



# Planning Commission Staff Report

Meeting Date: May 6, 2025

Agenda Item: 9B

DEVELOPMENT CODE AMENDMENT  
CASE NUMBER:

WDCA25-0002 (Article 904)

BRIEF SUMMARY OF REQUEST:

To revise and clarify Article 904  
Nonconformance

STAFF PLANNER:

Julee Olander, Planner  
775.328.3627  
jolander@washoecounty.gov

## **CASE DESCRIPTION**

For hearing, discussion and possible action to initiate an amendment and approve a resolution to amend Washoe County Code Chapter 110 (Development Code), Article 904 *Nonconformance*, to revise the timeframe to obtain building permits for nonconforming uses of a structure and nonconforming structures that have been partially or totally destroyed; and to clarify the requirement for bringing a nonconforming use of land or nonconforming use of a structure into compliance with current development code provisions; and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendments are initiated, the Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or deny the proposed amendment. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

Development Code:	Authorized in Article 818, Amendment of Development Code
Commission District:	All Districts

## **STAFF RECOMMENDATION**

**INITIATE AND RECOMMEND  
APPROVAL**

**DENY**

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**Attachment Contents**

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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.

### **Proposed Amendments**

The proposal would update Article 904 *Nonconformance*, in the following sections:

1. 110.904.10(e), Types of Nonconformance, Nonconforming Development. The proposed amendment is to add the word “property” to the definition of a nonconforming development. Adding this word will provide clarity in determining whether or not an existing development is in conformance with the current requirements for a property within a specified regulatory zone. This addition will also allow all requirements to be recognized and reviewed.
2. 110.904.25(a)(4) & (5), Nonconforming Use of a Structure. The request is to extend the allowed time to continue utilizing a nonconforming use when the use is/was located within a structure that has been partially or totally destroyed in order to enable property owners more time to rebuild or replace the structure(s) in which the nonconforming use was occurring. There have been situations when structures have been destroyed, and it has been difficult to acquire a building permit within the required 6-month timeframe. The proposed change to 24 months will allow the owners more time to complete the permitting and construction process without having their nonconforming use expire at 12 months.

3. 110.904.30(a)(3) & (7), Nonconforming Structure. Similar to the proposed changes to 110.904.25, this request is to extend from 6 months to 24 months the allowed time to obtain the required building permit(s) for the purpose of rebuilding a nonconforming structure that has been partially or totally destroyed. There have been situations when structures have been destroyed, and it has been difficult to acquire a building permit within the required 6-month timeframe. The proposed change to 24 months will allow the owners more time to complete the process of acquiring a building permit.
4. 110.904.60, Requirements for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with Current Development Code Provisions. The purpose of this proposed amendment is to clarify the section's language in order to clarify the requirements for bringing a nonconforming use of land or a nonconforming use of a structure into compliance with the development code. This includes adding language that specifies that this code provision only applies when the expansion of the nonconforming use of land or use of a structure is greater than 10%, and that the trigger for conformance is at the time a building permit is issued or a discretionary use permit for expansion of the nonconforming use (such as a special use permit) becomes effective.

### **Community Meeting & Public Notice**

A community meeting was held in-person and by Zoom on February 26, 2025, from 5:00 p.m. to 6:00 p.m. The meeting had 7 in-person attendees and 6-8 attendees by Zoom. Staff presented the proposed changes, and the attendees had a few questions, including:

- What are the main changes;
- When would the changes be finalized and approved; and
- Would the changes be for parcels in the City of Reno or Sparks.

One email was received, see Exhibit C. Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper and sent to the Citizen Advisory Board Chairperson and Board Members at least 10 days prior to this meeting.

### **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 Master Plan establishes policies governing properties in Washoe County, which are then regulated through the development code. This amendment is consistent with the Envision Washoe 2040 Master Plan. Staff did not find any conflicts with any of the policies or action programs of the Master Plan concerning the proposed changes.*

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 extend the allowed time to acquire a building permit from 6 months to 24 months for a nonconforming structure that has been partially or totally destroyed or when a nonconforming use is occurring in a structure that has been partially or totally destroyed. This extension of time will allow a property owner more time to acquire a building permit for a destroyed legal nonconforming structure and also for structure in which nonconforming uses are occurring, without those uses lapsing at the 12-month time period. The proposal will not adversely impact the public health, safety or welfare, as it simply provides additional time to obtain building permits, and will promote morals, convenience and general welfare as stated in Article 918. The proposed wording changes will further promote the purpose of the Development Code by having updated clarifying language.*

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 amendments allow for a more desirable utilization of land within the regulatory zones.

*Staff comment: The proposal responds to the need in the community for more time to acquire a building permit for nonconforming structures that have been partially or totally destroyed, and to rebuild partially or totally destroyed structures in which a nonconforming use is occurring without having the nonconforming use lapse at the 12-month mark. This proposal will help citizens, providing more time to rebuild certain homes and structures after damaging events occur.*

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 adversely affected by this proposed amendment. There are no goals or policies that address the proposed updates to Article 904 in the Conservation or Population Element.*

### **Recommendation**

It is recommended that the Washoe County Planning Commission initiate the amendment and recommend approval of WDCA25-0002, to amend Washoe County Chapter 110 (Development Code) within Article 904 Nonconformance. 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 initiate and recommend approval of WDCA25-0002, to amend Washoe County Chapter 110 (Development Code) within Article 904 Nonconformance. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the ability to make at least one of the following four findings [specify which findings can be made] 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.



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

**INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) IN ARTICLE 904, NONCONFORMANCE, TO REVISE THE TIMEFRAME TO OBTAIN BUILDING PERMITS FOR NONCONFORMING USES OF A STRUCTURE AND NONCONFORMING STRUCTURES THAT HAVE BEEN PARTIALLY OR TOTALLY DESTROYED; AND TO CLARIFY THE REQUIREMENT FOR BRINGING A NONCONFORMING USE OF LAND OR NONCONFORMING USE OF A STRUCTURE INTO COMPLIANCE WITH CURRENT DEVELOPMENT CODE PROVISIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.**

Resolution Number 25-03

### 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 Washoe County Code Chapter 110 (Development Code) in Article 904, Nonconformance, on May 6, 2025 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA25-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on May 6, 2025; 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 WDCA25-0001:
  - 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 Effects. 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 May 6, 2025.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Trevor Lloyd, Secretary

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Rob Pierce, Chair

WORKING COPY  
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETE LANGUAGE

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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***Summary: Amends Washoe County Code Chapter 110 (Development Code), Article 904 Nonconformance, to revise and clarify provisions relating to nonconforming uses of land, nonconforming uses of structures, and nonconforming structures.***

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

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

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 904 NONCONFORMANCE, TO REVISE THE TIMEFRAME TO OBTAIN BUILDING PERMITS FOR NONCONFORMING USES OF A STRUCTURE AND NONCONFORMING STRUCTURES THAT HAVE BEEN PARTIALLY OR TOTALLY DESTROYED; AND TO CLARIFY THE REQUIREMENT FOR BRINGING A NONCONFORMING USE OF LAND OR NONCONFORMING USE OF A STRUCTURE INTO COMPLIANCE WITH CURRENT DEVELOPMENT CODE PROVISIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend the Washoe County Development Code (Chapter 110 of the Washoe County Code) at Article 904 Nonconformance, in order to revise the required timeframe to obtain building permits for nonconforming uses of a structure and nonconforming structures that have been destroyed or partially destroyed; and to clarify requirements for bringing a nonconforming use of land or nonconforming use of a structure into compliance with the development code, as set forth in this Ordinance; and

- B. The Washoe County Planning Commission held a duly noticed public hearing for WDCA25-0002 and initiated the proposed amendments to Washoe County Code Chapter 110, Article 904 Nonconformance, by Resolution Number **XX-XX** on May 6, 2025; and
- C. The amendments and this ordinance were drafted in concert with the District Attorney's Office; 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 NRS Chapter 278; and therefore, it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.904.10 of the Washoe County Code is hereby amended to read as follows:

**Section 110.904.10 Types of Nonconformance.** This article regulates the categories of nonconformance listed below in this section. If a nonconforming use falls into two (2) or more categories, it shall be subject to the regulations of each category.

- (a) Nonconforming Lot. A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory zone where it is located. A nonconforming lot is subject to the provisions of Section 110.904.15.
- (b) Nonconforming Use of Land. A use which does not involve a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of land is subject to the provisions of Section 110.904.20.
- (c) Nonconforming Use of a Structure. A use which is conducted at least partially within a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of a structure is subject to the provisions of Section 110.904.25.
- (d) Nonconforming Structure. A building or structure which was legal when brought into existence but does not conform to the current height, setback or coverage requirements of

the regulatory zone where it is located. A nonconforming structure is subject to the provisions of Section 110.904.30.

- (e) Nonconforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading, or landscaping requirements of the ~~regulatory zone~~ **property** where it is located. A nonconforming development is subject to the provisions of Section 110.904.35.

SECTION 2. Section 110.904.25 of the Washoe County Code is hereby amended to read as follows:

**Section 110.904.25 Nonconforming Use of a Structure.** The nonconforming use of a structure shall be subject to the provisions of ~~theis~~ **this** section.

- (a) Continuation. A nonconforming use of a structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
  - (1) A structure devoted to a nonconforming use shall not be enlarged more than ten (10) percent, extended, constructed, reconstructed, moved or structurally altered;
  - (2) Any structure in which a nonconforming use is superseded by an allowed use shall thereafter conform to the regulations for the regulatory zone in which such structure is located, and the nonconforming use may not thereafter be resumed;
  - (3) Any nonconforming use may be extended throughout such parts of a structure as were manifestly arranged or designed for such use at the time of adoption of this article, but no such use shall be extended to occupy any land outside such structure;
  - (4) **Except as otherwise provided in subsection (5) below,** ~~When~~ a nonconforming use of a structure is discontinued or abandoned for twelve (12) consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the regulatory zone in which it is located; and
  - (5) When a nonconforming **use of a structure is occurring in a structure that** has been partially or totally destroyed, the nonconforming use **will not lapse and** ~~of~~ the structure may be rebuilt, provided **that** a building permit **to replace the structure** is acquired within ~~six (6)~~ **twenty-four (24)** months of the damaging event.
- (b) Adding New Structures. When a nonconforming use exists in any structure, no new use or structure shall be established or built on the lot where the structure is located unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

SECTION 3. Section 110.904.30 of the Washoe County Code is hereby amended to read as follows:

**Section 110.904.30 Nonconforming Structure.** A nonconforming structure shall be subject to the provisions of this section.

- (a) Continuation. Any nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) Such structure may not be enlarged more than ten (10) percent or altered except as specifically provided for by this section;
  - (2) ~~If the use ceases for any reason for more than twelve (12) consecutive months, any subsequent use of the structure shall conform to the requirements of the Development Code for the regulatory zone in which it is located;~~
  - (32) If a structure is partially or totally destroyed, the nonconforming use of the structure may be rebuilt, provided **that** a building permit **to replace the structure** is acquired within ~~six (6)~~ **twenty-four (24)** months of the damaging event;
  - (43) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the regulatory zone in which it is located;
  - (54) Such structure may be remodeled or repaired provided that the cost of such remodeling or repair is not more ~~than~~ **than** fifty (50) percent of its replacement cost and that the structure is not enlarged more than ten (10) percent, as it existed at the time of adoption or amendment of this Development Code;
  - (65) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or state official charged with protecting the public health or safety, upon order of such official; and
  - (76) On any property whose boundary was adjusted on or before June 13, 1981, a nonconforming structure which exists and is in nonconformance when this ~~ordinance~~ **section** is adopted, and which is subsequently destroyed or removed from the property may be replaced by a structure appropriate to the same use within ~~six~~ **twenty-four (24)** months.
- (b) Adding New Uses or Structures. When a nonconforming structure exists on any lot, no new use or structure shall be established or built on such land unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

SECTION 4. Section 110.904.60 of the Washoe County Code is hereby amended to read as follows:

**Section 110.904.60 Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code.** Except as provided for in this article, a nonconforming use of land or a nonconforming use of a structure **that expands by more than 10%** shall be brought into conformance with the provisions of this Development Code, **as follows:**

- (a) ~~a~~At the time ~~that a ministerial permit (e.g. a building permit)~~ is issued, or
- (b) ~~a~~At the time that an approved discretionary **use** permit (**per section 110.302.15**) for **expansion of the nonconforming use** (e.g. special use permit) becomes effective.

SECTION 5 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 Chair 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), 2025.

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

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2025.

Vote:

Ayes:

Nays:

DRAFT: May 6, 2025

Absent:

\_\_\_\_\_  
Alexis Hill, Chair  
County Commission

ATTEST:

\_\_\_\_\_  
Jan Galassini, County Clerk

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

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Project Name: \_\_\_\_\_  
Meeting Location: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_

Neighborhood Meeting  
**SUMMARY**

Virtual Meeting Option Provided:      YES      NO

Hosted By (Name): \_\_\_\_\_ (Company): \_\_\_\_\_

Contact (Email): \_\_\_\_\_ (Phone): \_\_\_\_\_

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**Public Concerns:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Changes Made to Proposal (if applicable):**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**Any Additional Comments:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**From:** [Susan L. Fisher](#)  
**To:** [Olander, Julee](#)  
**Cc:** [Steven Oldham](#); [ahill@washoecounty.com](mailto:ahill@washoecounty.com)  
**Subject:** Code Chapter 110, Article 904  
**Date:** Wednesday, February 26, 2025 3:25:35 PM

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[Report Suspicious](#)

Dear Ms. Olander,

I am submitting my comments on the proposed draft changes to Code Chapter 110, Article 904 as I am unable to attend this evening's Planning Commission meeting.

My husband, Steven Oldham, and I lost our home during the August Gold Ranch Fire. The home was 100-percent destroyed.

We appreciate the proposed extension of time in Section 110.904.25 (a)(5) which allows a nonconforming structure destroyed or damaged to be rebuilt provided the building permit is acquired within 18 months rather than existing six-month requirement.

Our suggestions are below. ~~Red strikethrough~~ is our suggested language deletion and *blue italic* is our suggested addition.

**Section 110.904.25 Nonconforming Use of a Structure.**

(a)(5) When a nonconforming structure has been partially or totally destroyed/**damaged**, the nonconforming use of the structure may be rebuilt provided a building permit is ~~acquired~~ *submitted* within ~~six (6)~~ **eighteen (18)** months of the damaging event.

**Section 110.904.30 Nonconforming Structure**

(a)(3) If a structure is partially or totally destroyed/**damaged**, the nonconforming use of

The structure may be rebuilt, provided a building permit is ~~acquired~~ *submitted* within ~~six (6)~~ **eighteen (18)** months of the damaging event.

While we do not anticipate that there will be any issue related to nonconforming structure(s)

with our application, we have already passed the six-month mark. Our contractor will be submitting our building permit with a week or two, but we have already exited the existing window. This was due to extensive deconstruction and clearing of debris from the fire. Within a couple of weeks, those who lost homes during the Davis Creek Fire will also be past the six-month mark.

With the number of homes and other structures that were damaged this past summer/fall, and in the event our area experiences other natural or human-caused disaster, there may be delays at the County level. Also, some insurance companies are understandably bogged down now due to events in the West, Florida and Texas and many people who have lost or had their homes and/or businesses damaged may not be able to move quickly enough to meet even an 18-month timeline. Shortage of available contractors is also a very real issue.

Changing the verbiage from “acquired” to “submitted” would help in these situations.

Thank you for your time and work on this important code change.

Susan

**Susan Fisher** | Senior Advisor



**Government Affairs & Advocacy Group**

**C: 775.742.7080**