



Planning Commission Staff Report

Meeting Date: **October 3, 2017**

Subject: Development Code Amendment Case Number WDCA17-0005

Applicant: Planning and Building Division

Agenda Item Number: 9C

Summary: To initiate an amendment and subsequently amend Washoe County Code (WCC) 110.808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65).

Recommendation: **Initiate the amendment, and recommend approval and authorize the Chair to sign the resolution.**

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Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number WDCA17-0005 (Administrative Permits) – For possible action, hearing, and discussion to initiate an amendment to Chapter 110 of the Washoe County Code (Development Code) within Article 808 (Administrative Permits), Section 110.808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65).

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

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Development Code 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.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

Administrative Permits are required to be heard within 50 days of submittal of a complete application packet according to WCC 110.808.40(b).

The allowable time for a hearing to be held from the receipt of a complete application for an Administrative Permit is established by Nevada Revised Statutes (NRS). NRS, Chapter 278, Section 315, reads (in relevant part) as follows:

NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

2. A hearing to consider an application for the granting of a variance, special use permit, conditional use permit or special exception must be held before the board of adjustment, planning commission or hearing examiner within 65 days after the filing of the application, unless a longer time or a different process of review is provided in an agreement entered into pursuant to NRS 278.0201.

All similar Washoe County planning approvals utilize the 65 day limit, in accordance with NRS. For example, Variances are allowed 65 days at WCC110.804.15(c) and Special Use Permits are allowed 65 days at WCC110.810.20(c). The current request is to provide consistency between WCC and NRS by changing the 50 day requirement to 65 days, as it applies to Administrative Permits.

PROPOSED AMENDMENTS

Text proposed to be deleted is shown as ~~strikethrough~~, text proposed to be added is shown as ***bold italic text***.

Section 110.808.40 Review by the Board of Adjustment. The Board of Adjustment, or the Planning Commission on concurrent applications requiring their review, shall review administrative permits in accordance with the provisions of this section.

- (b) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed ***sixty-five (65)*** ~~fifty (50)~~ days.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: There are no policies and action programs that are pertinent to the times allowed for processing of Administrative Permits, therefore the change cannot be in conflict.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: Included among the stated purposes of the Development Code is the WCC110.918.10 (g), "Promote the economic and social advantages gained from an appropriately regulated use of land." The proposed amendment will promote economic and social advantages of appropriate land use regulation by means of creating consistency in review and approval of various types of discretionary actions undertaken by Washoe County.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: There are no particular external changes that necessitate the proposed amendment. Rather, the amendment is intended bring WCC into conformance with NRS. The proposed amendment will also facilitate the ability to solicit outside agency comments and recommendations in a reasonable period of time.

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: Consistent standards for review and approval of various types of discretionary actions undertaken by Washoe County will not create any adverse effects on the implementation of the Development Code; rather it is intended to facilitate implementation of the Development Code.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

A public meeting was held on September 6, 2017 at the Washoe County Complex from 5:00 pm to 6:00 pm. All members and chairpersons of all Citizen Advisory Boards in Washoe County were notified of the meeting. No comments were provided at that meeting.

Recommendation

It is recommended that the Planning Commission initiate, and subsequently recommend approval of, WDCA17-0005 to amend the Development Code within Article 808, Administrative Permits, as described in this report. The following motion is provided for consideration by the Planning Commission:

Initiation Motion

I move that, after giving reasoned consideration to the information contained in the staff report, the Washoe County Planning Commission initiate the amendment of Washoe County Code Chapter 110, within Article 808, Administrative Permits, as described in the staff report for WDCA17-0005.

Amendment Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of Development Code Amendment Case Number WDCA17-0005, to amend Washoe County Chapter 110 (Development Code) at Article 808 Section 808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65). I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.

Staff Report and Action Order xc: Dave Solaro, Director, CSD
Mojra Hauenstein, Division Director, Planning and Building
Nate Edwards, Deputy District Attorney



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 808 (ADMINISTRATIVE PERMITS), SECTION 808.40(B) TO INCREASE THE NUMBER OF DAYS FROM ACCEPTANCE OF A COMPLETE APPLICATION FOR AN ADMINISTRATIVE PERMIT TO THE PUBLIC HEARING ON THE APPLICATION FROM FIFTY (50) TO SIXTY-FIVE (65); AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 17-09

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) Article 808, *Administrative Permits*, on October 3, 2017 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA17-0005, came before the Washoe County Planning Commission for a duly noticed public hearing on October 3, 2017; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA17-0005:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 - 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the

requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Sections 110.818.05(a) and 110.818.15(d) and (g):

- 1) The Washoe County Planning Commission does hereby initiate and recommend approval of WDCA17-0005 as set forth in Attachment A-1 to this resolution to amend Washoe County Code Chapter 110 (Development Code) within Article 808, *Administrative Permits*, at 110.808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65).
- 2) A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of Commissioners within 60 days of this resolution's adoption date.

ADOPTED on October 3, 2017.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

Sarah Chvilicek, Chair

DRAFT: September 1, 2017

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: *Amends the Development Code by updating Section 110.808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65).*

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), of the Washoe County Code within Article 808 (Administrative Permits), Section 808.40(b) to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65).

WHEREAS:

- A. This Commission desires to amend Article 808 of the Washoe County Code Chapter 110 (Development Code) in order to increase the number of days from acceptance of a complete application for an Administrative Permit to the public hearing on the application from fifty (50) to sixty-five (65) and,
- B. This Commission adopted Ordinance No. XXXX and,
- C. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110

(Development Code) by Resolution Number 17-09 on October 3, 2017; and,

- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0005 on October 3, 2017, and adopted Resolution Number 17-09 recommending adoption of this ordinance; and,
- E. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- F. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.808.40(b) of the Washoe County Code is hereby amended to read as follows:

- (b) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed **sixty-five (65)** ~~fifty (50)~~ days.

SECTION 2.

General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
- 2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

DRAFT

DRAFT: September 1, 2017

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.