Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)

Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.

☒ Planning Commission	☐ Board of Adjustment
☐ Hearing Examiner	☐ Other Deciding Body (specify) _____

Appeal Date Information

Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.

Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).

Date of this appeal: September 14, 2026

Date of action by County: September 1, 2026

Date Decision filed with Secretary: September 4, 2026

Appellant Information

Name: Mezger Trust	
Address: c/o Holland & Hart	Fax:
	Email:
City: State: Zip:	Cell:

Describe your basis as a person aggrieved by the decision:

Property owner and applicant.

Appealed Decision Information

Application Number: WMPA26-0002/WRZA26-0003

Project Name: Fawn Lane

State the specific action(s) and related finding(s) you are appealing:

See attached.

Appealed Decision Information (continued)	
Describe why the decision should or should not have been made: See attached.	
Cite the specific outcome you are requesting with this appeal: See attached.	
Did you speak at the public hearing when this item was considered?	☒ Yes ☐ No
Did you submit written comments prior to the action on the item being appealed?	☒ Yes ☐ No
Appellant Signature	
Printed Name: Doug Thornley for Chad Martinson (Trustee)	
Signature:	
Date: September 14, 2026	

Holland & Hart

Douglas R. Thornley
Of Counsel
Phone
ClientNumber.MatterNumber

September 14, 2026

Trevor Lloyd, Planning Manager
Washoe County Community Services
1001 East Ninth Street
Reno, NV 89512

Re: WMPA26-0002/WRZA26-0003 Notice of Appeal to Board of County Commissioners

Dear Mr. Lloyd:

Mezger Trust hereby appeals the Planning Commission's September 1, 2026 denial of WMPA26-0002 and WRZA26-0003 in its entirety, including:

- The Commission's failure to adopt the Master Plan amendment (Forest Master Plan Land Use Map) changing APN 150-080-08 from ±36.8 acres Rural Residential (RR) and ±3.2 acres Open Space (OS) to ±29.6 acres Suburban Residential (SR) and ±10.4 acres Open Space (OS);
- The Commission's failure to recommend adoption of the companion Regulatory Zone amendment changing the same parcel from ±36.8 acres Medium Density Rural (MDR, 1 dwelling unit per 5 acres) and ±3.2 acres OS to ±29.6 acres Low Density Suburban (LDS, 1 dwelling unit per acre) and ±10.4 acres OS; and
- The Commission's rejection of both applications on Finding 4 alone (availability of freshwater service at the increased Suburban Residential / LDS density) despite contrary evidence in the staff report, including TMWA Discovery WO# 25-0449.

I. Project and Hearing Record

The subject parcel is a single ±40-acre tract at the Mount Rose / Galena Forest edge of the Forest Planning Area. Existing master plan and zoning allow rural residential intensity on most of the site (MDR at one unit per five acres), plus a small open-space remainder, on the order of seven dwelling units. The amendment would reclassify the developable portion to Suburban Residential / LDS (one unit per acre) while increasing mapped Open Space from ±3.2 acres to ±10.4 acres, for a theoretical maximum of approximately 29 units on the LDS acreage. No tentative map, grading permit, or building permit was before the Commission.

The Planning Commission staff report recommended approval. Staff provided draft motions making all five Master Plan findings in § 110.820.15(d) and all Regulatory Zone findings in § 110.821.15. Staff's written comment on Finding 4 was that transportation, utility, recreation, and other necessary public facilities "are available or located near the project area and are anticipated to be adequate to serve the uses and densities permitted by the proposed amendment," that extension "will require extensive investment from the developer for both water and sewer," and that "no comments were received identifying inadequate facilities, service limitations, or opposition to the amendment." Staff Report at 9, 15, 17–19.

Regarding water, the staff report is explicit: the site is in the Truckee Meadows Hydrographic Basin. Mezger Trust must construct a water main on Fawn Lane, comply with TMWA standards, and dedicate water rights to TMWA. Thereafter, the property "would be annexed into TMWA's service area and TMWA will serve the development." Washoe County Engineering confirmed sewer capacity in the existing 8-inch main at the north end of Fawn Lane, subject to private easements. NDOT and County Engineering raised no traffic concerns. Police raised no concerns. Truckee Meadows Fire Station 36 serves the site. Staff Report at 9. Independently of these amendments, a pedestrian and equestrian path along Fawn Lane, together with traffic-calming elements, is already a condition of the Ascente Subdivision approved by the Board on June 6, 2017. Toll North Reno, LLC, the current Ascente developer, has designed that path within the County right-of-way and is working with the County to satisfy the condition. Fawn Lane owners have been notified in a variety of ways, including neighborhood meetings led by Duane and Mike C. and, most recently, certified letters from Toll Brothers concerning right-of-way encroachments that must be cleared to construct the path. See Washoe County, Fawn Lane Tentative Subdivision Map Update, https://washoelife.washoecounty.gov/washoe-county/fawn-lane-tentative-subdivision-map-update/.

The staff report includes TMWA Discovery WO# 25-0449. TMWA concluded the project can be served from the Wildwood 1 regulated zone. TMWA's system has sufficient storage capacity, an assumed 1,500 gpm fire-flow simulation meets residual-pressure criteria, and annexation is required. The required facilities would be developer-designed, built, and dedicated. Staff Report at 116–120. Staff recommended approval of these amendments with a single condition: submit a full TMWA discovery before any subdivision map. Staff Report at 78. That requirement satisfies the Code's "are or are planned to be" standard.

Public comment focused on private-access litigation and easement disputes along Fawn Lane, wildfire evacuation on a constrained road, traffic, wildlife, and water. Several of those comments treated Fawn Lane as if no pedestrian improvement or traffic-calming were planned, notwithstanding the existing Ascente condition, the work already underway by Toll Brothers, and the notices already given to the neighborhood by certified mail and at meetings led by Duane and

Mike C. Several speakers treated the item as if it were a subdivision map authorizing wells and septic systems. Chair Lazzareschi then moved to deny. The motion, in substance, was:

I'm struggling with this because the availability of facilities is potentially there. But it's not clear to me that it is there specifically in terms of water. The sewer access would be existing health code enforcement if there's not a 5-acre minimum if there's not a sewer main to serve it. But we don't have that same guarantee on domestic water service. And with that in mind I don't think that I can make Finding Four right now. I guess I will go ahead and make a motion if no one else wants to.

The motion was seconded and carried. On that single stated basis (that Finding 4 could not be made because freshwater service at the increased density was not "guaranteed") the Commission rejected both WMPA26-0002 and WRZA26-0003. It named no other finding. It did not address the TMWA discovery in the staff report, which is contrary evidence that community water can serve the proposed density from the Wildwood 1 zone. It also did not apply the County's own Suburban service standards or the Health District well and septic rules, under which that density cannot be served by domestic wells (citing the possibility of the Rapture Chair Lazzareschi surmised that those standards could change in the future and were therefore unreliable). The written Action Order, mailed September 4, 2026, recites an inability to make the findings in §§ 110.820.15(d) and 110.821.15(d) but identifies no specific rationale.

II. Legal Standard

Master Plan Amendment

WCC § 110.820.15(d) requires that adoption of a master-plan amendment be by resolution carried by the affirmative votes of not less than two-thirds of the Commission's total membership, and that the Commission make at least three of the five listed findings:

1. Consistency with the Master Plan;
2. Compatible Land Uses;
3. Response to Changed Conditions;
4. Availability of Facilities; and
5. Desired Pattern of Growth.

The same section requires the Commission, on denial, to state the reason for denial and which findings cannot be made. The denial notice must carry that identification so that the Board, on appeal, has a reviewable record.

Regulatory Zone Amendment

WCC § 110.821.15(d) requires a majority of members present to make all of the listed findings before recommending adoption. Denial likewise requires a statement of which findings cannot be made, in the motion or by individual comments on the record.

Water Service for Suburban Densities

Washoe County Master Plan, Public Services and Facilities Element, Policy PSF.1.13.4 provides that areas planned for urban or suburban development ("residential densities of one or more units per acre or comparable non-residential development") "will be served by a community water supply system consistent with adopted regional policies and the Planning Area Minimum Service Standards." LDS is one dwelling unit per acre. Article 422 of the Development Code requires dedication of water rights and construction of delivery facilities for development served by TMWA, meaning TMWA, not individual domestic wells, is the planned municipal purveyor in this portion of the Truckee Meadows. A TMWA discovery is the standard first-step demonstration that community water service is planned and feasible and is included with the application. Individual domestic wells are the water source associated with rural designations (MDR at one unit per five acres), not with the suburban designation the applicant requested.

III. Grounds for Appeal

The Commission failed to make the required record of denial.

Section 110.820.15 requires the Commission, when it denies a master-plan amendment, to state which of the five findings cannot be made. Section 110.821.15 imposes the same duty for a regulatory-zone denial. The Action Order recites a generic "inability to make findings" and then reprints the entire statutory list. It does not identify the findings that failed. The only finding named on the record was Finding 4. Chair Lazzareschi's denial motion recited only Availability of Facilities as the basis, and even that analysis was framed around the erroneous application of domestic wells rather than community water service.

That omission is not a clerical nicety. The master-plan test is disjunctive: the applicant needs any three of five findings, plus a two-thirds vote. If the Commission could not make only Finding 4, four findings remain. Four is more than three. A denial that specifies a single unmade finding, without addressing the other four, does not explain why the amendment failed the three-of-five test.

Both applications were rejected on Finding 4 alone (freshwater service at the increased density), contrary to the TMWA discovery and the rest of the staff report.

Finding 4 asks whether "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." The Chair's own words track that standard more closely than the vote that followed.

He said the availability of facilities "is potentially there." "Planned to be" is the Code's phrase for exactly that: facilities that can be extended, not facilities already in the ground with a will-serve in hand.

What the Chair then demanded was a different test: a present "guarantee on domestic water service" at the increased density. That test answers the wrong question. The increased density this amendment would permit is not, and cannot be, a well field.

Washoe County's Planning Area Minimum Service Standards for the Suburban Residential category (the category that contains LDS) require connection to a community water system. Individual wells are listed only for High Density Rural. For all other Suburban designations the standard is 1.12 acre-feet per dwelling unit with community-water connection. The same standards require community sewer at densities of 1.0 dwelling unit per acre or greater, and provide that new development on lots of one acre or smaller shall not be approved on on-site sewage disposal except under narrow exemptions. LDS is 1.0 dwelling unit per acre. Policy PSF.1.13.4 is to the same effect: areas planned for suburban development at one or more units per acre "will be served by a community water supply system." Article 406's LDS lot table does not itself contain the words "no wells." The service standards, the Health District regulations, and staff's own application of them at this hearing impose that requirement.

District Board of Health well-construction regulations close any remaining gap. A domestic well cannot be drilled, deepened, reconditioned, or replaced if water service is available from a public utility, water district, or municipality furnishing water to the inhabitants of the area. A well-construction permit is denied if the site is within the service territory of an available public water system. Northern Nevada Public Health's well-permit checklist requires a State waiver if community water is within one mile of the parcel. The Nevada Division of Water Resources states the same rule: a domestic well generally cannot be drilled if the parcel can be physically and legally supplied from a public water supply. Once this site is annexed to TMWA, new domestic wells are not available. A 29-lot LDS map on domestic wells is not a lawful outcome of this amendment.

Staff put that path in the record. The developer must build a Fawn Lane main to TMWA standards, dedicate rights, annex, and "TMWA will serve the development." Staff Report at 9. The TMWA discovery in the same report states the project can be served from Wildwood 1, with sufficient storage and acceptable fire-flow residuals. Staff Report at 116–120. Staff recommended approval of these map amendments, conditioned only on a discovery before any subdivision map. Staff Report at 78. Staff's Finding 4 comment was that facilities "are available or located near the project area and are anticipated to be adequate," subject to developer investment, and that no agency identified inadequate facilities. Staff Report at 15, 17. A present "guarantee" of domestic water is not the finding. Planned community service is.

Neighbor comments that TMWA has no current plan to install a County-funded main on Fawn Lane do not defeat Finding 4. They describe the County's growth-pays-for-growth rule: the developer builds the main and dedicates it. Staff said the same thing. Comments concerning traffic, evacuation, and the lack of a sidewalk along Fawn Lane likewise do not defeat Finding 4. Those transportation improvements are already planned. The Ascente tentative map, approved June 6, 2017, requires a natural-surface pedestrian and equestrian path along Fawn Lane within County right-of-way or an approved easement, from the project north to Mount Rose Highway, together with traffic-calming elements. The neighborhood has been notified of that construction in multiple ways, including meetings led by county staff and certified letters from Toll Brothers to Fawn Lane owners. Finding 4 asks whether transportation and other facilities are or are planned to be adequate. A conditioned, noticed, and actively designed path and traffic-calming program on Fawn Lane is a planned facility. The motion therefore applied the wrong test to the only finding it named, and it named no other finding. Finding 4 is satisfied on this record. The Chair's recitation of Finding 4 as the denial basis is contrary to the staff report, contrary to the TMWA discovery in that report, contrary to the Suburban service standards, and contrary to the Health District rules that prohibit the well-and-septic scenario the motion assumed.

The remaining findings were not rejected and are supported by the staff analysis and surrounding land-use pattern.

Consistency with the Master Plan. The Forest Area Plan already maps substantial SR / LDS fabric along Fawn Lane and the Mount Rose Highway corridor. Reclassifying this inholding, while enlarging the OS component, implements rather than contradicts the adopted land-use diagram and the County's housing and efficient-services policies.

Compatible Land Uses. Adjacent and nearby parcels on Fawn Lane are predominantly Suburban Residential / LDS single-family lots in the one-acre range. The proposal matches that pattern and adds a larger open-space buffer than exists today. Compatibility is measured against existing or planned adjacent uses, not against a preference that this particular parcel remain rural while its neighbors are suburban.

Response to Changed Conditions. Since the current RR / MDR designations were applied, the Fawn Lane corridor has suburbanized (Ascente and multiple LDS parcel maps and abandonments), TMWA has expanded as the regional purveyor after consolidation of former County water systems, and regional housing demand has intensified. The amendment is a map correction to changed conditions, not a speculative upzone in open range.

Desired Pattern of Growth. Directing modest suburban intensity to a parcel already surrounded by LDS, on an existing road that is already conditioned for a pedestrian and equestrian path and traffic-calming as part of the Ascente / Toll Brothers development, with planned community utilities and a larger OS set-aside, is the Master Plan's definition of orderly growth with least

resource impairment and efficient public-service expenditure. Spreading the same housing demand farther into well-dependent rural land would be the less efficient alternative.

Because the Commission never determined that these findings could not be made, and because the record supports them, the three-of-five master-plan threshold is met. The RZA findings largely duplicate the same analysis and are likewise supportable, subject to the MPA.

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The Planning Commission was required to apply the adopted findings to the proposed designations, on the evidence in the staff report, including TMWA service from Wildwood 1 and the surrounding SR / LDS pattern, not to require a present "guarantee" of domestic water as a condition of a map amendment. It was required to name every finding it could not make. It did neither. The resulting Action Order leaves a reviewing body unable to tell whether the Commission concluded that only Finding 4 failed (in which case the MPA should have been adopted, because three findings suffice) or that additional unspecified findings also failed (in which case those findings were never tested against the record). Either reading requires the Board to take the matter up and decide it correctly.

IV. Relief Requested

Mezger Trust respectfully requests that the Board of County Commissioners:

1. Accept this appeal as timely and complete;
2. Reverse the Planning Commission's September 1, 2026 denial of WMPA26-0002;
3. Adopt the Master Plan amendment described in the September 1, 2026 staff report and agenda, having made at least three of the five findings in WCC § 110.820.15(d), and authorize the Chair to sign the corresponding resolution, subject to a finding of conformance with the Truckee Meadows Regional Plan; and
4. Reverse the Planning Commission's denial of WRZA26-0003 and adopt the Regulatory Zone amendment described in the staff report, having made the findings in WCC § 110.821.15(d), subject to final approval of the companion Master Plan amendment and regional conformance.

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Mezger Trust reserves the right to supplement this Notice with the official September 1, 2026 video, adopted minutes, staff report, TMWA discovery, the Toll Brothers certified notices and Fawn Lane path materials, and any other portion of the administrative record once those materials are produced, and to raise additional legal grounds that become apparent from that record. Nothing

in this Notice of Appeal waives any claim that the Action Order is insufficient as a statement of denial.

Very truly yours,

Douglas R. Thornley
Of Counsel
for Holland & Hart LLP

DRT:
None
cc: {name}|\n