



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: June 23, 2015

**DATE:** May 20, 2015  
**TO:** Board of County Commissioners  
**FROM:** Eric Young, Planner, Planning and Development  
Community Services Department, 328-3613, [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us),  
**THROUGH:** William H. Whitney, Division Director, Planning and Development  
Community Services Department, 328-3617, [bwhitney@washoecounty.us](mailto:bwhitney@washoecounty.us)  
**SUBJECT:** Discussion and possible action to either: (1) Affirm the Board's prior decision of June 14, 2011, that approved Master Plan Amendment (MPA) 10-002 to remove the commercial cap in the Spanish Springs Area Plan, and direct staff to send the amendment to the Truckee Meadows Regional Planning Commission for the required conformance review; or (2) Direct staff to start over and initiate a new amendment to the Washoe County Master Plan to remove the commercial cap in the Spanish Springs Area Plan. (All Commission Districts.)

### SUMMARY

In 2011, the Board of County Commissioners (Board) approved an amendment to the Washoe County Master Plan (MPA10-002) that would remove the commercial cap in the Spanish Springs Area Plan. For a variety of procedural reasons (discussed below) revolving around changes in the interim to the Truckee Meadows Regional Plan, MPA10-002 was not submitted to Truckee Meadows Regional Planning for conformance review. However, now that the changes to the regional plan necessary to support MPA10-002 have actually been made, staff is seeking direction from the Board on whether to go ahead and submit MPA10-002 to the regional planning authorities for conformance review, or whether due to the lapse of time the Board would rather direct staff to start over with the initiation of a new county master plan amendment to remove the Spanish Springs Area Plan commercial cap.

Washoe County Strategic Objective supported by this item: Economic development and diversification.

### PREVIOUS ACTION

April 2009 The Washoe County Planning Commission (PC) directed staff to consider the implications of deleting Policy SS.17.2.c, otherwise known as the "Commercial Cap," which limited industrial and commercial land uses within the Suburban Character Management Area of the Spanish Springs Area Plan.

AGENDA ITEM # 7

- April 2011 The PC conducted a public hearing on the proposed amendment to the Spanish Springs Area Plan and voted unanimously to adopt the amendment.
- June 2011 The Board approved the amendment to the Spanish Springs Area Plan to delete Policy SS.17.2.c, (Commercial Cap), following a determination of conformance with the Regional Plan.
- 2011 Truckee Meadows Regional Planning Agency (TMRPA) staff informed Washoe County staff that the Master Plan amendment to the Spanish Springs Area Plan could not be found in conformance with the Regional Plan until Regional Plan Policy 1.3.3 is clarified and successfully amended.
- April 2012 The PC held a discussion on Regional Plan issues that they felt were in need of addressing in the 2012 update to the Regional Plan and forwarded their recommendations to the Board. One of the staff's recommendations was to amend Policy 1.3.3, instead the Planning Commission voted to remove the policy from the Regional Plan.
- April 2012 The Board held a discussion on Regional Plan issues that they felt were in need of addressing in the 2012 update to the Regional Plan and gave direction to staff to remove Policy 1.3.3 from the Regional Plan.
- 2013 TMRPA, in conjunction with local governments and a multitude of regional and state agencies, contracted with a private planning firm to develop the "Truckee Meadows Regional Industrial Lands Analysis." One of the stated recommendations was to amend Policy 1.3.3 to "both clarify the intention of and the standards for implementing the policy."
- 2013/2014 Planning Directors from Reno, Sparks, Washoe County and Regional Planning met regularly and held on-going discussions around the future of Policy 1.3.3. Sparks and Reno were not able to come to a consensus with the County concerning how best to deal with policy 1.3.3.
- June 24, 2014 The Board approved a Resolution sponsoring an amendment to the Truckee Meadows Regional Plan for the purpose of clarifying Regional Plan Policy 1.3.3, relating to the establishment of non-residential uses in the unincorporated County.
- April 9, 2015 The Regional Planning Governing Board approved amendments to Regional Plan Policy 1.3.3, clearing the way for a regional plan conformance review of MPA10-002.

### **BACKGROUND**

On June 14, 2011, the Board acted to accept the PC's recommendation and approved MPA10-002, the removal of the commercial cap which limited industrial and commercial

land uses within the Suburban Character Management Area of the Spanish Springs Area Plan. It was understood at that time that the content of the amendment may be regarded as not consistent with the goals and policies of the Truckee Meadows Regional Plan, particularly Regional Plan Policy 1.3.3 regarding nonresidential uses in the unincorporated County. Therefore, staff began discussions with its regional planning partners, including the cities of Reno and Sparks and TMRPA, to develop a solution to this issue. These discussions and the amendment process that ensued proved to be more comprehensive and time consuming than staff originally projected.

The single primary reason for the longer than expected timeline was the decision by the group to undertake a regional industrial land use study. The results of this study were used to develop new policies in the Regional Plan. In April of this year, the process was finally concluded when the Truckee Meadows Regional Governing Board approved amendments to Regional Plan Policy 1.3.3 regarding how nonresidential uses in the County should be considered.

Because the time since the Board's original approval of MPA10-002 has stretched to nearly four years and most County Commissioners (with the exception of Commissioner Jung) sitting on the current Board did not participate as Board members in the discussions and decisions concerning this master plan amendment, staff determined that the best course of action is to ask the current Board if they wish to affirm the decision of June 2011, or if they would prefer to send this particular MPA back to the PC to begin the master plan amendment process again, with the full complement of public outreach, noticing, and hearings. The two options available to the Board are to:

- 1) Affirm the Board's original decision of June 2011 and send MPA10-002 to the Truckee Meadows Regional Planning Commission for conformance review; or,
- 2) Start the MPA process for MPA10-002 over again from initiation at the PC, through public outreach and noticing, to a PC hearing and recommendation, and ultimately to the Board for consideration of the amendment. If the amendment were adopted again through that process, it would then be sent to the Truckee Meadows Regional Planning Commission for conformance review.

The PC Staff Report for MPA10-002 is attached to assist regarding the facts of the case.

### **FISCAL IMPACT**

There is no fiscal impact associated with this staff report.

### **RECOMMENDATION**

It is recommended the Board affirm the Board's decision of June 14, 2011 approving MPA10-002, removal of the commercial cap in the Spanish Springs Area Plan, and direct staff to send the amendment to the Truckee Meadows Regional Planning Commission for the required conformance review.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to affirm the Board's decision of June 14, 2011 approving MPA10-002, removal of the commercial cap in the Spanish Springs Area Plan, and direct staff to send the

amendment to the Truckee Meadows Regional Planning Commission for the required conformance review.”

OR

Should the Board decide that the amendment process should be started over, a possible motion would be: “Move to direct staff to initiate a new amendment to the Washoe County Master Plan for the removal of the so-called commercial cap from the Spanish Springs Area Plan.”

Attachment: Planning Commission Staff Report for MPA10-002.



# Planning Commission Staff Report

Meeting Date: May 3, 2011

**Subject:** Master Plan Amendment Case No: MPA10-002  
**Applicant:** Washoe County Community Development Department

**Agenda Item No.** 1

**Proposal:** To amend the **Spanish Springs** Area Plan, a part of the Washoe County Master Plan.

**Recommendation:** **Adopt**

**Prepared by:** Eric Young, Planner  
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Ph: 775.328.3613

**Staff Report Date:** 02/14/2011

Washoe County  
**Commission District:** District No: 5

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**Project Description:** **Master Plan Amendment Case No. MPA10-002 (Spanish Springs Area Plan)** – An amendment to Washoe County Master Plan, Volume Two, Spanish Springs Area Plan, to delete policy SS.17.2.c, otherwise known as the “Commercial Cap,” which limits industrial and commercial land uses to 9.86% of the land area within the designated Spanish Springs Suburban Character Management Area.

**Staff Report Contents**

Master Plan Amendment ..... 2

ANALYSIS ..... 3

Master Plan Amendment Proposal ..... 4

Goals and Policies of the Master Plan Elements ..... 5

Applicable Goals and/or Policies of the Spanish Springs Area Plan ..... 6

Vision and Character Statement of the Spanish Springs Area Plan ..... 7

Goals and Policies of the Truckee Meadows Regional Plan ..... 7

Citizen Advisory Board (CAB) ..... 7

Public Meeting Notice ..... 7

Agency Comments ..... 8

Summary ..... 8

Recommendation ..... 8

Motion ..... 8

Appeal Process ..... 9

**Exhibits Contents**

Adopting Resolution ..... Exhibit A

**Master Plan Amendment**

The purpose of a Master Plan Amendment application is to provide a method of review for requests to amend the Master Plan.

The Master Plan guides growth and development in the unincorporated areas of Washoe County, and consists of three volumes. By establishing goals and implementing those goals through policies and action programs, the Master Plan addresses issues and concerns both countywide and within each community. Master Plan amendments ensure that the Master Plan remains timely, dynamic, and responsive to community values. The Washoe County Master Plan can be accessed on the Washoe County website at <http://www.washoecounty.us>, click on Departments, click on Community Development, click on Master Plan - or it may be obtained at the front desk of the Washoe County Department of Community Development.

Volume One of the Master Plan outlines four countywide priorities through the year 2025. These priorities are known as Elements and each is summarized below. The Land Use and Transportation Element in particular, plays a vital role in the analysis of a Master Plan Amendment.

- **Population Element.** Projections of population, housing characteristics, trends in employment, and income and land use information for the County.

- **Conservation Element.** Information, policies and action programs, and maps necessary for protection and utilization of cultural and scenic, land, water, air and other resources.
- **Land Use and Transportation Element.** Information, policies and action programs, and maps defining the County's vision for development and related transportation facilities needed for the forecasted growth, and protection and utilization of resources.
- **Public Services and Facilities Element.** Information, policies and action programs, and maps for provision of necessary services and facilities (i.e. water, sewer, general government and public safety facilities, libraries, parks, etc.) to serve the land use and transportation system envisioned by the County.

Volume Two of the Master Plan consists of 13 Area Plans, which provide detailed policies and action programs for local communities in unincorporated Washoe County relating to conservation, land use and transportation, public services and facilities information, and maps.

Volume Three of the Master Plan houses Specific Plans, Joint Plans and Community Plans that have been adopted by the Washoe County Commission. These plans provide specific guiding principles for various districts throughout unincorporated Washoe County.

Requests to amend the Master Plan may affect text and/or maps within one of the four Elements, one of the 13 Area Plans, or one of the Specific Plans, Joint Plans or Community Plans. Master Plan Amendments require a change to the Master Plan and are processed in accordance with Washoe County Development Code Article 820, Amendment of Master Plan. In accordance with NRS 278.210.5, the Master Plan may be amended by the Board of County Commissioners no more than four times per calendar year.

When making a recommendation to the Board of County Commission, the Planning Commission must make at least three of the findings as set forth in Section 110.820.15 of the Washoe County Development Code, unless a military installation is required to be noticed, then a finding of fact pursuant to subsection 6 of Section 110.820.15 is also required. If there are findings contained in the Area Plan in which the subject property is located, then the Planning Commission must make all of these findings in addition to the above-referenced findings.

After adoption by the Board of County Commission, as described in Chapter 278 of the Nevada Revised Statutes (NRS), a Master Plan Amendment must be found in conformance with the Truckee Meadows Regional Plan. The purpose of the Regional Plan is to provide a collaborative structure that will serve the Truckee Meadows well into the future. Four modules within the Regional Plan focus goals and policies on the coordination of master planning in Washoe County as it relates to land use, infrastructure provision, resource management, and plan implementation.

## **ANALYSIS**

Staff's analysis provides an evaluation of the proposed Master Plan Amendment against countywide policies found in Volume One of the Washoe County Master Plan, applicable Area Plan policies found in Volume Two, and applicable Plan policies found in Volume Three of the Washoe County Master Plan. Additionally, the analysis includes reviewing the proposed

amendment against the findings found in Article 820 of the Washoe County Development Code, any findings in the Area Plan, and ensures compliance with the Truckee Meadows Regional Plan.

### **Master Plan Amendment Proposal**

This amendment proposes to delete policy SS17.2.c, commonly referred to as the commercial cap. The policy states:

#### SS 17.2.c

- Is the proposed amendment in substantial compliance with the action programs and policies of the Master Plan?

The proposed amendment is in substantial compliance with the action programs and policies of the Master Plan. The elimination of the commercial cap has a neutral impact on the application of action programs and existing policies in the Master Plan.

- How does the proposed amendment provide for land uses that will be compatible with existing or planned adjacent land uses, and will it adversely impact the public health, safety or welfare?

The proposed amendment does not change the existing master plan categories or zoning in the Spanish Springs planning Area. The proposed amendment has a neutral impact on the ability of staff to review future amendments that include changes to land use for their compatibility with existing and planned adjacent land uses.

- What are the changed conditions that have occurred since the Master Plan was adopted by the Board of County Commissioners, and why does the requested amendment represent a more desirable utilization of land than what is currently in place?

Conditions have changed since this policy was originally adopted. The primary change is the Planning Commission's loss of faith in Policy SS17.2.c as an effective and rational tool to review proposed changes to the Spanish Springs Master Plan. At the time of its adoption in 2005, the Planning Commission, staff, and the community were eager to identify an objective, number driven method for considering requests to expand commercial and industrial acreage. However, since the initial adoption of the tool, the established cap has been amended 3 times to allow for increases in commercial and industrial land use above the established allowable percentage. These amendments were approved after the Planning Commission found that other considerations, including population growth, employment, jobs/housing balance, transportation facilities, and a desire to establish a community identity were more critical considerations than the mechanical application of a numerical methodology like the commercial cap.

The existing plan contains other policies that guide the consideration of proposed amendments. This proposed amendment will allow the Planning Commission to consider Master Plan amendment requests in a more flexible and rational manner, putting more emphasis on the needs of the community, including public facilities, transportation, commercial services, and employment. Those policies will remain in place, and together with the policies of the Land Use and Transportation Element, will provide sufficient guidance for the review of future Master Plan changes.



- Are there adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan amendment?

The proposed amendment does not change any uses or densities currently established under the plan. There are adequate public facilities for the current uses and densities established by the plan.

- Does the proposed amendment promote the desired pattern for orderly physical growth of the County and does it guide development based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services?

The proposed amendment will allow future proposed amendments to be considered in the context of orderly physical growth, projected population, natural resource sustainability, the efficient use of funds intended for public services, and outside the context of an artificial restraint based on arbitrary percentages assigned to land use categories.

- Is there any impact upon the military installation?

No military installations are impacted by this proposed amendment.

- Washoe County limits Element and Area Plan Master Plan Amendments to four per calendar year.

If approved, this amendment will represent the first Master Plan amendment to the Spanish Springs Area Plan in 2011.

### **Goals and Policies of the Master Plan Elements**

- Land Use and Transportation Element.

The proposed amendment has the most direct relationship with LUTE policies 6.1.a, 6.1.b, 6.2, and 19.1.e. however, adoption of the amendment will improve the ability of the PC, staff, and the community to apply many other policies throughout the LUTE that relate to land use compatibility, community design, natural resources, transportation, and public facilities.

The primary goal of the proposed amendment is to better facilitate the application of other existing policies that seek to promote, encourage, or otherwise guide the development of commercial and industrial land uses. In short, the ability to implement the full range of policies in the LUTE is restricted by the formula-like nature of the commercial cap.

### **Goal Six: Land use and transportation decisions support a healthy economic base. Policies**

LUT.6.1 Acknowledge the importance of Washoe County (including the incorporated cities of Reno and Sparks) in the continuing development of Northern Nevada's regional economic base.

- a. Strengthen and support the identity of the region by encouraging land uses that both contribute to the character of the community and enable the area to sustain a viable economic base.
- b. Encourage land uses that preserve a quality of life and define a sense of

place within the region.

LUT.6.2 Promote development projects that direct resources to promote business attraction, retention and expansion.

LUT.19.1 Certain development practices provide broad benefits to the local community and to the public at large. In order to realize these benefits, residential units in addition to the base density may be earned by committing to one or more of the following development practices:

e. Mixed-use developments: Developments that incorporate employment and commercial service opportunities, utilizing integrated designs that stimulate pedestrian and bicycle use for access to internal and external services and amenities.

- Population Element.

The proposed amendment has a neutral relationship with the Population Element.

- Conservation Element.

The proposed amendment has a neutral relationship with the Conservation Element.

- Public Services and Facilities Element.

The proposed amendment has a neutral relationship with the Public Services and Facilities Element.

**Applicable Goals and/or Policies of the Spanish Springs Area Plan**

The general relationship of the proposed amendment to the Spanish Springs Area Plan goals and policies is identical to its relationship to the LUTE as described above. Adoption of the proposed amendment will improve the ability of the PC, staff, and the community to apply many other policies throughout the Spanish Springs Area Plan that relate to land use compatibility, community design, scenic and natural resources, transportation, and public facilities.

The policy that will be most directly impacted is SS.17.3, relating to the establishment of commercial land uses:

**SS.17.3** For proposals to establish or intensify commercial land uses, a market analysis has been conducted that clearly establishes a community serving trade area, provides convincing evidence of a need to increase the inventory of community serving commercial land use opportunities, and demonstrates no negative impact on the qualitative jobs/housing balance in the Spanish Springs planning area (i.e. the relationship between anticipated employment types/wages and housing costs).

This policy is singled out due to the likelihood it will be implemented more consistently in the absence of Policy 17.2.c.

### **Vision and Character Statement of the Spanish Springs Area Plan**

The implementation of the Character Statement is better facilitated by the deletion of policy 17.2.c, the commercial cap. This is for the same reason that the implementation of LUTE and Area Plan policies is better facilitated i.e. the statement can be considered in its full context and meaning to the contemporary community.

### **Goals and Policies of the Truckee Meadows Regional Plan**

The Truckee Meadows Regional Plan contains policies that describe the role of unincorporated areas in the region's desired land use pattern. These policies include policy 1.3.3, which states the following:

#### **Policy 1.3.3**

To conform with the Regional Plan, in unincorporated areas within the TMSA, local master plans may allow non-residential uses of appropriate scale to serve the community and not the greater region. The appropriate scale of non-residential development shall be based on generally accepted service standards for population, employment, service area, and market analysis.

Industrial/warehouse uses are permitted only within existing or master-planned multi-use business parks found in conformance with the Regional Plan.

At the request of Regional Planning staff, Washoe County has agreed to propose alternative language for this policy. Regional staff is concerned that the current language is not clear, realistic, and achievable. The primary concern is not with the standard itself, but with the language used to articulate it. Community Development staff is currently engaged with staff from the cities of Reno and Sparks and the Regional Planning Agency to develop new language that will facilitate more efficient and predictable reviews for Regional Plan conformance.

### **Citizen Advisory Board (CAB)**

- Staff has discussed this item with the Spanish Springs CAB on numerous occasions. The most recent SS CAB agenda to include this item was that of January 2011. Each of these CAB meetings has solicited similar public feedback. The public in Spanish Springs wants to be assured that the removal of the commercial cap will not remove all restrictions on the establishment of increased acres of commercial and industrial land uses. There is a general understanding that the current tool (%age cap) has not functioned as it was intended. However, the community appreciates a policy that flatly states a limit on the amount of commercial and industrial land use. They are concerned that the removal of this policy will allow too much flexibility for the Planning Commission to approve future changes.

### **Public Meeting Notice**

Notice for Master Plan Amendments must be given in accordance with the provisions of Nevada Revised Statutes 278.210, as amended. The time and place of the public hearing must be provided in at least one publication of a newspaper of general circulation in the city or county, at least 10 days before the day of the public hearing. This proposal was noticed in the Reno Gazette Journal on Friday, March 25, 2011; and April 22, 2011.

## **Agency Comments**

Due to the limited nature of the proposed amendment, this MPA was not submitted to the regular group of reviewing agencies.

## **Summary**

The Spanish Springs Area Plan contains a policy that seeks to limit the amount of future land devoted to commercial and industrial categories. The policy, 17.2.c, seeks to accomplish this by establishing a cap on the overall percentage of land (in acres) that can be designated for commercial and industrial purposes within the Suburban Character Area of the Spanish Springs Planning Area. Since the original adoption of this tool, the cap has been amended upward three times. The Planning Commission determined that the tool was ineffectual and requested that staff investigate the consequences of removing the policy. Staff review concludes that the removal of the policy will allow the Planning Commission, staff and the community to focus more on the full range of policies contained in the plan, as well as the Character Statement, to review requests for amendments. This flexibility will allow for a more robust consideration of amendments in the context of the plans' policies. This will not remove all restrictions on the establishment of more commercial and industrial acreage, but it will ensure that decisions are made in the full context of the plan.

## **Recommendation**

Based upon the staff analysis, a site visit, and comments received from reviewing agencies and the Spanish Springs Citizen Advisory Board, it is recommended that the Master Plan Amendment proposed for the Spanish Springs Area Plan, being a part of the Washoe County Master Plan, be adopted by the Planning Commission and recommended it for adoption to the Board of County Commissioners. The following motion is provided for your consideration:

## **Motion**

I move that the Washoe County Planning Commission, based upon the information presented in the staff report, written testimony and verbal testimony received during the public hearing, adopt the Master Plan Amendment proposed for the Spanish Springs Area Plan. I further move to authorize the Chair to sign the Resolution contained at Exhibit A on behalf of the Planning Commission and direct staff to present a report on this Commission's recommendation to the Washoe County Commission within 60 days of today's date.

This action is based on having made at least three of the following findings in accordance with Washoe County Development Code Section 110.820.15 and having made all of the following required findings contained in the Spanish Springs Area Plan.

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

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.
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 Master Plan designation.
5. 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.
6. The proposed amendment will not affect the location, purpose and mission of the military installation.

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.

**Appeal Process**

An action of denial by the Planning Commission may be appealed to the Washoe County Commission as specified in Section 110.820.25 of the Washoe County Development Code, up to 10 days after the public hearing date. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.