

From: [Lloyd, Trevor](#)
To: [Oakley, Katherine](#); [Bronczyk, Christopher](#)
Cc: [Roman, Brandon](#)
Subject: FW: Feb. 4 Agenda Item 8(D) - Housing Affordability Package 2.5a
Date: Monday, February 3, 2025 10:41:14 AM
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From: Mark Wray <mwray@markwraylaw.com>
Sent: Monday, February 3, 2025 10:27 AM
To: Planning Counter <Planning@washoecounty.gov>
Cc: dlazzareschi@gmail.com; katenelsonpe@gmail.com; Flick, Michael <RMFlick@washoecounty.gov>; Kennedy, Linda K. <LKennedy@washoecounty.gov>; Pierce, Rob <RPierce@washoecounty.gov>; jib2424@sbcglobal.net; Gustafson, Jennifer <jgustafson@da.washoecounty.gov>; Lloyd, Trevor <TLloyd@washoecounty.gov>
Subject: Feb. 4 Agenda Item 8(D) - Housing Affordability Package 2.5a

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Dear Planning:

Kindly make the attached letter part of the record for the public hearing on Housing Affordability Package 2.5a (WDCA25-0001) which is Item 8(D) on tomorrow's Planning Commission agenda. I appreciate your assistance. Please call or email me with any questions.

Thanks,

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February 3, 2025

VIA EMAIL planning@washoecounty.gov

Washoe County Planning Commission
1001 E. Ninth Street, Building A, Second Floor
Reno, Nevada 89502

RE: Agenda Item 8(D) Feb. 4, 2025 Planning Commission Meeting
Development Code Amendment Case No. WDCA 25-0001

Dear Planning Commissioners:

My client Citizens for Spanish Springs ("CITIZENS") remains opposed to the Housing Package 2.5 "Development Code Amendment Case Number WDCA24-0004 (Housing Affordability Package 2.5a)" which was withdrawn and replaced with WDCA 25-0001 ("Housing Affordability Package 2.5a")("Zoning Amendments").

CITIZENS has 96 members. A list of members, sign-sheets and petitions with member signatures and residence addresses was submitted into evidence as part of CITIZENS' appeal of WDCA24-0004 to the Board of County Commissioners last November. CITIZENS was formed in 2024 by Spanish Springs homeowners who joined together to hire legal counsel to oppose the Zoning Amendments as a threat to their personal and property rights. Members of CITIZENS live in, or in close proximity to, regulatory zones where the Zoning Amendments would apply.

Members of CITIZENS and their counsel appeared and testified at the public hearing on the Zoning Amendments on September 3, 2024 before the Planning Commission. On November 19, 2024 members of CITIZENS, their counsel and other Washoe County residents appeared and testified at the public hearing in support of the appeal to the Board of County Commissioners on the Zoning Amendments.

CITIZENS has representational standing as an aggrieved person under NRS 278.3195(4), Washoe County Code 110.910.02, Nat'l Ass'n of Mut. Ins. Cos. v. State Dep't of Bus. & Indus., 524 P.3d 470, 478 (Nev. 2023) and Citizens for Cold Springs v. City of Reno, 125 Nev. 625, 218 P.3d 847 (2009).

CITIZENS respectfully opposes the proposed Zoning Amendments to regulatory zones in Spanish Springs regarding “middle housing”, also referred to by the County as the “missing middle”. “Middle housing” is a term used by members of the County planning staff to describe multi-plex housing; e.g., duplex, triplex, fourplex, “cottage courts” and bunk houses. The County claims that “middle housing” is “missing” from the housing supply in Washoe County, thus leading to the County’s use of the term “missing middle.”

There is no “missing middle.” The housing supply in Spanish Springs reflects the market demand for single family residences in a rural and semi-rural setting. Apartments are not missing; they were simply not desired by those who chose to live in Spanish Springs.]

The Zoning Amendments propose to remove “regulatory barriers” so as to “streamline” construction of multiplex housing. The “regulatory barriers” are not barriers; they are laws that protect existing property owners in Spanish Springs who invested in their properties in reliance on the principle that the same laws that applies to them would apply to all other development in their regulatory zones. Existing laws that the County adopted – now called “regulatory barriers” – protect homeowners from having multiplex housing built in, or in close proximity to, single family homes where multiplex housing either (1) previously was not allowed at all, or (2) was allowed only through a permitting process. “Streamlining” means building multi-plex housing in or adjacent to single-family home neighborhoods by minimizing or eliminating notice to existing homeowners, including members of CITIZENS.

The County gave the proposed Zoning Amendments the name “Housing Affordability Package 2.5a” to imply that the amendments would create “affordable housing”, which the County also labels as “attainable housing”. There is no evidence that the Zoning Amendments would lead to either “affordable” or “attainable” housing in Washoe County.

None of the four possible findings necessary to recommend these proposed Zoning Amendments properly can be made by the Planning Commission.

The Spanish Springs valley does not have existing infrastructure to support the Zoning Amendments as required by the master plan.

The Zoning Amendments would allow accelerated urbanization of the valley and overtaking of the valley’s available water, sewer, streets and roads.

Members of CITIZENS' own single-family homes either in, or in close proximity to, regulatory zones that the County is attempting to transform into multi-plex properties, which adversely affects the value, use and enjoyment of the members' properties.

Members built or purchased their homes in reliance upon, and as protected by, existing regulatory zones, and there is no substantial or material change in circumstances to justify the Zoning Amendments.

The evidence shows that the Zoning Amendments are inconsistent with the master plan, which states, in pertinent part:

The intent of the Suburban Residential designation is to provide for a predominantly residential lifestyle with supporting mixed use nonresidential and residential uses, including commercial, public and semi-public facilities; and parks and open space. A further goal of this group is to protect the stability of existing unincorporated neighborhoods and to encourage compatible smart growth development, while allowing diversity in lifestyle that is manifested in a variety of lot sizes, density, levels of mixed-use and land use patterns. Developments proposed within the Suburban Residential designation should promote the development of walkable, mixed-use communities that meet the daily needs of residents, balance jobs and housing, offer a high quality of life, reduce the need for automobile trips, encourage the utilization of public transit and result in the creation of distinctive and attractive communities that create a strong sense of place.

Significant areas of Spanish Spring where members of CITIZENS live are designated by the Master Plan as rural. The policy of the Master Plan is to "maintain the rural character of communities in the Rural Area." See Master Plan, p. 61. The Zoning Amendments are inconsistent with the Master Plan because they destroy rural character.

It is inconsistent with the master plan to propose Zoning Amendments requiring existing residents to sacrifice their personal and property rights. The Zoning Amendments do not promote public health, safety, welfare and the purpose of the Development Code, which is to provide a "system for ensuring that growth occurs in a responsible manner in order to protect the health, safety, and welfare of the County and its residents." To be responsible growth, a regulatory zone change must take into account the effect on quality of life and the personal and property rights of existing residents, not merely the alleged interests future potential residents who the County claims must be afforded apartments in single-family neighborhoods.

Washoe County Planning Commission
February 3, 2025
Page Four

The Zoning Amendments are not justifiable as a “response to changed conditions”. The “changed conditions” are the effects of rapid growth in the Spanish Springs valley. Responding to the adverse effects of rapid growth by “streamlining” the building of apartments in single-family residential neighborhoods exacerbates the adverse effects of the changed conditions in Spanish Springs, rather than ameliorating those effects.

The County staff has asserted that the goal of the Zoning Amendments is “a more desirable utilization of land within the regulatory zones.” The infusion of apartments to single-family home neighborhoods is not a more desirable utilization of land to those who already live there.

On behalf of Citizens, it is respectfully requested that each of the Planning Commissioners find that none of the required findings can be made and that the Commission adopt a recommendation denying approval of Housing Affordability Packet 2.5a.

Sincerely,

/s/ Mark Wray

MARK WRAY

cc:

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February 4, 2025

RE: WDCA25-0001 (Housing Package 2.5a)

Chair Pierce and Commissioners:

Thank you for this opportunity to offer some thoughts on the updated Housing Package 2.5a focused on filling the “missing middle” gap with a variety of housing types that conform to existing density.

It was a smart move to explain the confusion regarding CAB noticing and why that was not done in 2024. However, I do think it is also a smart move to notice the CABs every time there are Development Code changes. Even better, make the rounds of the CABs to explain in person. I say that because the County admin staff attending the CAB meetings usually are not aware of the changes when asked. Simply put, the reach of the CABs is another way to inform residents. My goal is always one of “no surprises.” If there is a misunderstanding or opposition, get it out on the table at an early stage to determine how to best address it where possible.

Overall I like the cleanup changes. I agree that staff has made the definitions and clarifications more “clear and focused, while regulatory details are organized and accessible” (Staff Report page 11). The changes take the generic and make them explicit – a beneficial change for the public and probably for you as decision makers too! My favorite part of the revised package is the Master Table 110.406.05.1. That is a thing of beauty – well done!

A note about the names we are introducing into the County’s vocabulary. Guest quarters (like an attached or detached ADU without a kitchen) came about from public comment received during Housing Package 1 last year. And triplex and quadplex were previously allowed where the acreage and zoning for attached units permitted them. Now we are giving those attached units a more precise name even though they were allowed before. And it is reassuring to me that we are not talking about downzoning (reducing the current density) those parcels which allow 3 or more units per acre like triplexes and quadplexes.

As best as I can tell, annual housing growth is slower than population growth. We have been playing catchup and likely will for years to come. Even with these changes, we will be waiting for developers and owners who want to build these smaller, more economically attainable units to come forward. Remember, this package of changes is for housing that will be found on the “market rate” side of the spectrum, not for deed restricted or federally funded subsidized housing. The goal is to generate additional housing that looks different than detached larger single-family homes with high price tags.

The staff report explains how the four findings of fact comply with the legal and policy framework found in County Code for the proposed Development Code amendment. Staff recommends you make all four findings, as do I. Added to that there is plenty of anecdotal evidence lending credibility to one of the findings – Response to Changed Conditions. You don’t have to look far for that.

In closing, I respectfully request that you support this needed effort to diversify our housing stock to meet the demand for more attainable housing in our market rate environment. Thanks for listening.



Pat Davison