

SUPREME COURT OF NEVADA

DeMartini v. City of Reno; Heinz Ranch Land Company, LLC

DeMartini · No. No. 82331 · Decided March 3, 2022

SUMMARY

The Nevada Supreme Court held that Michael DeMartini lacked standing to seek judicial review of the Reno City Council's decision affirming a conditional approval of a tentative subdivision map. Because DeMartini did not show that his personal or property rights were adversely and substantially affected, the court affirmed the district court's standing determination. The court vacated the district court's ruling on the merits because those issues were not reached.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Cadish, J.; Herndon, J.
JURISDICTION	Nevada
DECIDED	March 3, 2022
DOCKET	No. 82331
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a district court order denying a petition for judicial review of a municipal land-use decision.
STANDARD OF REVIEW	Standing is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential status is not expressly stated in the document text.
PARTIES	Michael DeMartini v. City of Reno, Heinz Ranch Land Company, LLC

TOPICS

judicial review of agency action zoning municipal law ordinances appellate procedure

PRACTICE AREAS

municipal law land use administrative law real estate

QUESTIONS PRESENTED

1. Whether DeMartini had standing to seek judicial review of the Reno City Council's decision under the Reno Municipal Code's definition of an aggrieved person.
2. Whether the district court's merits ruling should stand when DeMartini lacked standing to pursue judicial review.

HOLDINGS

1. DeMartini lacked standing because he failed to show that his personal right or property right was adversely and substantially affected by the City Council's decision.
2. The district court's decision on the merits was vacated because DeMartini's lack of standing meant that the court did not reach the merits of his petition.

KEY QUOTATIONS

“Standing is a question of law reviewed *de novo*.” (2)

FACTUAL BACKGROUND

DeMartini challenged the Reno City Council's affirmance of a planning commission decision conditionally approving Heinz Ranch's tentative map for a planned unit development. He asserted that the development would affect his property and water rights, including concerns that Heinz Ranch would exclude him from its sewer line and take 1,000 acre-feet of his water rights. He did not identify the location of his property relative to the affected area or explain how the challenged decision would adversely affect his rights.

PROCEDURAL HISTORY

The Reno City Council affirmed the planning commission's conditional approval of Heinz Ranch's tentative map for Phase 1A of the StoneGate planned unit development. DeMartini petitioned for judicial review, but the district court concluded that he lacked standing and denied the petition in part on that basis. The Nevada Supreme Court affirmed the standing determination and vacated the district court's merits ruling because the merits were not reached in light of the lack of standing.

DISPOSITION

other

CASES CITED

- Arguello v. Sunset Station, Inc., 127 Nev. 365, 368, 252 P.3d 206, 208 (2011)
- Kay v. Nunez, 122 Nev. 1100, 1106-07, 146 P.3d 801, 806 (2006)
- City of N. Las Vegas v. Eighth Judicial Dist. Court, 122 Nev. 1197, 1206-07, 147 P.3d 1109, 1115-16 (2006)
- Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006)