



Planning Commission Staff Report

Meeting Date: January 7, 2020

Agenda Item: 8D

STAFF REPORT CASE NUMBER: WDCA19-0006 (110.406)

BRIEF SUMMARY OF REQUEST: Amending the Development Code to add a new section to building placement standards regarding regulatory zoned commercial and industrial parcels

STAFF PLANNER: Planner's Name: Julee Olander
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APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA19-0006 (110.406) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards, to add a new section to allow for variance or modification of the building placement standards including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto.

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.

- ♦ Location: County wide
♦ Dev Code: Authorized in Article 818
♦ Comm. District: All Commissioners

STAFF RECOMMENDATION

INITIATE

INITIATE AND RECOMMEND APPROVAL

DO NOT INITIATE

POSSIBLE 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 initiate Development Code Amendment WDCA19-0006, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions with Findings on Page 4)

Staff Report Contents

Development Code Amendments 2
 Public Notice 2
 Amendment Evaluation 3
 Proposed Amendment 3
 Findings 3
 Public Notice 4
 Recommendation 4
 Motions 4
 Appeal Process 5

Exhibit Contents

Resolution Exhibit A
 Proposed Amendments/Ordinance Exhibit A-1

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.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing.

Background

Development Code Article 406, *Building Placement Standards*, provides the standards and requirements for building placement on a lot, that are determined by the regulatory zone of a parcel. The purpose of this amendment is to allow for parcels with the regulatory zone of commercial or industrial to vary or modify the building placement setbacks, minimum lot size and minimum lot width with the approval of a special use permit, tentative subdivision map.

Amendment Evaluation

The code amendment will allow for more flexibility for building standards for development on commercial and industrial regulatory zone parcels. The amendment will allow the standard setbacks, minimum lot size, and minimum lot width to be varied with a special use permit, tentative subdivision map. For some businesses the standards limit the development of a site and do not allow a business to be developed in the manner that best fits their needs. This amendment will provide property owners some variation to the building standards for commercial and industrial development with oversight by an appointed board.

Proposed Amendment

Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows (text in bold is new language):

Section 110.406.23 Variance or Modification of Certain Building Placement Standards on Commercial or Industrial Parcels in Conjunction with Special Use Permit or Tentative Map Applications. Building placement standards including setbacks, minimum lot size, or minimum lot width may be varied or modified for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application.

Findings

WCC Section 110.818.15(e) requires that the Planning Commission make at least one of the following findings of fact for approval of the amendment. Staff provides the following evaluation for each of the findings and recommends that the PC make all four findings in support of the proposed 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 Master Plan establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. This amendment will provide to alter the standards for building placement on commercial and industrial regulatory zone parcels and this does not conflict with any of the policies or action programs of the 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.

Staff comment: The proposed Development Code amendment for building placement standards for commercial and industrial regulatory zone parcels will not adversely impact public health, safety or welfare. This change will require approval of a special use permit or a tentative subdivision map.

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 proposed amendment will provide flexibility for building placement standards for commercial and industrial regulatory zone parcels.

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 are not impacted by this proposed amendment.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing. A public workshop was held on March 20, 2019 for this application and there was three attendee who asked about the amendment and were good with this change being allowed in commercial and industrial regulatory zones.

Recommendation

It is recommended that the PC initiate and subsequently recommend approval of WDCA19-0006, to amend the Development Code within 406, *Building Placement Standards*, as described in this staff report. The following motions are provided for the PC's consideration:

Motions

Initiation

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA19-0006.

Amendment

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0006, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the 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 WCC Sections 110.818.25 and 110.912.20.

xc: Dave Solaro, Assistant County Manager
 Nate Edwards, Deputy District Attorney
 Mojra Hauenstein, Planning and Building Director



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) ARTICLE 406, BUILDING PLACEMENT STANDARDS, TO ADD A NEW SECTION TO ALLOW FOR VARIANCE OR MODIFICATION OF THE BUILDING PLACEMENT STANDARDS INCLUDING SETBACKS, MINIMUM LOT SIZE, OR MINIMUM LOT WIDTH FOR COMMERCIAL OR INDUSTRIAL REGULATORY ZONE PARCELS IN CONJUNCTION WITH THE APPROVAL OF A SPECIAL USE PERMIT OR TENTATIVE SUBDIVISION MAP APPLICABLE TO THE SUBJECT PROPERTY AND WITHOUT THE NEED TO FILE A SEPARATE APPLICATION FOR A VARIANCE OR MODIFICATION, PROVIDED THAT THE STANDARDS TO BE VARIED OR MODIFIED ARE INCLUDED IN THE NOTICE FOR THE HEARING ON THE SPECIAL USE PERMIT OR TENTATIVE MAP APPLICATION; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-03

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to 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) within 406, *Building Placement Standards*, on January 7, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA19-0006, came before the Washoe County Planning Commission for a duly noticed public hearing on January 7, 2020; 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 WDCA19-0006:
 - 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 the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

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 County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 7, 2020

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

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 Washoe County Code at Chapter 110 (Development Code) by adding standards in Article 406, Building Placement Standards, for parcels with a regulatory zone designation of either commercial or industrial.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards, to add a new section, Commercial and Industrial Building Placement Standards, which will allow for variance or modification of the building placement standards including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add language to Section 110.406 for adding commercial and industrial building standards and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 20-03 on January 7, 2020; 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 WDCA19-0006 on January 7, 2020, and adopted Resolution Number 20-03 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. Article 406 of the Development Code, Chapter 110 of the Washoe County Code, is hereby amended by adding the following section there:

Section 110.406.23 Variance or Modification of Certain Building Placement Standards on Commercial or Industrial Parcels in Conjunction with Special Use Permit or Tentative Map Applications. Building placement standards including setbacks, minimum lot size, or minimum lot width may be varied or modified for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application.

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.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

Chair
Washoe 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 _____.