

City of Sparks
Planning Commission Item

Meeting Date: April 16, 2020

Subject: **PCN19-0040 / CU20-0005 – Consideration of and possible action on a request for a Conditional Use Permit to allow development of a site that is 10 acres in size or larger, with slope gradients of 10 percent or greater over 25 percent or more of the site, which is 386.87 acres in size and is located at 555 Highland Ranch Parkway, Sparks, Nevada in the SF-6 (Residential Single-Family) zoning district. (For Possible Action)**

Petitioner: **5 Ridges Development Co., Inc.**

Recommendation: **The Community Services Department recommends approval of CU20-0005 as submitted and conditioned; see suggested motion below.**

Financial Impact: **NA**

Business Impact *(per NRS Chapter 237):*

 A Business Impact Statement is attached.

X A Business Impact Statement is not required because

 X this is not a rule;

 (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A or 278B)

POSSIBLE MOTION

I move to approve the Conditional Use Permit (CU20-0005) associated with PCN19-0040, adopting Findings C1 through C5, and the facts supporting these findings as set forth in the staff report, subject to the seven (7) Conditions of Approval as listed in the staff report.

Respectfully submitted,

Armando Ornelas

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Asst. Community Services Director

Ian Crittenden

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Development Services Manager

PLANNING CASE SUMMARY

CASE NUMBER:	PCN19-0040/CU20-0005
REQUESTED ACTION(S):	Approval of a Conditional Use Permit to allow development of a site 386.87 acres in size that has slopes greater than 10% over more than 25% of the site.
PROPERTY OWNER:	QK, LLC
APPLICANT:	5 Ridges Development Co., Inc.
LOCATION:	555 Highland Ranch Parkway
PARCEL SIZE:	386.87 \pm acres
SITE SIZE:	386.87 \pm acres
EXISTING ZONING:	SF-6 (Residential Single-Family)
EXISTING LAND USE:	IDR (Intermediate Density Residential)
WARD INFORMATION:	Ward 5, Kristopher Dahir
APPLICABLE REGULATIONS:	Sparks Municipal Code 20.05.008 (Conditional Use Permits), Sparks Municipal Code 20.04.011 (Slopes, Hilltops & Ridges)

BACKGROUND

In July of 2018, the City of Sparks entered into a development agreement (the "Agreement") for the development of this 386.87-acre site located at 555 Highland Ranch Parkway (Exhibit 1 – Vicinity Map). In conjunction with the Agreement, the City processed and approved annexation, Comprehensive Plan amendment, and rezoning requests for this site.

In January of 2020, the City Council approved an amendment to the Agreement that reflected changes to the development plan for the subject site (Exhibit 2 - Agreement). The development plan had evolved since initial approval of the Agreement as the Master Developer undertook additional analysis that had substantive impacts on site access and provision of utilities (municipal water).

This site was previously used for an aggregate mining operation, so a large portion of the internal area of the site (approximately 120.93 acres) was previously disturbed. Many of the hillsides adjacent to the previously mined area were left with extreme and unnatural slopes. Due to these slopes and the natural topography of the site, the Agreement required a Conditional Use Permit (CUP) prior to development of the site. The Sparks Municipal Code (SMC) requires that sites that are 10 acres in size or larger and that have a slope gradient of 10 percent or greater over 25 percent or more of the site obtain a CUP prior to development. The Agreement reinforces this requirement in Section 3.3(a), which requires the Master Developer to:

Obtain a Conditional Use Permit prior to any clearing, grading, or other disturbance of the soil on the Property and prior to the approval of a tentative map...

The applicant is seeking approval of a tentative map for a portion of the site and is also seeking approval of a CUP for development on slopes, hilltops, and ridges in conformance with SMC 20.04.011 and the Agreement.

ANALYSIS

As mentioned in the background section above, a CUP is required prior to the development of sites that are:

- A) Larger than 10 acres; and
- B) Have a slope gradient of 10 percent or more over 25 percent or more of the site.

This site is 386.87 acres, which meets criterion A. However, the Agreement established that the previously disturbed portions of the site will not be used in the calculation of maximum disturbed area (Agreement, Section 3.3). The preliminary slope analysis submitted with the Agreement (Exhibit 3 – Slope Analysis) determined that 120.93 acres of the site would be exempted for purposes of calculating maximum disturbed area. If the exempted area is subtracted from the total area of the site, 265.94 acres remain, so criterion A still applies to this site.

Criterion B is more complex. SMC 20.04.011 requires that two slope analyses be performed. The first is to determine what portion of the site has a slope gradient of 10 percent or higher. If the portion of the site that has a slope gradient of 10 percent or more is greater than 25 percent of the site, criterion B is met. In such cases, a second slope analysis is necessary to determine how much of the site may be disturbed.

In this case, the applicant determined that over 29 percent of the site has slopes in excess of 15 percent, which means that the portion of the site with slopes over 10 percent slope is even greater, so criterion B is also met.

Having explained why SMC 20.04.011 applies to the development of this site, this staff report will now address the standards established for the development of slopes, hilltops, and ridges.

The first set of standards for development on slopes, hilltops, and ridges address design (SMC 20.04.011(B)). These policies require that the site be designed “in accordance with the best applicable practices of land use planning, engineering, geology, hydrology, civil and structural engineering, environmental design, architecture and landscape architecture.” There are four primary policies by which the efficacy of a design is judged to be in conformance with those best practices. Those policies, along with staff’s commentary on the degree to which the applicant’s plans conform to these policies, follows:

- 1. The site of the proposed development shall be analyzed to identify the design constraints imposed by hydrological and geological conditions, soils, slopes and other natural topographic conditions. In order to secure a conditional use permit, the project shall respect the natural constraints in the design of the development.*

This policy relates to the previously discussed slope analysis and will be discussed in more depth later in this report. The applicant submitted a slope analysis that considers the slopes present on this site and calculates, according to guidelines contained in SMC 20.04.011(C), the portion of the site that is developable.

According to this analysis and as memorialized in the Agreement, the developable area is 145.61 acres, plus the 120.93 acres determined to be previously disturbed, for a total of 266.54 developable acres. The proposed tentative map associated with this CUP proposes to disturb 138.13 acres, 128.38 acres less than the maximum area permitted to be disturbed. It is important to note that this is the first tentative map for the 5 Ridges project. The slope analysis and this CUP will have to be updated with each ensuing tentative map application to reflect the total disturbed area and document continued compliance with SMC 20.04.011 and the Agreement.

2. *The development shall be designed with consideration for limiting aesthetic degradation of the site, as well as erosion, sedimentation and other hazards.*

The site was highly degraded by its prior use as an aggregate mine. The applicant's plan endeavors to mitigate much of this existing degradation through extensive slope stabilization, landscaping, and revegetation.

3. *Long slopes with sharp transitions are generally considered undesirable.*

As stated above, the plan provided for the site aims to reclaim the existing long slopes with sharp transitions using slope stabilization benches.

4. *Buildings should be designed and placed on the site so as to visually complement each other and the natural land forms of the site. The placement of buildings on or near hilltops or ridges must show a high degree of sensitivity to the terrain and its visual impact. Definitive plans shall be prepared that clearly demonstrate this sensitivity for project approval.*

Building houses along the ridgeline, as is proposed in Villages 2 and 3, is not inherently sensitive to the terrain and to the visual impact of this development on these ridges. However, development along ridgelines typically requires less grading (i.e., less earth to be moved) than developing on the slope of a hill. The application submitted for this CUP does not demonstrate how the proposed development "show[s] a high degree of sensitivity to the terrain and its visual impact" (SMC 20.04.011(B)(4)). Proposed Condition 6 (Ridgeline Sensitive Design) therefore requires that plans submitted for building permits demonstrate that homes or buildings to be constructed on or near ridgelines show a high degree of sensitivity to the terrain, including the use of earth-tone colors and roof lines designed to blend with the natural environment.

The next set of standards for development of slopes, hilltops, and ridges governs the slope analysis itself. The guidelines as they appear in SMC 20.04.011(C)(4)(c) are as follows:

Slope Category	Maximum Disturbed Area
0—15 %	Unlimited
16—25%	¾ of the category
26—30%	1/3 of the category
30% or above	When developing on natural slopes over 30% project design shall be enhanced to create a 2:1 ratio of non-constrained area being preserved as open space for every portion of area with slopes over 30% that is developed

Analysis of a site based on the guidelines above determines the maximum total area that may be disturbed, but does not limit the area that can be disturbed in any single category, with the exception that the disturbance of areas with a slope gradient greater than 30 percent limits the total area that can be disturbed.

In response to these guidelines, the applicant submitted the following table as part of their analysis.

SLOPE CATEGORY	AREA	MAX. DISTURBED AREA	ALLOWED DISTURBANCE	PROPOSED WITH CUP	% OF DISTURBANCE
0-15%	80.84± acres	Unlimited	80.84± acres	59.14± acres	73%
15-25%	76.67± acres	3/4 of Category	57.50± acres	43.42± acres	57%
25-30%	21.80± acres	1/3 of Category	7.27± acres	9.96± acres	46%
30% +	86.63± acres	----	----	25.61± acres ₁	30%
Area Not Subject to Ordinance	120.93± acres ₂	Unlimited	120.93± acres	N/A	N/A
TOTAL	386.87± acres	----	266.54± acres	138.13± acres	----

As is shown in the table provided by the applicant, the total disturbed area in the proposed tentative map is less than the “Allowed Disturbance” area even though the area proposed to be disturbed in the 25-30% and the 30%+ categories are higher than what is prescribed in the guidelines. The slope categories are used to determine the total area that can be disturbed but does not limit the area that can be disturbed in any single category.

The applicant is proposing to disturb 25.61 acres in the 30%+ category and is therefore required to preserve 51.22 acres as open space. The Agreement requires

that no less than 100 acres of the site be preserved as open space and the 51.22 acres required to be preserved by this section of the code can be applied toward that requirement.

The next set of standards for the development on slopes, hilltops, and ridges governs erosion and sedimentation. Engineering staff has reviewed the submitted plans and determined they comply with SMC 20.04.011 (D) (Erosion and Sedimentation Control).

Areas disturbed as part of the grading of this site must be revegetated to comply with SMC 20.04.011 (E). The submitted plans indicate that this is the intent of the applicant. Proposed Condition 4 requires that these standards be met.

Open space areas required by the standards for the development on slopes, hilltops, and ridges must remain undisturbed. The applicant must submit, with their grading plans, sheets demonstrating that the appropriate amount of open space within the 5 Ridges development is protected and undisturbed (Condition 5).

Within Sparks there are hilltops and ridgelines that have been designated as significant. Such ridgelines and hilltops require additional setbacks and protection. However, none of the hilltops and ridgelines within this development are designated as significant by the City.

CONDITIONAL USE PERMIT FINDINGS:

FINDING C1:

The proposal, as submitted and conditioned, is in compliance with the Comprehensive Plan.

The site has an IDR (Intermediate Density Residential) Comprehensive Plan Land Use designation. The IDR designation allows the use of this site as single-family residential development. The proposed use conforms with the Comprehensive Plan. In addition, the Goals and Policies in the Comprehensive Plan that are relevant to this proposal include:

Policy C4: Require Sidewalks for pedestrians on all street networks within the City.

Goal CC1: Ensure that Sparks' physical environment, services and amenities make it a city of choice for residents and businesses.

Goal H2: *Promote a strong, diverse housing market that supports economic growth and vitality while ensuring environmental and fiscal sustainability.*

Policy H1: *Ensure there are sufficient appropriately zoned areas with the infrastructure, public facilities and services necessary for the production of new housing.*

Policy CF1: *When reviewing new development, the City will not approve an application unless City services can be provided at acceptable service levels.*

The 5 Ridges development is envisioned as a desirable, highly amenitized, residential community in conformance with Goal CC1, Goal H2, and Policy H1. Sidewalks will be provided throughout the development, and the Agreement details how City services will be provided to this site at acceptable levels in compliance with Policies C4 and CF1.

FINDING C2:

The application, as submitted and conditioned, is compatible with the existing or permitted uses of adjacent properties.

The existing uses of the adjacent properties are as follows:

Direction	COMPREHENSIVE PLAN LAND USE	ZONING
North:	Unincorporated Washoe County, Large Lot Residential (LLR)	GR (General Rural – Washoe County), A-40 (Agricultural)
East:	Open Space (OS)	New Urban District (NUD – Kiley Ranch North)
South:	Unincorporated Washoe County, Commercial (C)	Open Space (OS – Washoe County), General Commercial (C2)
West:	Unincorporated Washoe County	General Rural (GR – Washoe County), Open Space (OS – Washoe County)

This CUP request is for development on slopes, hilltops, and ridges. Development of this portion of the site for a residential use is in conformance with the Comprehensive Plan. The proposed Conditions of Approval are intended to mitigate any compatibility issues of development on slopes, hilltops, and ridges with the surrounding land uses by minimizing the visual impact to adjacent properties.

FINDING C3:

The potential impairment of natural resources and the total population which available natural resources will support without unreasonable impairment has been considered.

The potential impairment of natural resources is more appropriately addressed in the analysis for the tentative map application submitted for this site. However, much of this site was previously disturbed in the course of aggregate mining operations. Staff does not believe that approval of this CUP to allow development on slopes, hilltops, and ridges would result in any impacts that would impair the availability of natural resources or the region's ability to support its population.

FINDING C4:

The application, as submitted and conditioned, will address identified impacts.

Identified impacts of the proposed development on slopes, hilltops, and ridges are as follows.

Ridgeline Development:

Villages 2 and 3 in the associated proposed tentative map show houses along ridgelines. SMC 20.04.011 requires a "high degree of sensitivity to the terrain and its visual impact" when houses are placed along ridgelines. To comply with this requirement, the applicant has proposed houses in earth tones and roof lines designed to blend with the natural environment. Homes and architectural features that result in stark contrast to their surroundings will be prohibited (Condition 6). Additionally, areas of cut slopes must be recontoured and revegetated to result in a natural appearance to ensure such areas are not visually obtrusive (Condition 3).

Finding C5:

Public notice was given and a public hearing held per the requirements of the Sparks Municipal Code and the Nevada Revised Statutes.

Public notice was published in the *Reno Gazette-Journal* on April 3, 2020. In addition, 45 notices were mailed to owners of property within 1,500 feet of the subject site on April 2, 2020. The Planning Commission meeting functions as the public hearing required by Nevada Revised Statutes and the Sparks Municipal Code.

At the time of the writing of this report, staff has received two public comments on this item. Staff has received one phone call looking for more information and one email in opposition.