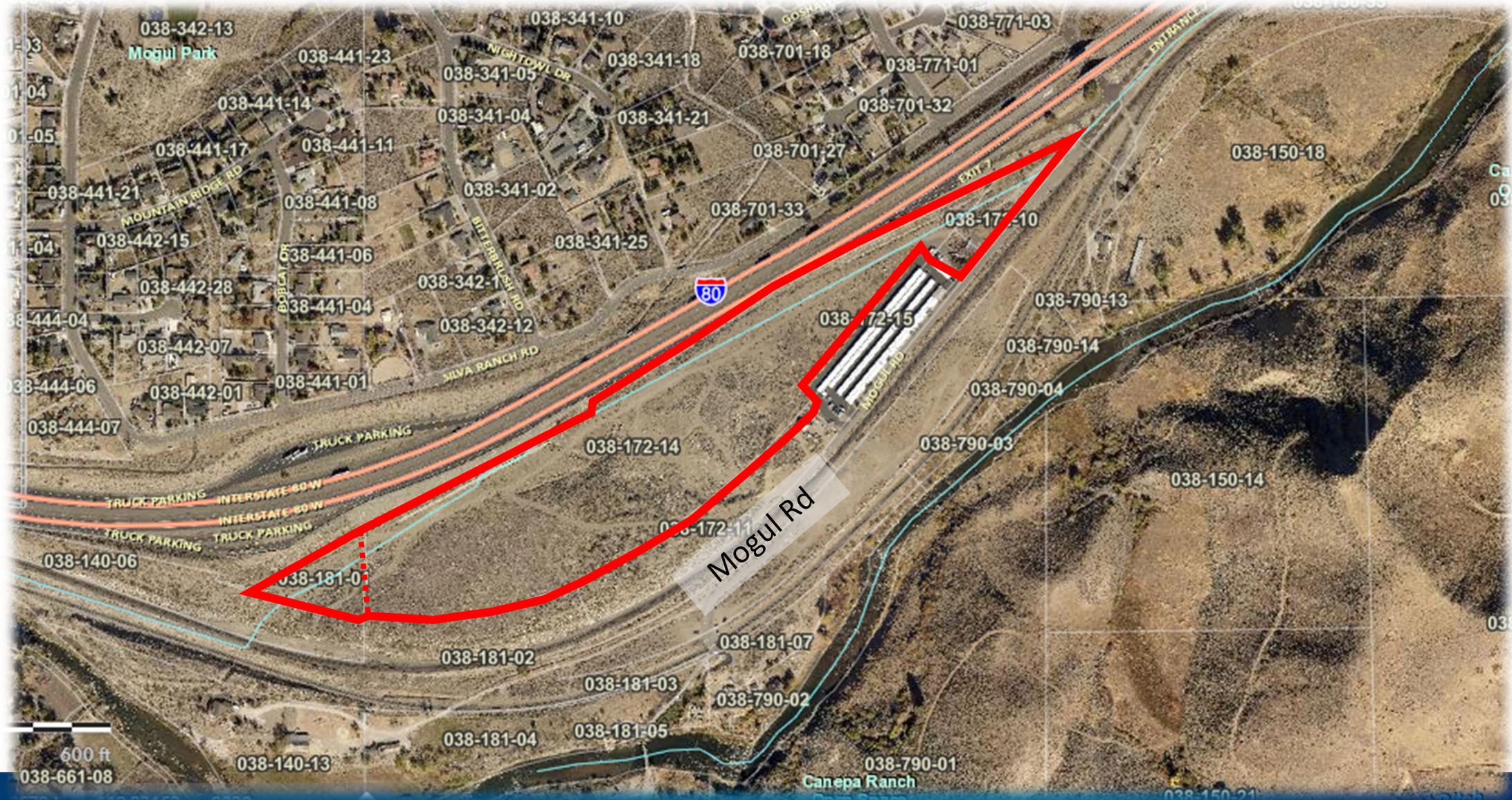


On April 7, 2022, the Washoe County BOA held a public hearing on Special Use Permit Case Number WSUP22-0006. The BOA voted unanimously to deny case number based on the inability to make 3 findings required by Washoe County Code (WCC) Section 110.810.30. The Board specifically cited the inability to make the following three (3) findings:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi Area Plan;
- (b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

There are two appellants in this matter: Appellant 1, project applicant – S3 Development Co. seeks to overturn the Board of Adjustments denial. Appellant 2, Verdi Resident and Co-Chair of Mogul Neighborhood Association, Emanuela Heller-MacNeilage, seeks to affirm the Board of Adjustment denial and to preserve the right to file for Judicial Review per NRS 278.3195 (4).

Project Location



Background



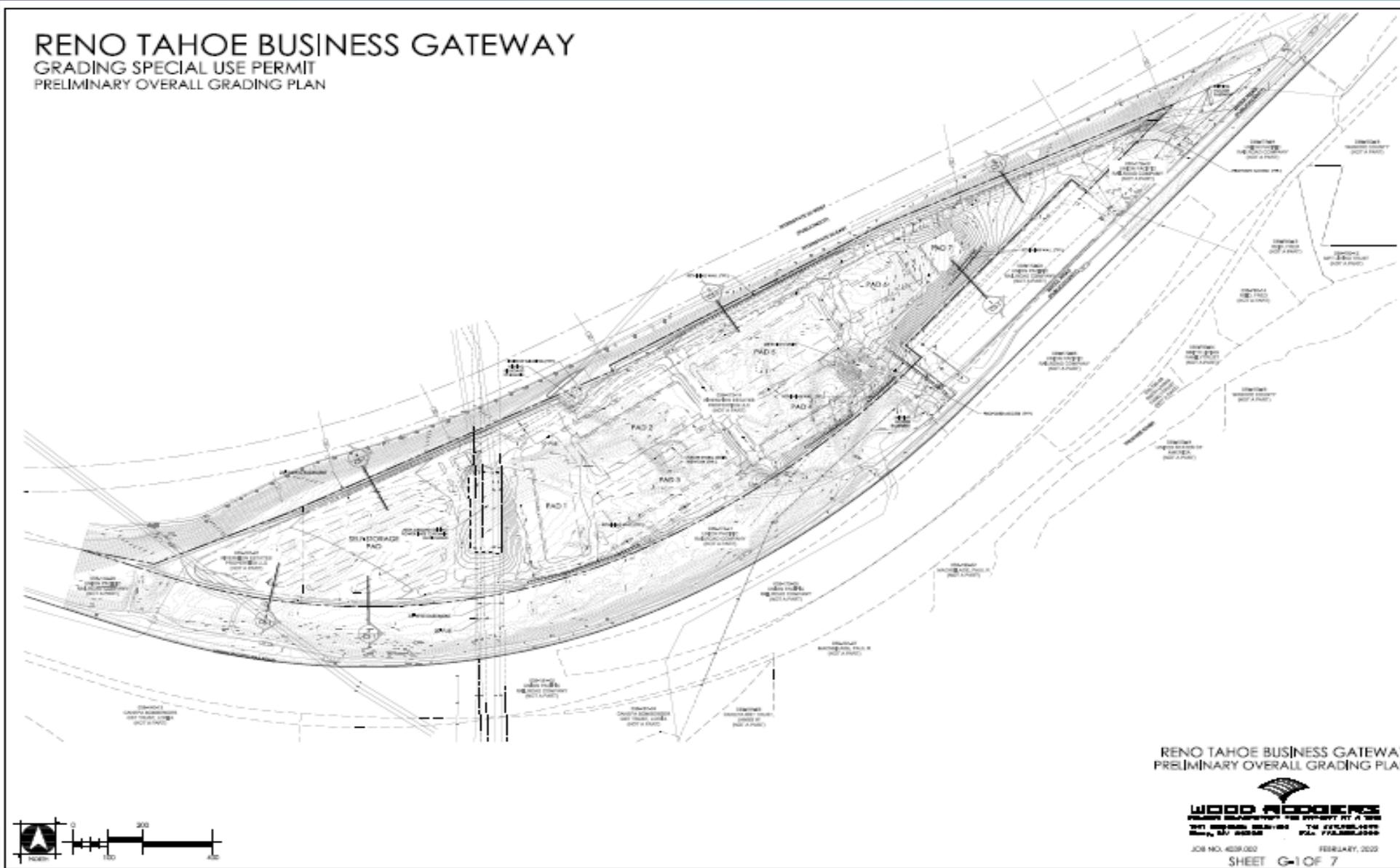
- In 2021, the Reno City Council voted in favor to remove the two subject parcels from the City of Reno Sphere of Influence
- **Truckee Meadows Regional Plan, Table 3.3, Policy RC 2 – Spheres of Influence (SOI)**, provides translatable land uses between each jurisdiction. Although the previous City of Reno master plan designation of mixed employment (ME) has a translation of commercial (C) per Table 3.3, Washoe County is not obligated to adopt a commercial master plan land use.
- Under WCC 110.106.30, the regulatory zoning of the parcels reverts to their previous Washoe County regulatory zone. ME regulatory zone translates to the current Industrial (I) regulatory zone under WCC Table 110.106.30.1.

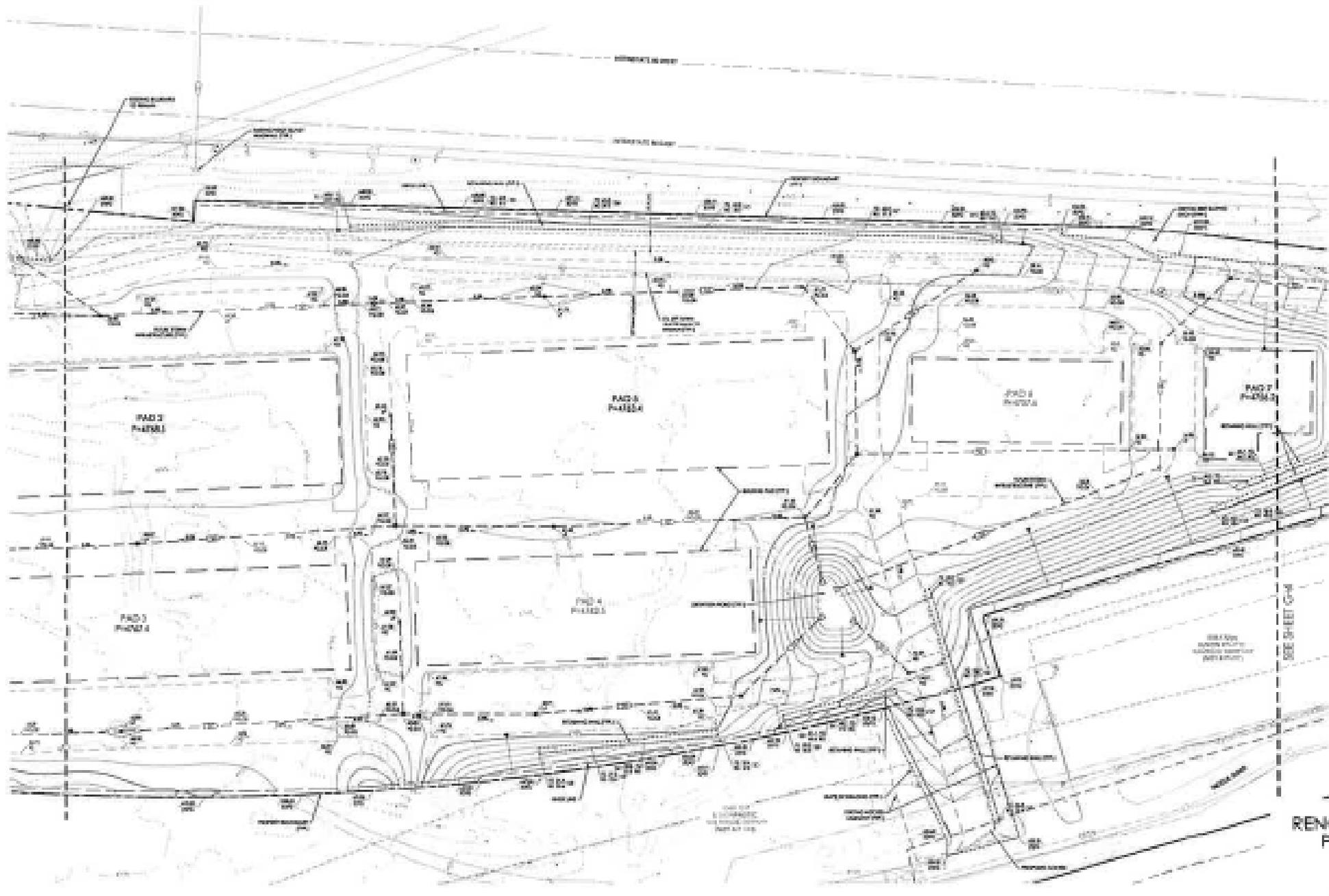


Master Plan Amendment Status

- The property has an existing Washoe County regulatory zone of Industrial (I)
- A master plan amendment is in process to adopt a master plan land use on the property. Staff is recommending a master plan land use category of Industrial (I) consistent with the existing Industrial (I) regulatory zone.
- On May 3, 2022, the Planning Commission held a public hearing and unanimously adopted Resolution Number 22-08, recommending that the Board of County Commissioners adopt master plan amendment WMPA22-0005 which recommends a master plan land use category of Industrial on the subject parcels.
- The MPA is scheduled to be considered by the BCC on July 12, 2022.

Mass Grading Request and Site Plan





Project Analysis



- **Section 110.438.35 (a)(1)** – Grading on slopes less than or flatter than 15%
 - **Area – (i)(C)** – Grading of an area of more than four (4) acres on a parcel of any size.
 - **Volume – (ii)(A)** - Excavation of five thousand (5,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site.
- **Section 110.438.35 (a)(2)** – Grading on slopes of 15% or greater (steeper)
 - **Area – (i)(c)** - Grading of more than two (2) acres on any size parcel.
 - **Volume – (ii)(A)** - Excavation of one thousand (1,000) cubic yards or more whether the material is intended to be permanently located on the project site or temporarily stored on a site for relocation to another, final site.
- **Section 110.438.35 (a)(3)** - Any driveway or road that traverses any slope of thirty (30) percent or greater (steeper).
- **Section 110.438.35 (a)(4)** - Grading to construct a permanent earthen structure greater than four and one-half (4.5) feet in height within the required front yard setback, or greater than six (6) feet in height on the remainder of the property. The height of an earthen structure is measured from existing grade at the time of permit issuance.

Compliant Grading Standards



Type of Regulation	Requirements			
	Front Yard	Side Yard	Rear Yard	Setback Envelope
Slopes	3:1	3:1	3:1	3:1
Retaining Wall Height	4.5ft	6ft Res/8ft non res	6ft Res/8ft non res	10ft
Retaining Wall Terrace Widths	Min. 6ft	Min. 6ft	Min. 6ft	Min. 6ft
Retaining Wall Bench Widths	Min. 4ft	Min. 4ft	Min. 4ft	Min. 4ft
Intersection Angle	45 degrees	45 degrees	45 degrees	45 degrees
Transitions	Contoured	Contoured	Contoured	Contoured

Required Findings, Article 810 Special Use Permits



- a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi Area Plan;
- b) Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- c) Site Suitability. That the site is physically suitable for a mix of industrial type uses, and for the intensity of such a development;
- d) Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation

Recommendation



1. Affirm the decision of the Board of Adjustment and deny Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Gateway); or
2. Reverse the decision of the Board of Adjustment and approve Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Gateway).

Possible Motion



Should the Board agree with the action taken by the Board of Adjustment, a possible motion would be:

“Move to affirm the decision of the Board of Adjustment to deny the Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Gateway). The affirmance is based upon the inability to make the findings required by WCC Sections 110.810.30, Findings.” or;

Should the Board disagree with the Board of Adjustment’s denial of Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Gateway), staff offers the following motion:

“Move to reverse the decision of the Board of Adjustment and approve Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Gateway). The reversal is based on the Board’s ability to make the findings required by WCC Section 110.810.30, Findings.”

Thank you

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