

STAFF REPORT

Date: January 10, 2018

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **J.1. Staff Report (For Possible Action): Presentation, discussion and potential direction to staff to remove Extra-Territorial Jurisdiction authority on a ±27.9 acre site within the City of Reno's Sphere of Influence (SOI). The subject parcels are located on the south side of Interstate 80 off Exit 7 in the Mogul area. This item was continued from the December 13, 2017 City Council meeting.**

From: Nathan Gilbert, Associate Planner

Summary: Staff is seeking Council direction regarding a request made to remove two parcels (Assessor's Parcel Numbers 038-181-01 and 038-172-14) totaling ±27.9 acres from the City of Reno's Extra-territorial Jurisdiction (ETJ) authority. The subject properties are located on the south side of Interstate 80 off Exit 7 in the Mogul area within Reno's Sphere of Influence (SOI). The parcels are assigned the City of Reno Industrial Master Plan land use designation and are zoned Industrial by Washoe County. As such, both jurisdictions anticipate that the subject properties would be developed with industrial uses. At issue is whether the property should be developed in accordance with City or County development standards; removing the parcels from the City's designated ETJ would effectively relinquish jurisdictional authority over land use (i.e. building permits, entitlements, etc.) to Washoe County while the property would remain in the City's SOI.

Background: In January of 2003, the City of Reno and Washoe County entered into an interlocal agreement (**Exhibit A**), which granted the City of Reno jurisdictional land use authority (i.e. building permits, entitlements, etc.) for properties within its unincorporated SOI that are identified in Appendix B of the agreement. With the exception of a ±2,207 acre area near the southeastern City limits, the City has exerted ETJ within the entirety of the SOI. This authority allows municipalities to ensure that developments anticipated to be annexed within the 20 year horizon are built to cohesive urban standards. Section 3 "Map Illustrating Areas of Extra-Territorial Jurisdiction" outlines the procedures for amending ETJ, which permits the City to administratively modify the map by filing amendments with the offices of the County and City Clerks and providing notification to the Washoe County Community Development Department.

Discussion: The property owner's representative has submitted a letter (**Exhibit B**) justifying the request to remove the subject site from the City's ETJ so that permits to facilitate an industrial park and mini-storage facility can be reviewed, processed, and permitted in Washoe County. The primary rationale is that the parcels are ringed by Union Pacific Railroad track parcels on the south, east and west and the unincorporated community of Mogul to the north. Per the letter, this configuration makes future annexation of the site highly unlikely unless the parcels were incorporated through a City initiated annexation.

While voluntary annexation of the site is unlikely to occur, removal of ETJ from the subject parcels would most likely preclude any public hearing for future development of the site as County ordinances do not require such, even though the project may have a significant impact on the view shed from the Mogul community and freeway corridor. To elaborate, unincorporated Washoe County zoning standards currently would not require any further discretionary review and development would proceed solely through building permits. Under the City of Reno's land use authority, approval of a special use permit would be required for residential adjacency, even though the residential uses are separated by the I-80 corridor.

Financial Implications: None at this time.

Legal Implications: Legal review completed for compliance with City procedures and Nevada Law.

Recommendation: Staff recommends that the City Council provide direction regarding the request to remove the site from the City's Extraterritorial Jurisdiction.

Proposed Motion: I do not support the proposed amendment to the City's Extraterritorial Jurisdiction mapping and direct staff to make no changes to Appendix B of the applicable Interlocal agreement and maintain land use authority of the site.

I move to support the proposed amendment to the City's Extraterritorial Jurisdiction mapping and direct staff to process an amendment to Appendix B of the applicable Interlocal agreement and remove land use authority of the site.

Attachments:

- Exhibit A - Interlocal Agreement (PDF)
- Exhibit B - Letter Requesting Removal of Extra Territorial Jurisdiction Authority (PDF)