



Planning Commission Staff Report

Meeting Date: November 13, 2014 Agenda Item Number: 7B

Subject: Request to Initiate Development Code and Master Plan Amendments

Applicant: Washoe County Planning and Development Division

Summary: To initiate an amendment to the Washoe County Code, Chapter 110, Development Code and the Washoe County Master Plan to ensure Washoe County's approach to Planned Unit Development is consistent with the requirements of NRS 278A, Planned Development. The Development Code amendment will include changes to Article 106 Master Plan Categories and Regulatory Zones, and Division 8, Procedures. The Master Plan amendment will include changes to the Land Use and Transportation Element. Other amendments as necessary to effectuate the necessary changes and to ensure an efficient and accessible process for Planned Unit Development will also be included.

Recommendation: **Adopt and authorize the Chair to sign the attached resolution**

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Description

To initiate an amendment to the Washoe County Code Chapter 110, Development Code, and the Washoe County Master Plan to ensure Washoe County's approach to Planned Unit Development is consistent with the requirements of NRS 278A, Planned Development. The Development Code amendment will include changes to Article 106, Master Plan Categories and Regulatory Zones, and Division 8, Procedures. The Master Plan amendment will include changes to the Land Use and Transportation Element and other amendments as necessary to effectuate the necessary changes and to ensure an efficient and accessible process for Planned Unit Development.

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Initiating Development Code and Master Plan Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

The Washoe County Development Code provides that amendments to the Washoe County Master Plan may be initiated in one of two fashions. First, real property owners may submit an application to initiate an amendment. Second, the Planning Commission or the Board of County Commissioners may initiate an amendment by resolution.

The Washoe County Development Code provides that amendments to Washoe County Regulatory Zone maps may be initiated in one of two fashions. First, real property owners may submit an application to initiate an amendment. Second, the Planning Commission or Board of County Commissioners may initiate through a simple majority vote. From time to time, the Planning Commission or the Board of County Commissioners may find it necessary to pursue amendments to the Master Plan in order to implement the plan more effectively or to adjust the plan to better align with the vision of the community.

After initiation, public notices and neighborhood meetings shall take place, after which the Planning Commission considers the proposed Master Plan and Regulatory Zone amendments in a public hearing(s). The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendments. The Planning Commission adopts the Master Plan amendments by resolution on a two-thirds vote. Then the Board of County Commission affirms the decision of the Planning Commission by simple majority vote. The Planning Commission records its recommendation by resolution for Master Plan Amendments and Action Order by simple majority vote for Regulatory Zone Amendments.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal.

Public Notice

There are no public notice requirements established within the Development Code for initiation of Development Code or Master Plan amendments.

Background

Amendments to the Development Code and Master Plan are periodically necessary to keep them up to date with Nevada Revised Statutes or with current and desirable trends in planning and development. Prime examples of the latter are; the 2010 Development Code and Master Plan amendments that transitioned the County from a one-map system to a two-map system of master planning and zoning. As part of these amendments Washoe County created a Regulatory Zone called "Specific Plan". The Specific Plan Regulatory Zone is intended to provide an avenue for creating mixed-use developments with customized design standards. The stimulation of mixed-use areas has been an ongoing challenge and desire of Washoe County. The Specific Plan Regulatory Zone, through the processes and standards tied to it in the Development Code, was designed to encourage land owners to consider mixed-use developments more favorably. Section 278A of the Nevada Revised Statutes requires jurisdictions that desire to permit Planned Unit Development to enact an ordinance that contains a number of minimum requirements concerning process and development standards. Under consultation with the District Attorney's office, it has been determined that the County's Specific Plan Regulatory Zone is inconsistent with NRS 278A, and if Washoe County desires to promote Planned Unit Development we are obliged to adopt an ordinance with the necessary standards and procedures as described by this section of statute.

The proposed Development Code and Master Plan Amendments will remove the existing Specific Plan Regulatory Zone concept and replace it with a Planned Unit Development concept that contains, at a minimum, the required standards and procedures for such development as described in NRS 278A. The majority of these changes will occur in the Development Code in Division Three, Regulation of Uses, and Division Eight, Procedures. There will also be changes needed in the Land Use and Transportation Element of the Master Plan. It is anticipated that in order to create a clear and efficient set of codes and policies it will be necessary to make additional but smaller changes to other Divisions and Elements.

Recommendation

Staff recommends that the Washoe County Planning Commission adopt the Resolution as set forth in Exhibit A, initiating an amendment to Washoe County Code Chapter 110, Development Code, and to the Washoe County Master Plan to replace the County's existing Specific Plan

Regulatory Zone with a Planned Unit Development process that is consistent with NRS 278A. The following motion is provided for your consideration:

Motion

“After giving reasoned consideration to the information contained in the staff report, I move to adopt the resolution contained in Exhibit A initiating an amendment to the Washoe County Development Code Chapter 110, Development Code, Article 106 Master Plan Categories and Regulatory Zones and Division 8, Procedures, and the Washoe County Master Plan Land Use and Transportation Element and other amendments as necessary to effectuate the necessary changes to ensure Washoe County’s approach to Planned Unit Development is consistent with the requirements of NRS 278A, Planned Development. I further move, to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today’s date”.

Attachment: Exhibit A, Resolution

xc: Gregory Salter, Esq., District Attorney’s Office
Bill Whitney, Director, Planning and Development



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE CHAPTER 110, DEVELOPMENT CODE, ARTICLE 106 MASTER PLAN CATEGORIES AND REGULATORY ZONES AND DIVISION 8, PROCEDURES, AND THE WASHOE COUNTY MASTER PLAN, LAND USE AND TRANSPORTATION ELEMENT, AND OTHER AMENDMENTS AS NECESSARY TO EFFECTUATE THE NECESSARY CHANGES TO ENSURE WASHOE COUNTY'S APPROACH TO PLANNED DEVELOPMENT IS CONSISTENT WITH THE REQUIREMENTS OF NRS 278A, PLANNED DEVELOPMENT.

Resolution Number 14-

Whereas, the Washoe County Development Code requires that amendments to the Code be initiated by resolution of the Washoe County Planning Commission; and

Whereas, the District Attorney has determined that the Specific Plan Regulatory Zone described in the Development Code and the Master Plan is inconsistent with NRS 278A Planned Development; and

Whereas, Washoe County has a continuing desire to promote areas of mixed use development and to allow for customized design standards in such areas; and

Whereas, amendments to the Development Code and the Master Plan are necessary to promote this development pattern in a manner consistent with NRS 278A;

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.818.05(a) that amendments are initiated to the Washoe County Code, Chapter 110, Development Code, and the Washoe County Master Plan, Land Use and Transportation Element, as well as other amendments as necessary to effectuate the necessary changes to ensure Washoe County's approach to Planned Development is consistent with the requirements of NRS 278A, Planned Development, as set forth in the agenda for the November 13, 2014 meeting of the Washoe County Planning Commission, that a public hearing with this Planning Commission on the amendment shall be held within 125 days of this resolution's adoption date, and that this amendment is initiated without prejudice to its final disposition.

ADOPTED on November 13, 2014.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr. AICP, Secretary

Roger Edwards, Chairman