



# Planning Commission Staff Report

Meeting Date: April 4, 2017

Subject: Development Code Amendment Case Number WDCA16-0001

Applicant: Gail Willey

**Agenda Item Number: 9C**

Summary: To amend Washoe County Code, Chapter 110, Table 110.302.05.4 Table of Uses (Industrial use-types) to allow Wholesaling, Storage, and Distribution (Heavy) in the General Rural (GR) regulatory zone with a minimum lot size of 40 acres and a Special Use Permit approved by the Washoe County Board of Adjustment.

**Recommendation: Recommend approval and authorize the Chair to sign the attached resolution**

Prepared by: Eric Young, Senior Planner  
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Washoe County  
Commission District: All Commission Districts

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## **Description**

**Development Code Amendment Case Number WDCA16-0001 (Wholesaling, Storage and Distribution - Heavy)** – For possible hearing, action and discussion to recommend approval of an amendment to the Washoe County Code at Chapter 110 (Development Code), Article 302, Table of Uses 110.302.05.4 (Industrial Use Types) to allow the Wholesaling, Storage and Distribution (Heavy) Industrial Use Type from WCC Section 110.304.30 in the General Rural (GR) regulatory zone, with a Board of Adjustment approved Special Use Permit. The discussion may include a determination whether to require a minimum lot size; and, if approved, to authorize the chair to sign an updated resolution reflecting these amendments. This case was originally heard and approved by the Planning Commission on March 7, 2017; however, the adopting resolution and draft ordinance did not accurately reflect the proposed amendments as recommended for approval by the Planning Commission. Those issues have been corrected for this second appearance before the Planning Commission. The Wholesaling, Storage and Distribution (Heavy) industrial use type is defined in WCC Section 110.304.30(I) and generally refers to businesses or establishments primarily engaged in wholesaling, storage, and bulk sale distribution including but not limited to open-air handling of material and equipment other than live animals and plants; Heavy refers to distribution and handling of materials and equipment and typical uses include monument sales, stone yards, and open storage yards.

- Applicant: Gail Willey
- Location: All of unincorporated Washoe County
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)

- Area Plan: All
- Citizen Advisory Board: All
- Development Code: Article 818, Amendment of Development Code
- Commission District: All

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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**

#### *Background on the second appearance of the amendment*

The Planning Commission originally heard this case on March 7, 2017. The Commission voted unanimously in favor of recommending approval of the amendments. However, the resolution approved by the Planning Commission did not match the agenda item and description in the staff report, nor the draft ordinance language exactly. Specifically, the resolution referred to the General Rural Agricultural regulatory zone and the amendment involves the General Rural regulatory zone. Therefore, it is necessary for staff to bring this case back to the Planning Commission in order to correct this inaccuracy. The Planning Commission also engaged in significant discussion regarding whether to include language regarding whether to support staff's recommendation to set a 40 acre minimum acreage as a requirement for the special use permit. At the time, the documents were written in a manner that excluded the Commission from removing the language in the draft ordinance that requires a 40 acre minimum. Staff has taken the opportunity that this second hearing affords to provide the commission with a choice of two resolutions and matching ordinances to choose from: one that maintains the staff recommended 40 acre minimum language (Attachment A) and one that excludes that language (Attachment D).

The rest of the staff report that follows contains the same information regarding the case that the original staff report presented on March 7, 2017 contained.

*Staff report language from the March 7, 2017 staff report*

Mr. Willey is requesting that Washoe County amend Washoe County Code (WCC) Chapter 110 (Development Code) to allow the industrial use type of Wholesaling, Storage and Distribution (Heavy) in the General Rural (GR) Regulatory Zone with the approval of a Special Use Permit (SUP) by the Washoe County Board of Adjustment. The amendment would be accomplished by amending Table 110.302.05.4, Table of Uses (Industrial Use Types) as depicted further in this staff report.

As described in Mr. Willey's application (Attachment B), the motivation for this requested amendment is to allow for the Wholesaling, Storage and Distribution of landscape materials that are commonly used throughout this region. Currently the Development Code does not recognize a use type that would include the full range of "landscaping services" under one defined use type. The code defines both retail and wholesale "Nursery Sales" (see definitions below). These uses are considered commercial uses and both are permitted in GR with the approval of a SUP by the Board of Adjustment. However, neither "Nursery Sales" definition includes the full range of landscaping materials such as stone, timber and other products utilized extensively in xeriscape and low-water landscape plans. The use type that is applied for uses that wholesale, store, and distribute these kinds of materials is called "Wholesaling, Storage and Distribution (Heavy)," and is considered an Industrial use type (see definitions below). Currently this use type is limited to the Industrial Regulatory Zone with the approval of an Administrative Permit by either the Board of Adjustment or the Hearing Examiner.

**Section 110.304.25 Commercial Use Types.**

(x) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:

- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
- (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.

**Section 110.304.30 Industrial Use Types.**

(l) Wholesaling, Storage and Distribution. Wholesaling, storage and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage and bulk sale distribution including, but not limited to, open-air handling of material and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:

- (1) Light. Light refers to wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
- (2) Heavy. Heavy refers to distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.

The result of this approach to these use types is that the only location suitable to undertake a combined wholesale/retail full service landscape company is in the Industrial Regulatory Zone with an approved Administrative Permit. Mr. Willey points out that not only are non-nursery landscape materials experiencing increased demand due to low water landscaping

requirements, but there are a number of other use types currently allowed in GR with a SUP that are potentially more intensive than Wholesaling, Storage and Distribution.

While staff does not have data regarding Mr. Willey's first contention regarding the market for landscaping materials, an analysis of the Development Code does suggest Mr. Willey has a legitimate point concerning other use types allowed in the GR regulatory zone. Some of the other potentially high intensity Civic, Commercial, Industrial, and Agricultural use types permitted in the GR regulatory zone with a SUP include:

- A. Aggregate Facilities. Aggregate facilities use type refers to the extraction and processing of sand, gravel and rock from the ground. Typical uses include sand and gravel pit and ancillary uses such as concrete and asphalt batch plants.
- B. Custom Manufacturing. Custom manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, custom cabinet making, candle making shops and custom jewelry manufacturers.
- C. Non-Renewable Energy Production. Non-Renewable energy production use type refers to the commercial production of energy utilizing any non-renewable source of energy.
- D. Renewable Energy Production. Renewable energy production use type refers to the commercial production of energy utilizing solar, geothermal, wind, hydroelectric, and biomass sources of energy.
- E. Mining Operations. Mining operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes uses classified under the petroleum gas extraction use type. Typical uses include the mining of precious metals and industrial minerals.
- F. Petroleum Gas Extraction. Petroleum gas extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.
- G. Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
- H. Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.
- I. Commercial Campground Facilities/RV Park. Commercial campground facilities/RV park refers to areas and services for two (2) or more campsites, accommodating camping vehicles and tents, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.
- J. Agricultural Processing. Agricultural processing use type refers to the processing of foods and beverages from agricultural commodities, but excludes animal slaughtering.

Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats from purchased carcasses.

Washoe County's experience with these use types varies. Clearly, many of these use types either don't exist in Washoe County or they exist on a relatively rare basis. The two use types we have considerable experience are Aggregate Facilities and Utility Services (often a water tank). Both use types can have considerable public impacts that are mitigated through a series of standard and custom conditions of approval within an approved SUP. However, staff feels the more important point behind this list of use types is that it shows Washoe County is prepared to consider allowing these uses in the GR regulatory zone, provided the SUP public hearing process results in appropriate mitigation measures to counter the potential negative impacts of the use type. In fact, a review of the full table of allowed use types (Attachment C) demonstrates Washoe County is prepared to consider a wide variety of intensive uses by SUP in regulatory zones where the compatibility of those use types with the use types allowed by right is possible with comprehensive mitigating conditions of approval.

Staff can generally support the addition of use types to regulatory zones where they are currently unavailable provided two conditions are met. First, the new use types are consistent with other use types allowed in that zone, and second, the use types can be made compatible with other allowed use types through the proper application of conditions of approval with an SUP approval process. This application appears to meet both of these conditions. However, there are some potential consequences that should be considered prior to recommending approval. The GR Regulatory Zone permits some very intensive uses that cover the full range of Residential, Civic, Commercial, Industrial, and Agricultural use types. It is the most diverse of all the regulatory zones, allowing for the broadest mix of use types. However, the biggest use types within GR are overwhelmingly residential and agricultural. In fact, the GR zone is the only regulatory zone which essentially serves as the County's agricultural zoning. Staff feels this means it is particularly important to consider the potential for incompatible use types proliferating throughout the GR regulatory zone. If Washoe County determines that it is suffering due to a lack of industrial zoning, or due to a dysfunctional distribution of industrial zoning, then the County could consider expanding where industrial zoning is located. While there are considerable Regional Plan Conformance issues with this approach, it remains an alternative. Staff feels the County should be cautious about inadvertently turning GR into a kind of industrial zoning replacement, or even more troubling, into a true "hodgepodge zoning." Washoe County's Development Code is by no means fatally flawed or too obsolete to function properly; however, it is true that staff is encountering contemporary uses and business plans, driven by changing markets and changing technology that the Development Code does not adequately anticipate and define. This situation suggests that Washoe County may wish to consider a broader review of the allowed use types in the Development Code, including under what circumstances they are permitted, if they are adequately defined, and if certain contemporary use types should be defined and permitted. Staff considered undertaking such a review as part of this amendment process. However, this amendment was not initiated by the County. Rather, it is the product of a private application. For this reason, staff did not want to broaden the scope of the review and discussion beyond what is necessary to review the applicant's request.

Given the discussion above and the parameters of the application, staff is comfortable recommending approval of the proposed Development Code Amendment. However, staff's recommendation will include an additional proposed amendment that requires a GR parcel conform to all lot standards for the GR Regulatory Zone, including a minimum 40 acre lot size. This additional proposed amendment is required because there are many non-conforming GR lots throughout the County, and these non-conforming lots are commonly located in areas

defined by their residential character. This amendment will prevent locating Wholesaling, Storage and Distribution (Heavy) industrial use types on small GR lots that are more likely to have adjacency/compatibility issues that can't adequately be mitigated with conditions of approval within an SUP.

**PROPOSED AMENDMENTS** (Highlighted in **yellow text** for ease of reference)

Table 110.302.05.4

**TABLE OF USES (Industrial Use Types)**  
(See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP
Aggregate Facilities																			
Permanent	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Temporary	See Article 332																		
Caretaker's Residence																			
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP
Custom Manufacturing	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	A	--	--	--	S <sub>2</sub>	--	SP
Energy Production																			
Non-Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	SP
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	A	--	--	--	S <sub>2</sub>	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP
Mining Operations	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	S <sub>2</sub> †	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Notes: \* If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

† Minimum lot size of 40 acres is required for Wholesaling, Storage, and Distribution in the GR regulatory zone.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

## **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: The Washoe County Master Plan anticipates the need for extra discretionary action to approve certain uses. The Master Plan also encourages promoting economic development while ensuring the compatibility of uses. This amendment is consistent with the policies and action programs in the Master Plan that promote these concepts.*

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: The proposed amendment will provide for the orderly development of the County by ensuring that Wholesaling, Storage and Distribution (Heavy) industrial use types are only allowed in the General Rural Regulatory Zone when the potential negative impacts and incompatibilities have been addressed through the application of appropriate conditions of approval within an SUP.*

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: The growth in market demand for non-nursery landscape products such as rocks and timber was not fully anticipated in the original drafting of the Development Code. Contemporary business models for nurseries and landscaping companies often blend the two uses, even going so far as to blend wholesale and retail uses on the same site. The ability to pursue a similar business model is severely curtailed in Washoe County by the definitions currently utilized in the Development Code. This amendment will allow the County to consider the establishment of uses such as these provided they can be made compatible through the application of appropriate conditions of approval within an SUP.*

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: The Conservation Element and the Population Element will not be impacted by this proposed amendment.*

## **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.



## **Recommendation**

It is recommended that the Washoe County Planning Commission recommend approval of WDCA16-0001, to amend Washoe County Chapter 110 (Development Code) within Article 302, Table 110.302.05.04 (Industrial Use Types.) The following motion is provided for your consideration:

## **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 WDCA16-0001, to amend Washoe County Chapter 110 (Development Code) within Article 302, Table 110.302.05.04 (Industrial Use Types.) I further move to authorize the Chair to sign the resolution contained in Attachment (*A or D, substitute the correct Attachment*), 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 days 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  
Nate Edwards, Deputy District Attorney



**RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION**

**RECOMMENDING APPROVAL OF AN AMENDMENT TO THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 302 *ALLOWED USES* AT TABLE 110.302.05.4 (INDUSTRIAL USE TYPES), TO INCLUDE THE GENERAL RURAL REGULATORY ZONE AMONG THE REGULATORY ZONES WHERE THE WHOLESALING, STORAGE AND DISTRIBUTION (HEAVY) INDUSTRIAL USE-TYPE IS ALLOWED WITH A MINIMUM PARCEL SIZE OF 40 ACRES AND A SPECIAL USE PERMIT GRANTED BY THE WASHOE COUNTY BOARD OF ADJUSTMENT;**

Resolution Number 17-05

**WHEREAS**

- A. Development Code Amendment Case Number WDCA16-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on April 4, 2017; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. 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 WDCA16-0001:
  - 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 Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of WDCA16-0001 as set forth in Exhibit A to this resolution, to amend the Washoe County Code at Chapter 110 (Development Code), Article 302 *Allowed Uses* at table 110.302.05.4 (industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a minimum parcel size of 40 acres and a special use permit granted by the Washoe County Board of Adjustment and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation to be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on April 4, 2017.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Carl R. Webb, Jr., AICP, Secretary

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James Barnes, Chair

**Exhibit A**

Draft ordinance with  
40 acre minimum parcel size

**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:**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, *Allowed Uses* by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a minimum parcel size of 40 acres and a special use permit granted by the Washoe County Board of Adjustment

WHEREAS:

- A. This Commission desires to amend Article 302, *Allowed Uses*, of Washoe County Chapter 110 (Development Code ) in order to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a minimum parcel size of 40 acres and special use permit granted by the Washoe County Board of Adjustment and,
- B. The proposed amendment was initiated by Mr. Gail Willey by submittal of an application for a Development Code Amendment on December 15, 2016, and is assigned case number WDCA16-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA16-0001 on April 4, 2017, and adopted Resolution Number 17-XX recommending adoption of this ordinance; and,

- D. 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,
- E. 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. Table 110.302.05.4 (Industrial Use-Types) of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.4  
**TABLE OF USES (Industrial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP
Aggregate Facilities																			
Permanent	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Temporary	See Article 332																		
Caretaker's Residence																			
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP
Custom Manufacturing	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	A	--	--	--	S <sub>2</sub>	--	SP
Energy Production																			
Non-Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	SP
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	A	--	--	--	S <sub>2</sub>	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP
Mining Operations	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	S <sub>2</sub> †	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Note: \* If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

† A minimum lot size of 40 acres is required for Wholesaling Storage and Distribution Special Use Permit in the General Rural Regulatory Zone.

SECTION 4. 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.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

---

Bob 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 \_\_\_\_\_.

DRAFT

Community Services Department  
Planning and Development  
DEVELOPMENT CODE AMENDMENT  
APPLICATION



*Attention: Trevor Lloyd*  
Community Services Department  
Planning and Development  
1001 E. Ninth St., Bldg. A  
Reno, NV 89520

Telephone: 775.328.3600



## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

<b>Project Information</b>		Staff Assigned Case No.: <u>WDCA16-0001</u>	
Project Name: <b>Amending Table 110.302.05.4</b>			
Project Description: Amending Table of Uses 110.302.05.4 to allow Wholesaling, Storage, and Distribution by special use permit			
Project Address:			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets <b>AND</b> area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name:		Name: Lewis Roca Rothgerber Christie LLP	
Address:		Address: 50 West Liberty Street, Ste. 410, Reno, Nevada	
Zip:		Zip: 89501	
Phone:	Fax:	Phone: (775) 321-3420	Fax:
Email:		Email: ggordon@lrrc.com	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person: Garrett Gordon	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: Gail Willey		Name:	
Address: 9825 South Virginia Street, Reno, Nevada		Address:	
Zip: 89511		Zip:	
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

# Property Owner Affidavit

**Applicant Name:** \_\_\_\_\_

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA        )  
                                  )  
COUNTY OF WASHOE    )

I, Gail Willey \_\_\_\_\_  
(please print name)

being duly sworn, depose and say that I am the owner\* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Development.

**(A separate Affidavit must be provided by each property owner named in the title report.)**

Assessor Parcel Number(s): \_\_\_\_\_

Printed Name Gail Willey \_\_\_\_\_

Signed [Signature] \_\_\_\_\_

Address \_\_\_\_\_

Subscribed and sworn to before me this  
20th day of October, 2016.

Laura P. Browning  
Notary Public in and for said county and state

My commission expires: 8/3/2020

(Notary Stamp)



\*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Lewis Roca Rothgerber Christie LLP  
50 West Liberty Street  
Suite 410  
Reno, NV 89501

775.823.2900 main  
775.823.2929 fax  
lrrc.com

**Garrett D. Gordon**  
Admitted in Nevada  
775.321.3420 direct  
775.321.5569 fax  
ggordon@lrrc.com

December 15, 2016

Our File Number: 302638.00001

Community Services Department  
Planning and Development  
1001 E. Ninth Street Bldg. A  
Reno, NV 89502

**RE: Proposed Text Amendment to Washoe County Unified Development Code**

To Whom it May Concern:

This firm represents Gail Willey and Gail Willey Landscaping (“GWL”) who is seeking a text amendment to the Washoe County Unified Development Code (the “Washoe County Code”). Specifically, GWL is seeking to amend the Washoe County Code to allow “Wholesaling, Storage and Distribution” “Heavy” in the general rural (GR) areas of Washoe County via a special use permit.

GWL initially began operating as a wholesale nursery which provided plant materials and landscaping materials to smaller landscaping companies and individuals. However, due to severe drought in the southwestern United States, the demand for water-efficient landscaping materials has increased drastically. Due to water shortages, many cities and counties have adopted policies and development code language that promote the practice of xeriscaping and rockscaping. Both of these practices require landscaping and architectural design that emphasizes the use of climate-appropriate plants and decorative rock in lieu of less efficient plants and water features. For example, Clark County has removed or replaced nearly 4,000 acres of traditional lawn space since 1999 in an effort to increase water efficiency.<sup>1</sup> As a result, businesses like GWL now offer significantly more landscaping material than previously.

The Gilbert, Arizona Unified Land Development Code (the “Gilbert Code”) defines “Plant Nursery, Retail Sales” as “sales of plant materials, **landscape materials**, and fertilizer.” (Emphasis added). Additionally, the Gilbert Code encourages “Desert landscaping,” which it defines as “the installation of ‘lush’ desert landscaping through the use of low water-consumptive plants indigenous to this region.” The Gilbert Code further dictates that “[i]norganic ground cover, consisting of **decomposed granite, crushed rock, gravel, river rock and/or boulders**, shall be of sufficient variety in terms of color, texture, and materials to provide a pleasant and diverse appearance.” (Emphasis Added). Similarly, the Clark County Unified

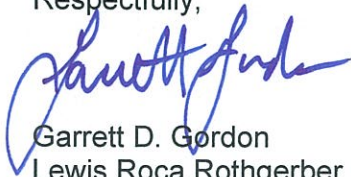
<sup>1</sup> See John M. Glionna, *Amid drought, the West is no place for a lawn, as Nevada has learned*, LOS ANGELES TIMES (May 1, 2015), <http://www.latimes.com/nation/>.

Development Plan (“Clark County Plan”) defines “Plant Nursery” as “an establishment for the growth, display, and/or sale of plants, shrubs, or trees which may also include the accessory sale of materials and tools **such as decorative rock.**” (Emphasis added). Notably, the Clark County Plan includes landscape design objectives which emphasize “water conserving design.” Under the same chapter, under a section titled “Ground Cover” the Clark County Plan dictates that “[a]ny portion of a landscape area not planted shall be covered with **decorative rock, bark, mulch or other material suitable for reducing dust and evaporation.**”

The Washoe County Code includes water conservation and landscaping provisions similar to those in the Clark County Plan and the Gilbert Code. See Article 412 (“LANDSCAPING”); see also 110.412.20 (Water Conservation). Further, the Washoe County Code encourages “the use of climatic adaptive planting material” (110.412.60(a)) and promotes “resource-efficient landscaping for the conservation of water and other natural resources” (110.412.20). Moreover, the Washoe County Code includes “**decorative rock or other appropriate inert materials**” in its definition of “Ground Cover.” 110.412.60(j)(2)(emphasis added). However, the Washoe County Code does not permit nurseries to provide the landscape materials necessary to further these policies and to make this type of landscaping and design affordable and appealing to consumers. Thus, a business that provides these materials in larger quantities falls within the “Wholesaling, Storage, and Distribution” Industrial Use Type. This limits the ability of businesses that provide these materials to operate within Washoe County.

To promote current water conservation practices and to further existing water conservation policies, GWL proposes the following text amendment to permit Wholesaling, Storage and Distribution in General Rural such that businesses such like GWL can apply for a special use permit to operate in General Rural areas. This amendment is appropriate because more traditional industrial uses are already permitted in General Rural areas under a special use permit. For example, Aggregate Facilities, Custom Manufacturing, Mining Operations, and Petroleum Gas Extraction are all permitted with a special use permit. Moreover, the special use permit designation will allow the planning commission to place reasonable restrictions on the operations of a business approved for Wholesaling, Storage, and Distribution. Therefore, the addition of Wholesaling, Storage and Distribution is reasonable and appropriate in the General Rural area designation.

Respectfully,



Garrett D. Gordon  
Lewis Roca Rothgerber Christie LLP

GDG

Attachment C  
 Table of Allowed Uses  
 WDCA16-0001 Staff Report

Table 110.302.05.1

**TABLE OF USES (Residential Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

<b>Residential Use Types (Section 110.304.15)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S <sub>2</sub>	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S <sub>2</sub>	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S <sub>2</sub>	--	--	--	P	--	--	A
Single Family, Detached	A	A	A	A	A	A	A	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Personal Landing Field (Accessory Use)	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Manufactured Home Parks	*	*	*	*	*	S <sub>2</sub>	S <sub>2</sub>	*	*	--	--	--	--	--	--	--	*	--
Group Home	A	A	A	A	A	A	A	A	A	--	S <sub>2</sub>	--	--	--	P	--	A	A

Key: -- = Not allowed; A = Allowed; AR = Administrative Review pursuant to Section 110.306.25(i); P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit; \* = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.2

**TABLE OF USES (Civic Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

<b>Civic Use Types (Section 110.304.20)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	--	--	P	S <sub>2</sub>
Child Daycare	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	P	S <sub>2</sub>	--	S <sub>2</sub>	--
Community Center	--	--	--	--	--	--	P	P	P	A	S <sub>2</sub>	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	S <sub>2</sub>	--	--	P	--	--	--	--
Cultural and Library Services	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	A	--	A	A	--	A	S <sub>2</sub>
Education	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Group Care Facility	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	--	--	--	--	--	S <sub>2</sub>	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	--	--	A	--	--	--	S <sub>2</sub>
Major Services and Utilities																		
Utility Services	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--

Attachment C  
 Table of Allowed Uses  
 WDCA16-0001 Staff Report

Nature Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	
Parks and Recreation																			
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	S <sub>2</sub>
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	--	--	S <sub>2</sub>	A	
Religious Assembly	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	P	P	--	S <sub>2</sub>	A
Safety Services	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.3

**TABLE OF USES (Commercial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Commercial Stables	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
																		*See Article 226 for Warm Springs parcels.
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Veterinary Services, Pets	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	P	--	--	--	--	S <sub>2</sub>
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		

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 Table of Allowed Uses  
 WDCA16-0001 Staff Report

Neighborhood Centers	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	P	S <sub>2</sub>	P	P	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit  
 \* The provisions listed in Table 110.302.05.3 requiring a special use permit for Commercial Stables [as defined in Section 110.304.25(c)(2)] in GR and GRA are hereby modified to be consistent with Article 226, Warm Springs Area.

Table 110.302.05.3 (continued)

**TABLE OF USES (Commercial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S <sub>2</sub>	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S <sub>2</sub>
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	--	--	--
Outdoor Sports and Recreation	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	S <sub>2</sub>	P	--	P	S <sub>2</sub>
Outdoor Sports Club	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	P	--	S <sub>2</sub>	S <sub>2</sub>
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Communication Facilities																		
Commercial Antennas	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S <sub>2</sub>	--	--	--
Data Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	A	--	--	P	S <sub>2</sub>
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	S <sub>2</sub>	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--

Attachment C  
 Table of Allowed Uses  
 WDCA16-0001 Staff Report

Helistop	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	S <sub>2</sub>	--
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--	--
Liquor Sales																			
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--	--
Lodging Services																			
Bed and Breakfast Inns	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	P	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S <sub>2</sub>	A	--	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Table 110.302.05.3 (continued)

**TABLE OF USES (Commercial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

<b>Commercial Use Types (Section 110.304.25)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	A	--	--	A	--	--	--	S <sub>2</sub>	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	S <sub>2</sub>	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	A	--	--	--	--	--
Remote Collection Facility	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--



Attachment C  
 Table of Allowed Uses  
 WDCA16-0001 Staff Report

Secondhand Sales	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.4

**TABLE OF USES (Industrial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP
Aggregate Facilities																			
Permanent	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Temporary	See Article 332																		
Caretaker's Residence																			
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP
Custom Manufacturing	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	A	--	--	--	S <sub>2</sub>	--	SP
Energy Production																			
Non-Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	SP
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	A	--	--	--	S <sub>2</sub>	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP
Mining Operations	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Note: \* If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.5

**TABLE OF USES (Agricultural Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

<b>Agricultural Use Types (Section 110.304.15)</b>	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Agricultural Processing	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	S <sub>2</sub>	A
Agricultural Sales	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	A	--	--	A	--	--	--	S <sub>2</sub>	A
Animal Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	A	A
Animal Slaughtering, Agricultural	A	A	A	A	--	--	--	--	--	--	--	--	--	--	A	A	A	A
Animal Slaughtering, Commercial	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--
Animal Slaughtering, Mobile	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>
Crop Production	A	A	A	A	A	--	--	--	--	A	A	--	--	--	PR	A	A	A
Forest Products	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	P	--
Game Farms	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>
Produce Sales	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	--	A	A

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development



**RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION**

**RECOMMENDING APPROVAL OF AN AMENDMENT TO THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 302 *ALLOWED USES* AT TABLE 110.302.05.4 (INDUSTRIAL USE TYPES), TO INCLUDE THE GENERAL RURAL REGULATORY ZONE AMONG THE REGULATORY ZONES WHERE THE WHOLESALING, STORAGE AND DISTRIBUTION (HEAVY) INDUSTRIAL USE-TYPE IS ALLOWED A SPECIAL USE PERMIT GRANTED BY THE WASHOE COUNTY BOARD OF ADJUSTMENT;**

Resolution Number 17-06

**WHEREAS**

- A. Development Code Amendment Case Number WDCA16-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on April 4, 2017; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. 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 WDCA16-0001:
  - 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 Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of WDCA16-0001 as set forth in Exhibit A to this resolution, to amend the Washoe County Code at Chapter 110 (Development Code), Article 302 *Allowed Uses* at table 110.302.05.4 (industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation to be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on April 4, 2017.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

---

Carl R. Webb, Jr., AICP, Secretary

---

James Barnes, Chair

**Exhibit to Attachment A**  
Draft ordinance without  
minimum parcel size

**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:**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, *Allowed Uses* by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment

WHEREAS:

- A. This Commission desires to amend Article 302, *Allowed Uses*, of Washoe County Chapter 110 (Development Code ) in order to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment and,
- B. The proposed amendment was initiated by Mr. Gail Willey by submittal of an application for a Development Code Amendment on December 15, 2016, and is assigned case number WDCA16-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA16-0001 on April 4, 2017, and adopted Resolution Number 17-XX recommending adoption of this ordinance; and,
- D. 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,

E. 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. Table 110.302.05.4 (Industrial Use-Types) of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.4  
**TABLE OF USES (Industrial Use Types)**  
 (See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP
Aggregate Facilities																			
Permanent	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Temporary	See Article 332																		
Caretaker's Residence																			
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP
Custom Manufacturing	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	A	--	--	--	S <sub>2</sub>	--	SP
Energy Production																			
Non-Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Renewable*	S <sub>2</sub>	S <sub>2</sub>	--	--	--	--	--	--	--	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	--	S <sub>2</sub>	S <sub>2</sub>	S <sub>2</sub>	SP
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	S <sub>2</sub>	--	A	--	--	--	S <sub>2</sub>	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP
Mining Operations	S <sub>2</sub>	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	S <sub>2</sub>	--	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	S <sub>2</sub>	S <sub>2</sub>	--	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S <sub>2</sub>	--	--	--	--	--	--
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	S <sub>2</sub>	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S<sub>1</sub> = Planning Commission Special Use Permit; S<sub>2</sub> = Board of Adjustment Special Use Permit

Note: \* If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 4. 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.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

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Bob Lucey, Chair  
County Commission

ATTEST:

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Nancy Parent, County Clerk

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

DRAFT