



WASHOE COUNTY

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Other _N/A_

STAFF REPORT

BOARD MEETING DATE: June 23, 2015

DATE: May 29, 2015

TO: Board of County Commissioners

FROM: Eric Young, PhD, Planning and Development Division Community Services Department, 328-3613, eyoung@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Public Hearing for the second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto. (All Commission Districts.)

SUMMARY

A public hearing for second reading and possible adoption of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Section 110.106.15 Regulatory Zones to repeal and replace the current description of Specific Plan Regulatory Zone; at Table 110.302.05.4 Table of Uses (Industrial Use Types) to define the limits of industrial use types in specific plan proposals; and at Division 4, Development Standards to add Article 442 Specific Plan Standards and Procedures, to provide regulations for planned development consistent with NRS 278A Planned Development.

Washoe County Strategic Objective supported by this item: Economic development and diversification.

PREVIOUS ACTION

On June 9, 2015, the Board of County Commissioners (Board) held the Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at

AGENDA ITEM # _____

Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto; and if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 23, 2015, at 3:00 p.m.

The Washoe County Planning Commission initiated DCA 14-005, changes to Divisions One, Three, and Four on April 7, 2015 by Resolution Number 15-06.

The Washoe County Planning Commission recommended approval of DCA 14-005 on May 5, 2015 by Resolution Number 15-09.

BACKGROUND

PROPOSED CODE AMENDMENTS

Washoe County has utilized a Specific Plan process since the adoption of the original one-map planning system some decades ago. Upon switching to the current two-map system, Washoe County retained a specific plan process through regulatory zoning. The intent of the Specific Plan Regulatory Zone is to enable flexible development standards that will facilitate the type of mixed use development opportunities envisioned by the Land Use and Transportation Element of the Washoe County Master Plan (see Attachment A).

However, a joint review by the Division of Planning and Development and the District Attorney's Office determined that our current code may not be facilitating the types of development envisioned by the master plan, and that our current specific plan regulations should be changed to more closely align with Nevada Revised Statutes regarding planned development. Nevada Revised Statute (NRS) 278A, Planned Development, enables jurisdictions to utilize planned development (what Washoe County calls Specific Plan), but only upon adoption of a planned development ordinance that sets forth the standards and conditions by which a proposed planned development is evaluated. The statute spells out the required contents of the ordinance with some specificity. Working together, staff from the Planning and Development Division and the District Attorney's Office amended the County's current approach to planned development through the current Specific Plan regulatory zone to reflect NRS requirements. The proposed amendments to Divisions One, Three and Four of the Washoe County Code, Chapter 110 (Development Code) are intended to improve the ability of the Code to facilitate the vision of the master plan, and to do so in a manner that is fully consistent with state statutes regarding planned development.

The staff report prepared for the May 5, 2015 Planning Commission (PC) meeting is included as Attachment A to this staff report and provides more detailed information on the background behind the proposed Code amendments.

The PC moved to adopt Resolution 15-09 (Attachment B), recommending adoption of DCA 14-005. The motion passed on a vote of 5 supporting and none against, 2 absent.

PUBLIC NOTICE AND PARTICIPATION

Staff hosted a public workshop on April 29, 2015 to discuss the proposed amendment and invited all current members of the County's Citizen Advisory Boards to attend. Staff also presented the proposed amendments at the Development Services Forum on April 9, 2015. No public comment or feedback was received during or following either of these outreach efforts.

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.

WCC Section 110.818.35 requires the Board of County Commissioners (Board) to affirm, modify or reject the findings of fact made by the PC during the Board's final action (i.e., adoption of the ordinance) of any Development Code amendment. The Board may also add any other findings of fact that they deem to be relevant as part of their final action. The four findings of fact made by the PC during their recommendation for approval of DCA 14-005 are included within Resolution 15-09 (Attachment B). Those findings of fact, and staff's comments on those findings as contained in the PC staff report for the May 5, 2015 meeting, are included below:

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 Land use and Transportation Element of the Master Plan contains numerous goals, policies and other text supporting the implementation of planned development. This amendment is in compliance with the Master Plan and will contribute to its further implementation.

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: This amendment seeks to add to the tools available to the Board, the Planning Commission, and the Public to achieve the purposes of the Development Code, in particular the development patterns and types that are promoted by the Master Plan. By providing another avenue to implement the development patterns desired by the Master Plan, this amendment promotes all of the original purposes of the Development Code. By providing a diversity of ways to achieve the county's sustainable development goals, this amendment adds to the ability of the Development Code to achieve its purpose and as such does not adversely affect the public's health, safety or welfare.

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 amendments are specifically designed to ensure that Washoe County's Development Code is consistent with and conforms to Nevada Revised Statute regarding Planned development, specifically, NRS278A.

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.

Staff comment: The amendments specifically relate to the Land Use and Transportation Element and as such do not affect the policies and action programs of the Conservation or Population Elements of the Washoe County Master Plan.

FISCAL IMPACT

No fiscal impacts are anticipated.

RECOMMENDATION

It is recommended that the Board hold a public hearing for second reading and possible adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto."

- Attachment:
- A. Planning Commission Staff Report
 - B. Planning Commission Resolution 15-09
 - C. DCA 14-005 (WCC Chapter 110 amendments)



Planning Commission Staff Report

Meeting Date: May 5, 2015

Subject: Development Code Amendment Case Number DCA14-005

Applicant: Planning and Development Division

Agenda Item Number: 8A

Summary: Amends Washoe County Code Section 110.106.15 Regulatory Zones to repeal and replace the current description of Specific Plan Regulatory Zone; amends Table 110.302.05.4 Table of Uses (Industrial Use Types); adds Article 442 Specific Plan Standards and Procedures, to provide regulations for planned development consistent with NRS 278A Planned Development.

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

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Washoe County

Commission District: All Commission Districts

Description

Development Code Amendment Case Number DCA 14-005 – A hearing, discussion and possible action to amend the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto.

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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

Washoe County has utilized a Specific Plan process since the adoption of the original one-map system some decades ago. Upon switching to the current two-map system, Washoe County retained a specific plan process. The intent of the Specific Plan Regulatory Zone is to enable flexible development standards that will facilitate the type of mixed use development opportunities envisioned by the Land Use and Transportation Element of the Washoe County Master Plan (see Attachment A, Washoe County Master Plan goals, policies and other language supporting planned development in Washoe County.) Similar to the current system, the proposed Specific Plan Regulatory Zone requires the creation of a development standards handbook. The handbook provides the detailed development standards for the project that are different from the standards found in the development code for "standard" regulatory zones.

However, the District Attorney's Office has determined that Nevada Revised Statute (NRS) 278A Planned Development anticipates this type of planning tool. NRS 278A enables jurisdictions to utilize planned development (what Washoe County calls Specific Plan), but only upon adoption of a planned development ordinance that sets forth the standards and conditions by which a proposed planned development is evaluated. The statute spells out the required contents of the ordinance with some specificity. Working together with staff from the Planning and Development Division, the District Attorney's Office determined that our current approach to planned development through the current Specific Plan regulatory zone should be changed. The newly proposed Article 442, Specific Plan Standards and Procedures, is intended to ensure Washoe County's approach to planned development is consistent with NRS 278A.

There are three significant differences between the current approach and the proposed approach. The first difference is the new approach provides for a wider range and mix of potential uses. While some level of mixed use development is possible under the current approach, the proposed approach expands design and development opportunities by enabling the mix of non-residential and residential uses on the same parcel or even within the same building. However, the Planning and Development Division Director, the Planning Commission and the Board of County Commissioners each has considerable discretion in determining which uses are ultimately allowed, how they are distributed, and designed. The next important difference between the existing and proposed codes is the new approach contains a comprehensive series of provisions regarding open space, its creation, use, maintenance, and protection. These provisions are very similar to those currently found in Article 408, Common Open Space Development. However, the proposed code is broader in scope in its contents and

more detailed in its specific requirements. The third primary difference regards the processing of Specific Plans. The new approach follows NRS 278A and is very similar to the tentative and final map approval process. For the Specific Plan Regulatory Zone only, the Board of Commissioners grants tentative approval of the overall plan. Subsequently, the developer may submit phases or the whole plan for final determination of approval to the Planning and Development Division Director. This is a new process for Washoe County and staff will create a processing protocol that is both friendly and efficient. Staff's experience with processing tentative and final maps should prove helpful in developing any new application and approval processes that are necessary to implement the proposed code.

Other than these significant differences, the proposed Specific Plan Regulatory Zone is very similar in intent and function to the existing Specific Plan Regulatory Zone. The underlying intent of the Specific Plan Regulatory Zone, both currently and proposed, is to enable flexible development standards to achieve the types of development envisioned by the Land Use and Transportation Element of the Washoe County Master Plan, particularly mixed use or rural resort projects that promote both environmental and economic sustainability.

Exhibit A to Attachment B (the adopting resolution) contains the proposed amendments to WCC Chapter 110, the Development Code.

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 Land use and Transportation Element of the Master Plan contains numerous goals, policies and other text supporting the implementation of planned development. This amendment is in compliance with the Master Plan and will contribute to its further implementation. .*

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:** This amendment seeks to add to the tools available to the Board, the Planning Commission, and the Public to achieve the purposes of the Development Code, in particular the development patterns and types that are promoted by the Master Plan. By providing another avenue to implement the development patterns desired by the Master Plan, this amendment promotes all of the original purposes of the Development Code. By providing a diversity of ways to achieve the county's sustainable*

development goals, this amendment adds to the ability of the Development code to achieve its purpose.

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 amendments are specifically designed to ensure that Washoe County's Development Code is consistent with and conforms to Nevada Revised Statute regarding Planned development, specifically, NRS278A.

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 amendments specifically relate to the Land Use and Transportation Element and as such do not affect the policies and action programs of the Conservation or Population Elements of the Washoe County Master Plan.

Public Notice

Staff hosted a public workshop on April 29, 2015 to discuss the proposed amendment and invited all current members of the County's Citizen Advisory Boards to attend. Staff will provide information from the workshop to the Planning Commission as part of the staff presentation for the May 5, 2015 PC meeting.

Staff discussed the proposed amendments at the Development Services forum on April 9, 2015. Any comments or concerns generated from that meeting will be presented to the Planning Commission at the public hearing.

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.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA 14-005, to amend Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. 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 DCA 14-005, to amend the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto. I further move to authorize the Chair to sign the resolution contained in Attachment B 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 amendments respond 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.
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 decision on this case (recommendation for adoption, denial, or no action) may be made to the Washoe County Board of County Commissioners within 10 calendar days from the date that the written decision is filed with the Secretary to the Planning Commission. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to the next closest business day.

Washoe County Master Plan Land Use and Transportation Element - Goal, Policies and Other Language Supporting the use of Planned Development in Washoe County.

The Land Use and Transportation Element (LUTE) of the Washoe County Master Plan is focused on supporting the long term economic, environmental, and social sustainability of development efforts in the unincorporated county. The LUTE does not suggest that the county should adopt one planning paradigm to accomplish this goal. Rather, Washoe County’s approach is to recognize the value of numerous different planning paradigms for their ability to contribute to this goal. One of the significant commonalities between the different approaches to planning recognized by the LUTE is a commitment to mixed use development and the multi-modal opportunities it affords. Another common foundation to these different approaches is the preservation of open space through the concentration of development in clusters of activity. Preferably, of course, mixed use activities. An important implementation tool for these types of development patterns is Planned Development, as described in NRS 278A and the Washoe County Code amendments proposed here (DCA14-005 Specific Plan Standards and Procedures.) Below is a compilation of goals, policies and other language from the LUTE that supports the adoption of a planning tool like Planned Development (Specific Plan.)

Goals and Policies

Land Use

Goal One: Influence future development to abide by sustainable growth practices.¹

- LUT.1.1 Washoe County should define smaller areas where more intense suburban development is permitted (parallel with the Area Plan Suburban Character Management Area, or SCMA), and larger areas outside the suburban areas where development is strictly limited to retain the existing rural character (parallel with the Area Plan Rural Character Management Area, or RCMA).
- LUT.1.2 Mixed-use, sustainable developments are extremely encouraged.
- LUT.1.3 Streets should be narrowed and interconnected with bicycle lanes to provide more opportunity for walking and cycling as viable as well as desirable and safe modes of transportation.
- LUT.1.4 Residential should be within close proximity to retail/commercial land uses within SCMAs to facilitate both walking and cycling as desirable and safe modes of transportation.

Goal Two: Standards ensure that land use patterns are compatible with suburban development and incorporate mixed-use.¹

Policies

- LUT.2.1 Ensure that existing and proposed land uses are compatible.

- a. Projects shall be evaluated with the intent to promote mixed-use and land use compatibility.
- b. Mixed-use refers to the combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site in one of the following ways:
 - i. Vertical Mixed-Use - A single structure with the above floors used for residential or office use and a portion of ground floors for retail and commercial (Photo 2).
 - ii. Horizontal Mixed-Use, Attached - A single structure, which provides retail/commercial or service use in the portion fronting the public or private street with attached residential, or office uses behind (Photo 3).
 - iii. Horizontal Mixed-Use, Detached - Two or more structures on one or more parcels of land which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind the site.

LUT.2.2 Allow flexibility in development proposals to vary lot sizes, cluster dwelling units, and use innovative approaches to site planning providing that the resulting design is compatible with adjacent development and consistent with the purposes and intent of the policies of the Area Plan. Development applications shall be evaluated with the intent to satisfy the minimum following criteria:

- a. Directs development away from hazardous and sensitive lands.
- b. Preserves areas of scenic and historic value.
- c. Provides access to public land.
- d. Retains agricultural uses, fire and windbreaks, wildlife habitat, wetlands, streams, springs and other natural resources. An adequate amount of prime resources must be retained in order to sustain a functioning ecosystem.
- e. Accommodates the extension and connection of trail systems and other active and passive recreational uses.
- f. Furthers the purposes and intent of the respective Area Plan.
- g. Prevents soil erosion.
- h. Encourages a minimum distance from residential dwellings to active recreation in parks.

Goal Four: Land use patterns allow for a range of housing choices and interconnected streets.¹

Policies

LUT.4.1 Maintain a balanced distribution of land use patterns to:

- a. Provide opportunities for a variety of land uses, facilities and services that serve present and future population;
- b. Promote integrated communities with opportunities for employment, housing, schools, park civic facilities, and services essential to the daily life of the residents; and

1. Modifications with regard to certain Area Plans can be found in Appendix B of this document.

- c. Allow housing opportunities for a broad socio-economic population.
- LUT.4.2 Encourage new developments to provide appropriate design to accommodate the needs of all users, including young, aging, handicapped and special needs populations.
- LUT.4.3 Encourage suburban developments to provide a mix of residential densities and housing types in close proximity to retail/commercial.
- LUT.4.4 Encourage new suburban developments to provide interconnected street networks (Photo 6) to improve fluidity between different land uses and encourage walking and cycling as viable and safe modes of transportation.

Goal Nine: Natural resources are highly valued.

Policies

- LUT.9.1 Create, maintain, and connect usable open space for aesthetic, recreational purposes and natural resource protection.
 - a. Development assurances shall provide that the open space will be used as intended and will be adequately maintained. The following measures shall be used as applicable:
 - i. Designate open space areas to a classification consistent with the intended use.
 - ii. Record Conditions, Covenants and Restrictions (with the County as an interested party) or other contractual agreement with specification of the intended use and prohibition of future sale of the property without consent of the County.
 - iii. Specify use of the property (e.g. common area) on recorded maps.
 - iv. Dedicate easements (with the County as an interested party) that specify the intended use.
 - v. Provide financial assurances for any proposed improvements within the open space.
 - vi. Provide mechanisms to assure perpetual maintenance of the open space.
 - vii. When a density bonus or density transfer is proposed, the parcel that is proposed to be use-restricted should be included as part of the tentative map.

1. Modifications with regard to certain Area Plans can be found in Appendix B of this document.

- LUT.9.2 Use techniques for not developing parcels or portions of parcels, such as transfer of development rights, conservation easements and conservation subdivisions, in environmentally sensitive and aesthetically valuable areas.
- LUT.9.3 Use building envelopes and localized grading, to reduce balding and cut and fill, in environmentally sensitive areas.
- LUT.9.4 Reduce the impacts of development on water quality, land subsidence and fissuring, and riparian habitat.
- LUT.9.5 Require the connection of open space; trail access and bikeway systems with regard to a multitude of different trail uses.

Community Design

Goal Seventeen: Future plans should begin to move away from traditional codes and begin to create and implement form-based codes and other sustainable design practices.

Policies

- LUT.17.1 Washoe County will begin to create and implement form-based codes or a hybrid of form-based codes and Euclidian codes upon drafting future Area Plans.
- LUT.17.2 Suburban neighborhoods should be created with a discernible center. This is often a square, green space, or memorable center. A transit station can be located at this center.
- LUT.17.3 A variety of dwelling units such as houses, townhouses, and apartments are all encouraged.
- LUT.17.4 Retail/commercial should be located within walking distance to homes and at the bottom floor of apartment complexes.
- LUT.17.5 The streets are narrow in width and shaded with trees. This type of street network is conducive to efficient cycling and walking.
- LUT.17.6 Setbacks are reduced to place building to the sidewalk creating an outdoor room.
- LUT.17.7 Parking lots and garage doors rarely front the street. Parking is relegated to the rear of buildings accessed via alleyways. In single-family-homes the garage is replaced with a front porch (Photo 9).

Goal Nineteen: Incentives to promote more sustainable development.

Policies

- LUT.19.1 Certain development practices provide broad benefits to the local community and to the public at large. In order to realize these benefits, residential units in addition to the base density may be earned by committing to one or more of the following development practices:
- a. The pursuit of a Green Building certification program such as the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED). LEED certifications are available for multi-unit developments.
 - b. Water conservation including landscape techniques, materials, or equipment certified by the Department of Water Resources.
 - c. Low impact grading: Utilization of grading techniques that minimize the amount of cut and fill, use alternatives to large block retaining walls, and generally result in an appearance that mimics the natural slope.

- d. Common open space development: In order to earn incentive units, development proposals must commit to the following practices in addition to any standards specified under Article 410 of the Washoe County Development Code:
 - i. Maintain viable habitat or wildlife corridors.
 - ii. Create viable passive recreational opportunities.
 - iii. Propagate an overall design that utilizes open space, parcel design, road design, and pedestrian facilities in a manner that is consistent with the community character and sensitive to the design of existing neighboring development.
 - iv. Utilizes low impact grading techniques
- e. Mixed-use developments: Developments that incorporate employment and commercial service opportunities, utilizing integrated designs that stimulate pedestrian and bicycle use for access to internal and external services and amenities.
- f. Affordable housing: Housing affordable to homebuyers or renters earning between 80% and 120% of Area Median Income.
- g. Utilize Low Impact Development (LID) techniques as described in the LID Handbook above and beyond requirements of the LID ordinance.
- h. The dedication of public Open Space.

Land Use Plan

National Planning Movements

Sustainable Development

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. In more recent times, the issue of sustainable development was revived by the United Nations in their plight to help communities develop and survive.

Sustainable development takes into account the uncertainty of available resources in the future. Increased population and growth put a larger burden on our natural environment. To combat the stress placed on the natural environment, sustainable development attempts to mitigate current consumption patterns in an attempt to maintain current natural resource levels for generations to come.

A major tenet of sustainable development is the importance of analyzing all sources of information. Sustainable development decisions are carefully determined with input from a broad group consisting of policy makers to grass root organizations to the single individual. One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Many different sustainable development methods have been discussed previously including:

New-Urbanism
Transit Oriented Development
Urban Villages

New Urbanism

New urbanism encompasses a broad range of principles and is also known by such names as neo-traditional design, transit-oriented development, and traditional neighborhood development. New urbanism is based on pre-World War II urban form before the dominance of automobile travel when cities were walkable, contained mixed-use development rather than separation of uses, and relied on transit. The key principles state that:

- Cities, towns and neighborhoods should have discernable centers and edges.

- Development should be compact and preserve farmland and environmentally sensitive areas.
- Infill development should be favored over Greenfield use.
- Streets should be narrower, connected, and friendly to pedestrians and cyclists. Modified grids or web-like patterns are preferred due to better connectivity.
- Streets should be pedestrian friendly. Streets should be wider with vegetation separating the roadway from the sidewalk and bicycle lanes incorporated within every transit network.
- Mixed land uses and higher densities are encouraged over single-use pods.
- Neighborhoods should include housing opportunities for a rich diversity of people of many different groups including income, class, age, culture and race.
- A transit network should form the backbone of transportation needs.
- There should be a minimal environmental impact.
- Civic buildings and public gathering places should be well designed and centrally located.
- Architectural and urban design should respect local history and regional character. Emphasis should be on creating a sense of place.

Smart Growth

The intent of the smart growth movement is to provide a framework for communities to make informed decisions about how and where they grow. By utilizing smart growth principles, communities can grow in ways that create better neighborhood living situations; are more accessible; support economic development and jobs; create strong neighborhoods with a range of housing, commercial and transportation options; cost less and require less taxes; and achieve communities that provide families with a clean environment.

One of the most important ideas to understand when implementing smart growth practices is that no one policy or approach will do everything. The principles are meant to be used in conjunction with each other and new urbanism with an appreciation that each situation presents unique issues. The smart growth principles are embodied by the following precepts:

- Mix-land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities and choices.
- Create walkable neighborhoods -Through interconnected streets.
- Foster distinctive, attractive communities with a strong sense of place.
- Encourage front porch communities with garages in rear of homes.
- Preserve and connect open space, farmland, natural beauty and critical environmental areas.
- Strengthen and direct development towards existing communities.
- Encourage infill development and urban renewal.
- Provide a variety of transportation choices - Bus, bicycle, walk, employer shuttles, and carpooling.
- Make development decisions predictable, fair and cost effective.
- Encourage community and stakeholder collaboration in development decisions.

Form-based Codes

The technique of form based-codes provides detailed prescriptions of physical form in a well-illustrated, clear plan. The clarity and prescriptive nature of the plan allows developers to avoid the long, unpredictable review processes common to traditional zoning. Form-based coding often is implemented through a “parallel” approach where new codes are applied as an option to existing codes. Incentives for using the form-based option, including expedited permitting processes and tax breaks, can enhance its appeal to developers and lead to implementation. Developers and architects praise the clarity of a form-

based code and the more predictable, streamlined review process. Also, citizens value the opportunity to shape their communities through public design charrettes.

Character Planning and Design

Character Planning

Successful plans involve more than just the physical layout of a development or the amount of certain uses proposed in a plan. Long-lasting plans understand the look and feel of a place—those characteristics that give an area a “sense of place” or an identity. These characteristics may be found by taking into account an area’s natural resources, or historic and cultural traditions. Other times, character is derived from more subtle elements such as an overgrown streetscape or an engineered solution to a past problem now embedded in the area. For instance, a tram that transports people up a steep incline may be the element that gives an area a particular character.

When evaluating future developments applications, approval of applications should only be granted if the applicant can demonstrate compatibility with the existing character of an area. Existing character of a community does not refer to low density, cul-de-sac sprawled development. Character refers to architectural style, historic and cultural preservation, and maintaining a sense of community.

Character planning forms the basis for the Area Plan sections of the Comprehensive Plan. Each Area Plan covers a unique geographical area that is based loosely on the area’s hydrographic basin(s). Planning studies for each Area Plan consider the overall community situation, the historical land use and transportation patterns, conservation goals, and natural and man-made resources. A great deal of public participation also occurs in the process to aid in uncovering the characteristics that make each area unique. The goal of each plan is to fashion a document that will preserve the community character, maintain the plan stability and manage the timing of growth.

Design Guidelines

An important element in character planning is creating standards or guidelines that will uphold the sense of place that the community desires. Typical land use tools such as land uses or zones are only part of the solution. A more comprehensive method is to combine the regulatory tools with design guidelines that address the aesthetic side of character. Design guidelines provide clear and concise technical guidelines to enable professionals to prepare plans that more closely meet the desired outcomes. They typically describe such elements as form, mass, scale, material, landscaping, compatibility, detail and color. Design guidelines are incorporated in Washoe County Area Plans.



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA 14-005) TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 106, *MASTER PLAN CATEGORIES AND REGULATORY ZONES* AT SECTION 110.106.15, *REGULATORY ZONES*, TO REPEAL AND REPLACE PARAGRAPH (U) WITH NEW LANGUAGE RE-DEFINING THE SPECIFIC PLAN REGULATORY ZONE, TO AMEND TABLE 110.302.05.4 GOVERNING INDUSTRIAL LAND USE TYPES TO DEFINE WHICH INDUSTRIAL USE TYPES ARE PERMITTED IN THE SPECIFIC PLAN REGULATORY ZONE, AND TO ADD ARTICLE 442, *SPECIFIC PLAN STANDARDS AND PROCEDURES*, TO PROVIDE CRITERIA AND PROCEDURES FOR REZONING TO THE SPECIFIC PLAN REGULATORY ZONE, TENTATIVE APPROVAL, FINAL APPROVAL, RECORDING, ENFORCEMENT AND AMENDMENT OF SPECIFIC PLANS, CONSISTENT WITH NRS 278A PLANNED DEVELOPMENT.

Resolution Number 15-09

WHEREAS

- A. Development Code Amendment Case Number DCA 14-005, came before the Washoe County Planning Commission for a duly noticed public hearing on May 5, 2015; 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 DCA 14-005:
 - 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 allows 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 DCA 14-005, an amendment to the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development, as set forth in Exhibit A; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on May 5, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Carl R. Webb, Jr., AICP, Secretary



Roger M. Edwards, Chair

Draft: May 5, 2015

(Rev.)

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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Summary: Amends WCC Section 110.106.15 Regulatory Zones to repeal and replace the current description of specific Plan Regulatory Zone; amends Table 110.302.05.4 Table of Uses (Industrial Use Types), and adds Article 442 Specific Plan Standards and Procedures to provide regulations for planned development consistent with NRS 278A Planned Development.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto.

WHEREAS:

- A. NRS 278A enables local governments to adopt regulations governing the use of planned development as a land use

planning tool and Washoe County has determined that this tool should be available in the unincorporated areas of the county; and

- B. In accordance with NRS 278A.010-590 inclusive this Commission desires to amend Washoe County Code Section 110.106.15 (Regulatory Zones) to provide a clear description of the intent of the Specific Plan Regulatory Zone; and,
- C. Because NRS 278A requires local jurisdictions wishing to utilize planned development to adopt an ordinance setting forth the standards and conditions by which proposals for planned development can be evaluated, this Commission desires to add Article 106 Specific Plan Standards and Procedures; and,
- D. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore 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. Subsection 110.106.15(u) is hereby repealed and replaced as follows.

Section 110.106.15 Regulatory Zones.

- (u) ~~Specific Plan Regulatory Zone. The Specific Plan (SP) Regulatory Zone is intended to identify areas where detailed study and planning are required to address the unique conditions and needs of an area, the landowners, and the community. The Specific Plan Regulatory Zone is appropriate for redeveloping existing suburban, urban, commercial and industrial areas; re-planning areas that have already begun to develop in an unplanned or uncoordinated manner, planning environmentally sensitive areas, planning for a mixture of land uses and planning new communities. When adopted by the Washoe County Board of County Commissioners, the Specific Plan Regulatory Zone identifies areas where unique planning conditions and needs have been shown to exist and where special considerations are required to more effectively implement the Master Plan. The availability of the Specific Plan Regulatory Zone is not subject to exclusion from specific Character Management Areas and remains available for potential application anywhere in the unincorporated county regardless of its appearance or lack of appearance on lists of available regulatory zones contained within individual Area Plans.~~
- (1) ~~All lands in the Specific Plan Regulatory Zone must be accompanied by a Design Standards Manual (DSM) before any use of the land will be authorized, unless the property is currently subject to a Specific Plan document that is part of Volume Three of the Washoe County Master Plan or contained within the applicable Area Plan. The Design Standards Manual, or specific plan document if one exists, serves as the regulatory framework and vision for development within the Specific Plan area by~~

identifying the appropriate land uses and associated infrastructure necessary to support development.

- (2) — An important function of an adopted Design Standards Manual within the Specific Plan Regulatory Zone is to tailor the design guidelines and specific development regulations for the proposed land uses to address the unique conditions and needs identified on the property and for the specific mix of uses and development patterns proposed. The required Design Standards Manual shall be submitted as a component of the application for Specific Plan Regulatory Zone. The DSM will be reviewed as a component of the zone change request. Amendments to an adopted DSM are Regulatory Zone amendment requests and as such will be processed in accordance with Article 821, Amendment of Regulatory Zone, of the Washoe County Development Code.
- (3) — At a minimum, the Design Standards Manual shall include the following components:
 - (i) — A land use map depicting the distribution of land uses throughout the proposed development.
 - (ii) — Statement of the plan and purpose of the development and how the proposal is consistent with the community character as articulated in the Area Plan.
 - (iii) — Policies to implement specific goals contained within the development plan.
 - (iv) — Provision and timing of utilities.
 - (v) — Traffic access, parking, and a traffic and pedestrian circulation plan.
 - (vi) — Architectural guidelines;
 - (vii) — Building siting and setbacks;
 - (viii) — Landscape and fencing guidelines;
 - (ix) — Land use compatibility within the proposed development, and with adjacent land uses and zoning. Where adjacent land uses are not compatible (according to the Washoe County Master Plan), a list of appropriate measures that shall be taken for buffering, screening, including the use of open space, for the purpose of protecting adjacent uses shall be detailed;
 - (x) — Energy supply and conservation;
 - (xi) — Land grading, erosion and flood control;
 - (xii) — Natural features of and natural hazards on the site;
 - (xiii) — Fire protection;
 - (xiv) — Maintenance and enhancement of air quality;
 - (xv) — Wildlife and fisheries preservation;
 - (xvi) — Historic, cultural and archaeological resources preservation;
 - (xvii) — Recreation amenities;

- ~~(xviii) Trails and open space provisions and maintenance;~~
- ~~(ixx) Infrastructure financing plan; and~~
- ~~(xx) Procedures for the implementation of the development standards and for minor amendments of the development standards manual.~~

- ~~(4) All discretionary permit applications processed for the subject area must be consistent with the provisions of the approved Design Standards Manual and the types of uses that have been approved during the Specific Plan Regulatory Zone approval process. While the Specific Plan Regulatory Zone is allowed within all Master Plan categories, the resulting Design Standards Manual must demonstrate general consistency with the Master Plan categories assigned to the subject area and compatibility with surrounding land uses and community character. There is no minimum lot area for this regulatory zone.~~

Specific Plan Regulatory Zone. NRS 278A authorizes local jurisdictions to utilize Planned Development as a means to achieve goals and policies enumerated in the Washoe County Master Plan that may otherwise be constrained by the strict application of the development standards found in the Washoe County Development Code (WCC Chapter 110). In Washoe County planned development is accomplished through the use of the Specific Plan Regulatory Zone. The Specific Plan Regulatory Zone is a planning tool that allows certain development to waive or modify development standards and regulations related to design, residential density and intensity in exchange for advancing the goals and policies of the Master Plan. Washoe County's Master Plan articulates numerous goals and policies that may be more readily achieved through the application of the Specific Plan Regulatory Zone. Many of the planning theories promoted by the Washoe County Master Plan, including New Urbanism, Smart Growth, and Character Planning and Design, encourage the use of flexible, performance driven standards to achieve the more sustainable and efficient land development patterns desired by Washoe County.

The greater flexibility allowed with the Specific Plan regulatory zone shall be utilized to create a coordinated development that provides public benefits not otherwise part of the development process. These public benefits are derived from better and more comprehensive implementation of the goals and policies of the Master Plan. Proposed Specific Plans shall demonstrate how they will advance Master Plan goals and policies and achieve these public benefits, particularly as they relate to sustainability, natural resource conservation, desired land use patterns and community character. Article 442 of the Washoe County Development Code articulates the minimum development standards and application process, including the required Development Standards Manual required of a Specific Plan Regulatory Zone Amendment request. Some examples of development types that may be appropriate for the Specific Plan Regulatory zone include mixed commercial and residential projects, rural resorts, industrial campuses, technology parks and other uses that typically require significant land and resources, but which also require flexibility in the application of development standards.

Because each planned development will vary in size, location, types of uses, purpose and community impact, creating specific development guidelines for this category is difficult. In general, each planned development should seek to maintain existing levels of services for the area it will impact, and to establish minimum

levels of services for the new development that are consistent with Washoe County's existing codes and plans.

SECTION 2. Table 110.302.05.4 is hereby amended 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	S2	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	--	S2	--	--	
Temporary	See Article 332																			
Caretaker's Residence																				
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	SP
Custom Manufacturing	S2	S2	S2	--	--	--	--	--	--	S2	--	S2	A	--	--	--	S2	--	--	SP
Energy Production																				
Non-Renewable*	S2	S2	--	--	--	--	--	--	--	--	--	--	S2	S2	--	S2	S2	--	--	
Renewable	S2	S2	--	--	--	--	--	--	--	S2	--	S2	S2	S2	--	S2	S2	S2	SP	
General Industrial																				
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	--	--	--	--	
High Technology Industry	--	--	--	--	--	--	--	--	--	S2	S2	--	A	--	--	--	S2	--	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	--	SP
Mining Operations	S2	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	--	S2	--	--	
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	S2	S2	--	--	
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S2	--	--	--	--	--	--	
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); S1 = Planning Commission Special Use Permit; S2 = Board of Adjustment Special Use Permit; **SP = Uses that may be proposed as part of a Development Standards Manual in the Specific Plan regulatory zone.**

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.

SECTION 3. A new article 110.442 is added to the Washoe County Code to read in its entirety as follows:

Article 442

SPECIFIC PLAN STANDARDS AND PROCEDURES

Section 110.442.00 Purpose. The purpose of this article, Article 442, Specific Plan Standards and Procedures, is to implement the provisions of NRS chapter 278A, Planned Development, by, among other things, setting forth the standards and conditions to evaluate a proposal to create planned unit developments. A planned unit development is referred to herein as a Specific Plan and is effected through adopting the Specific Plan Regulatory Zone over a parcel or group of parcels. Flexibility of development is a prime directive of the Specific Plan Regulatory Zone. This regulatory zone is a specialized regulatory zone that allows Washoe County to provide greater flexibility in allowed uses, design, lot size, density and intensity and other development standards than may otherwise be allowed in other regulatory zones. This greater flexibility shall be utilized to create a coordinated development that provides public benefits that are not likely to be available through the standard development process. These public benefits are derived from better and more comprehensive implementation of the goals and policies of the Master Plan, particularly as they relate to sustainability, natural resource conservation, desired land use patterns, economic development and community character. All provisions in this article shall be interpreted in a manner consistent with NRS chapter 278A, and all provisions required by NRS chapter 278A shall be applicable to the implementation of this article.

Section 110.442.05 Applicability. Article 408, Common Open Space Development, affords considerable flexibility for residential or primarily residential projects. This Article is intended for projects with a mix of use types not permitted by Article 408 and which require considerably more attention to internal compatibility, consistency and buffering. The Specific Plan Regulatory Zone is only available under all Master Plan Categories with the exception of Open Space (see table 110.442.01.1). The Specific Plan Regulatory Zone may be applied when the Board identifies a significant opportunity to advance the goals and policies of the Master Plan through specialized regulatory zone regulations that permit more flexibility than those found for standard development in other regulatory zones.

Section 110.442.10 Definitions. Consistent with NRS chapter 278A, the following definitions apply:

1. “Board” means the Washoe County Board of Commissioners
2. “Commission” means the Washoe County Planning Commission.
3. “Director” means the Director of the Division or the person or persons designated by the Director to do the action.
4. “Division” means the Planning and Development Division of the Department of Community Services for Washoe County.
5. “Secretary” means the Secretary to the Commission.

6. “Development Code” means Washoe County Code Chapter 110.
7. “Specific Plan” (SP) carries the same meaning ascribed to “Planned unit development” by NRS 278A.065 and 278A.070 and means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both. Unless otherwise stated, this includes the a “planned unit residential development,” which means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any regulatory zone ordinance enacted pursuant to law.
8. “Plan” means the provisions for development of a specific plan, including a plat of subdivision, all covenants related to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the plan” means the written and graphic materials referred to in this section.
9. “Development Standards Manual (DSM)” means a document that contains the complete regulatory framework, vision, and purpose of a Specific Plan. This includes all necessary maps, graphics, or other non-narrative information necessary to describe the Specific Plan and to review any proposal for development within the Specific Plan.
10. “Common Open Space” means a parcel or parcels of land or an area of water or a combination of land and water or easements, licenses or equitable servitudes within the site designated for a specific plan which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.
11. “Landowner” means the legal or beneficial owner or owners of all the land proposed to be included in a specific plan. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforceable proprietary interest in the land is a landowner for the purposes of this Article.

Section 110.442.15 Applications. An application for a Specific Plan is an application for a regulatory zone amendment as contemplated in NRS 278.250 and NRS 278.260. In addition to the requirements of applicable regulatory zone amendments including Article 821, Amendment of Regulatory Zone, the additional application requirements contained in this article must be followed.

Section 110.442.20 Allowed Uses. All use-types permitted by the Washoe County Development Code may be proposed for a Specific Plan, with the exception of certain industrial use types (See table 110.302.05.4.) Use types not shown in the Development Code may be proposed provided a definition of the use is approved by the Director.

Section 110.442.25 Density; Mixed Uses; Lot Size and Width and Setbacks; Height; Minimum Area; and Industrial Use Types. This section establishes the standards governing the density or intensity of land use to include design, bulk, and location, in a specific plan consistent with NRS 278A.110 and 278A.220. The standards may vary the density or intensity of land use otherwise

applicable to the land within the specific plan in consideration of the factors in NRS 278A.110. Otherwise, the standards governing the density or intensity of land use in a specific plan are as follows:

1. **Residential Density.** The maximum density allowed for a Specific Plan and the maximum density allowed on any one parcel within a Specific Plan through the transfer of density from common open space within the Specific Plan is determined by the underlying Master Plan Category as shown in Table 110.442.01.1. The maximum density for a Specific Plan is calculated over the entire Specific Plan area, except for constrained lands within the Specific Plan as identified in the adopted *Development Suitability Map* within the applicable area plan.
2. **Mixed Uses.** Residential and non-residential uses within a Specific Plan may be developed on the same parcel and/or within the same building. Residential densities can be increased in these mixed use areas by transferring density from common open space areas. Mixed use areas must include measures to address incompatibilities between existing and proposed uses.
3. **Lot Size.** The minimum lot size for any parcel in a Specific Plan is 3,700 square feet.
4. **Lot Width and Yard Setbacks.** The complete specific plan must comply with the minimum lot width, front yard setbacks, side yard setbacks, and rear yard setbacks for parcels of similar size as found in Table 110.406.05.1, Standards, of this code. As an alternative, typical building envelopes shall be shown on a tentative subdivision map or parcel map submitted as a plan component where these standards are proposed to be varied below the minimum standard. The Specific Plan’s DSM must demonstrate how these building envelopes will contribute to the overall consistency of the plan and will implement the goals and policies of the master plan more effectively than the general provisions of the development code.
5. **Height.** All development shall comply with the height standards for parcels of similar size as found in Table 110.406.05.1, Standards. Buildings that will accommodate joint mixed residential and non-residential uses shall use the height limit for the regulatory zone that most closely matches the allowed uses in the non-residential component of the mixed use.
6. **Minimum Area.** Consistent with NRS 278A.250, the minimum site area within a Specific Plan Regulatory Zone area is 5 acres, except that the governing body may waive this minimum when proper planning justification is shown.
7. **Industrial Use Types.** Industrial use types in a Specific Plan are limited to those identified in table 110.302.05.4 – Industrial Use Types for a Specific Plan regulatory zone. At a minimum, all industrial use types must conform to Article 340, Industrial Performance Standards, unless alternative standards are approved as part of the DSM.

Table 110.442.01.1

MASTER PLAN CATEGORIES AND MAXIMUM SPECIFIC PLAN RESIDENTIAL DENSITIES

Master Plan Category	Rural	Rural Residential	Suburban Residential	Urban Residential	Commercial	Industrial
Maximum Overall Specific Plan	1 unit per forty acres	1 unit per 5 acres outside the Truckee Meadows	3 units per acre	3 units per acre	3 units per acre.	3 units per acre.

Density		Services Area. 1 unit per 2.5 acres inside the Truckee Meadows Services Area.				
Maximum Specific Plan density per individual parcel with density transfer from common open space within the Specific Plan.	1 unit per forty acres	1 unit per 5 acres outside the Truckee Meadows Services Area. 1 unit per 2.5 acres inside the Truckee Meadows Services Area.	14 units per acre.	42 units per acre.	42 units per acre.	42 units per acre.

Section 110.442.30 Specific Plan Development Standards Manual. In addition to the application submittal requirements for a regulatory zone amendment, all applications for a Specific Plan regulatory zone amendment must include a DSM. An adopted Specific Plan DSM functions as the regulatory framework and vision for all development within the Specific Plan. All development permit applications processed pursuant to Chapter 100 and 110 of this code for the area within a Specific Plan must be consistent with the provisions of the approved DSM and the use types approved within the Specific Plan. In instances where the DSM is silent concerning a particular standard, the standards of the Development Code shall be used. Amendments to an adopted DSM are an amendment to an adopted Specific Plan Regulatory Zone and as such will be processed in accordance with Section 110.442.55, Application and Tentative Approval of Specific Plan; and Article 821, Amendment of Regulatory Zone, of this Code.

1. At a minimum, the Development Standards Manual shall include the following components:
 - (a) A general location map providing the context of location, size and vicinity of the Specific Plan;
 - (b) A list of all proposed use types, including the number and type of housing units. Areas or buildings identified for mix use types must be clearly identified and described. For use types not included in the current Development Code, a definition and examples of typical uses for the proposed use type must be provided;
 - (c) The allowed uses of any common open space;
 - (d) A land use map depicting the distribution of all allowed land uses throughout the proposed development within the Specific Plan, to include constrained areas, common open space, lot size, and proposed residential densities;
 - (e) Statement of the plan and purpose of the development and how the proposal is consistent with the Master Plan, with an emphasis on the land

use and transportation element, the conservation element and the area plan within which the Specific Plan is proposed;

- (f) A general indication of the expected schedule of development, including progressive phasing and a time schedule;
- (g) A description of existing, available or proposed public or private utilities and infrastructure and proposed timing of all utilities and infrastructure to be provided including water, sewer, electricity, gas, communications, storm drain and flood control facilities, public transportation access, parks, and schools. The description shall include an analysis of the appropriate proposed locations for utilities and infrastructure facilities within the Specific Plan;
- (h) Traffic access, parking, and a traffic and pedestrian circulation plan;
- (i) Architectural guidelines that contribute to the creation of a unified, internally consistent development within the Specific Plan;
- (j) Lot width and yard setbacks for proposed building envelopes;
- (k) Landscaping and fencing requirements;
- (l) The form of homeowners association or other entity which will to own and maintain the open space, including draft enabling documents (Articles of Incorporation or Operating Agreement and By-Laws);
- (m) All covenants, restrictions, grants or easements (including public utility easements or grants) to be recorded against all the properties in the planned development, which must include the provisions regarding use and maintenance of common open space as stated in NRS 278A.120 through 278A.190, and must include provisions regarding enforcement and modification as provided for in NRS 278A.380 through NRS 278A.420;
- (n) The ratio of residential to non-residential use;
- (o) The extent to which the plan departs from regulatory zone and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are in the public interest;
- (p) Land use compatibility within the proposed development and with adjacent land uses and regulatory zones. Where mixed uses are proposed or adjacent land uses are not compatible (according to the Washoe County Master Plan), a list of appropriate measures that shall be utilized for buffering and screening, including the use of open space, for the purpose of protecting adjacent uses shall be detailed;
- (q) A description of the type and location of any current and proposed easements within the Specific Plan;
- (r) Land grading, erosion and flood control plans of sufficient detail to determine if conditions should be placed on any grading activity within the Specific Plan to ensure it is consistent with the standards and intent described in Article 438, Grading Standards, of this Code;
- (s) Natural features and natural hazards on the site;
- (t) Fire prevention and protection measures;
- (u) Maintenance and enhancement of air quality;

- (v) Wildlife and fisheries preservation;
 - (w) Historic, cultural and archaeological resources preservation;
 - (y) Recreation amenities;
 - (z) Industrial Performance Standards, if applicable (see Section 110.442.25(g) Industrial Use Types);
 - (aa) Trails and open space provisions and a maintenance infrastructure financing plan, if applicable;
 - (bb) Sufficient Maps and Graphics to clearly and accurately communicate these components;
 - (cc) Procedures for minor modifications of the Development Standards Manual; and
 - (dd) Other information that may be requested in order to evaluate and discuss the evaluation criteria set forth in Section 110.442.50, Evaluation Criteria and Conditions of Approval and the findings set forth in Section 110.442.55.10, Application and Tentative Approval of Specific Plan.
2. **Site Analysis to Determine Common Open Space and Lot Size Variations.** This section describes the provisions for determining the amount and location of common open space per 278a.120. The creation of Common Open space is a critical tool for both Washoe County and the land owner to achieve respective goals within a Specific Plan. Common Open space enables both flexible development standards and density transfers to areas within the Specific Plan. A site analysis showing development opportunities and constraints, and project design objectives shall be prepared as a component of a proposed Specific Plan. The site analysis will include the total area covered by lots and roads, lot areas, and the total area to be designated as common open space. The site analysis shall also include information and maps, including a site opportunities and constraints map, describing all significant physical and contextual features or factors which may affect the development within the proposed Specific Plan. In addition to any relevant items in the DSM, the elements of the site analysis shall include, at a minimum, the following information:
- (a) **Adjacent Land Use.** Current use types on immediately adjacent land;
 - (b) **Existing Structures.** A description of the location, physical characteristics, condition and proposed use of any existing structures within the Specific Plan;
 - (c) **Existing Vegetation.** A description of existing vegetation, including limits of coverage, and major tree sizes and types within the Specific Plan. In the instance of heavily wooded sites, typical tree sizes, types and limits of tree coverage may be substituted;
 - (d) **Prevailing Winds.** An analysis of prevailing winds;
 - (e) **Topography.** An analysis of slopes within the Specific Plan using a contour interval of two feet, or at a contour interval appropriate for the area and agreed to by the Director;
 - (f) **Soil.** An analysis of the soil characteristics within the Specific Plan using Soil Conservation Service (SCS) information;
 - (g) **Natural Drainage ways.** Identification of natural and man-made drainage ways on and adjacent to the Specific Plan;

- (h) Wetlands and Water Bodies. Identification of existing or potential wetlands and water bodies within the Specific Plan;
- (i) Flood Hazards. Identification of existing and potential flood hazards within the Specific Plan using Federal Emergency Management Agency (FEMA) information;
- (j) Seismic Hazards. Identification of seismic hazards on or near the Specific Plan, including location of any Holocene faults;
- (k) Avalanche and Landslide Hazards. An analysis of avalanche and other landslide hazards affecting the Specific Plan;
- (l) Sensitive Habitat and Migration Routes. An analysis of sensitive habitat areas and migration routes affecting the Specific Plan;
- (m) Significant Views. A description and analysis of all significant views;
- (n) Appropriate Access Points. An analysis of appropriate access points based upon existing and proposed streets and highways and Specific Plan opportunities and constraints; and
- (o) Other Information. All other information deemed appropriate and necessary by the Director.

Section 110.442.35 Standards for the Creation and Maintenance of Common Open Space. No area within a Specific Plan may be approved as common open space under the provisions of this article unless it meets the following standards. Provisions for any associated common open space development shall be conditioned upon approval of a tentative subdivision or parcel map submitted as a plan component. All tentative, final recorded, and parcel maps must clearly denote the dedicated common areas. All tentative, final recorded, and parcel maps must clearly denote the Specific Plan project boundary and the map's location within it. Common open space must be used as a natural amenity or for recreational purposes. The uses approved for common open space must be appropriate to the scale and character of the Specific Plan, considering its size, overall residential density, expected population, topography and the number and type of residential units to be provided. As provided in NRS 278A.120, any common open space resulting from the application of standards for density or intensity of land use must be set aside for the use and benefit of the residents or owners of property within a specific plan. The amount, location, improvement, and maintenance of any open space are determined in accordance with the following.

1. Common open space must be suitably improved for any approved uses but common space containing natural features worthy of preservation may be left unimproved. Buildings, structures and improvements permitted in common open space must be appropriate to the uses which are approved as part of the Specific Plan's DSM for the common open space, and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
2. Three-Year Maintenance Plan. The proposed Specific Plan must include a maintenance plan for any common open space areas. The maintenance plan shall, as a minimum, provide for maintenance of the following components:
 - (a) Vegetation;
 - (b) Watershed;
 - (c) Debris and litter removal;
 - (d) Fire access and suppression;

- (e) Public access and any limitations to public access;
 - (f) Noxious weeds; and
 - (g) Other factors deemed necessary by the Director.
3. **Permanent Preservation and Maintenance.** Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to the County and meeting the requirements of NRS 278A.120 through NRS 278A.190.
 4. **Screening and Buffering of Adjoining Development.** The proposed Specific Plan shall include adequate screening and buffering measures for existing and proposed land uses adjacent to any proposed common open space areas.
 5. **Common Open Space Restrictions.** Proposed common open space areas shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency through a purchase agreement for such uses as parks, schools or other public facilities.
 6. PER 278A.130 Washoe County may accept the dedication of land or any interest therein for public use and maintenance but Washoe County will not require, as a condition of the approval of a specific plan, that land proposed to be set aside for common open space be dedicated or made available to use by the general public.

Section 110.442.40 Flexibility of Subdivision Standards. Flexibility of design standards and criteria within Division Six, Subdivision Regulations, of the Development Code may be allowed as part of an approved Specific Plan DSM, provided that the Director has determined the evaluation criteria in Section 110.442.50, Evaluation Criteria and Conditions of approval, are satisfied.

Section 110.442.45 Flexibility of Standards Applied by Other Agencies. Flexibility in the development standards of other reviewing agencies including but not limited to, the Washoe County Health District, the applicable fire district, the applicable water, wastewater or other utilities providers, will be permitted only with the expressed consent of that agency.

Section 110.442.50 Specific Plan Evaluation Criteria and Conditions of Approval. Based on the best planning practices available at the time of a Specific Plan regulatory zone amendment submission, the Commission will make the initial determination of the suitability and appropriateness of the proposed Specific Plan, and make an appropriate recommendation to the Board. The BCC will make the final determination of suitability and appropriateness for the Specific Plan proposal as provided in NRS chapter 278A and this article. A proposed Specific Plan will be evaluated by the Commission and the Board against the specific minimum standards enumerated in this Article, the factors set forth in NRS chapter 278A including those in 278A.470 as applicable, as well as the following review criteria:

1. **Consistent with Master Plan.** The Specific Plan advances Washoe County's Master Plan goals and policies, including both county wide and area plan specific language.
2. **Integrated with Surrounding Uses.** The Specific Plan is planned and designed to be compatible with existing or proposed development in the areas nearby and adjacent to the Specific Plan.
3. **Protects and Unifies Natural Systems.** The Specific Plan creates an effective and unified treatment of the development and preservation possibilities within its area. The Specific Plan must preserve or create unique amenities such as natural

streams, stream banks, rough terrain, man-made landforms or landscaping, and similar areas, as appropriate.

4. **Single Ownership.** The land within the Specific Plan is under single ownership or control.
5. **Health, Safety and Welfare.** The Specific Plan is not detrimental to the health, safety and welfare of the surrounding neighborhoods and community.
6. **Master Plan Implementation.** The Specific Plan more closely meets Master Plan goals and policies than would occur if the general standards and development regulations of the development code were applied for the area.
7. **Adapts to Physical Setting.** The Specific Plan better adapts to the physical and aesthetic setting of the area within the Specific Plan and with the surrounding land uses than could otherwise be achieved or developed using the general standards of and development regulations the development code.
8. **Area-wide Benefit.** The Specific Plan benefits the surrounding neighborhoods and community to a greater degree than development allowed within another regulatory zone, including improved pedestrian or transit access to jobs, goods, and services.
9. **Higher Quality of Development.** The Specific Plan provides mixed land uses and/or site design flexibilities while enhancing the area within the Specific Plan or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur using the general standards and development regulations of the development code.
10. **Appropriate Use of Common Open Space.** The Specific Plan ensures the concentration of open space into more workable or usable areas, and better preserves the area's natural resources than would otherwise occur using the general standards and development regulations of the development code.
11. **No Undue and Adverse Impact.** The Specific Plan will not have an undue and adverse impact on the reasonable enjoyment of neighboring properties and will not be detrimental to existing surrounding uses.
12. **Impact on Public Facilities.** The Specific Plan will not create an excessive burden on parks, schools, streets, and other public facilities which serve, or are proposed to serve, the area within the Specific Plan.
13. **Internal Consistency.** The Specific Plan is designed in such a manner as to form a desirable and unified environment within its own boundaries.
14. **Whole Phases.** Each phase of the Specific Plan is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible in the context of the Specific Plan in its entirety, and that provision and construction of non-residential uses, residential units and common open space are balanced and coordinated. Each phase shall be identified and approved as part of the DSM.

Section 110.442.55 Application and Tentative Approval of Specific Plan.

1. **Regulatory Zone Amendment, Governing Law and Definitions.** An application for approval of a Specific Plan shall be processed as a regulatory zone amendment in accordance with Article 821, Regulatory Zone Amendment, of this code except to the extent that a provision in Article 821, Regulatory Zone Amendment conflicts with this Section. The tentative approval of a Plan by the Board shall constitute tentative approval of a regulatory zone amendment of the property included in the

Plan to “Specific Plan” to become effective without further action by the Board on final approval of the Plan by the director.

2. **Concurrent processing of a tentative subdivision map.** An application for tentative approval of a subdivision map in accordance with Article 608 Tentative Subdivision Maps, of this code may be processed concurrently with an application for tentative approval of a Specific Plan, with the following adjustments:
 - (a) **Timelines.** Since the tentative map is part of the overall Specific Plan application, the application for approval of the tentative map is not to be deemed received for purposes of the 60 day deadline under Section 110.608.15 of this code until the Specific Plan application package is deemed complete.
 - (b) **PC takes Final Action.** The approval of the Tentative Subdivision Map shall be by a separate motion at the Commission in connection with the Specific Plan approval. Approval is a final action as provided in Section 110.608.15, of this code. Unless needed for informational purposes only, the approved tentative map will not be forwarded to the Board with the rest of the Specific Plan materials. The tentative map may be approved by the Commission but final maps will not be approved until the regulatory zone amendment creating the Specific Plan is final.
3. **Application and fees.** Applicants are encouraged to meet with the Director to discuss application and processing requirements. An initial application shall be submitted in two copies to the Director together with an application fee in the amount established by resolution of the Board.
4. **Form and Content of Application.** The application must be on a form or in a format set out by the Division. In addition to the application submittal requirements required by the Director for all regulatory zone amendments, all applications for a Specific Plan regulatory zone amendment must include a draft of the DSM that is in recordable form. See Section 110.442.30 Specific Plan Development Standards Manual for the required contents of the Application.
5. **Initial Review.** The Director shall review the initial application to determine if it complies with this Article and is complete enough to present to the Commission. The Director may require corrections and resubmittal of all or portions of the application and plan until it is determined that the application and plan are complete enough for presentation to the Commission.
6. **Agency Review.** When the Director determines that the application is complete, copies shall be circulated to all agencies who review regulatory zone change requests as determined by the Director. Comments and proposed conditions from reviewing agencies shall be included in the staff report. The Director may schedule meetings with participating agencies and the applicant to work through issues.
7. **Submittal for Commission; scheduling of public hearing** When an application is ready for review by the Commission, it shall be submitted in electronic form as well as ten paper copies. The electronic form and one copy shall be filed with the Commission Secretary for public inspection and distribution. The Director shall schedule a public hearing no later than the second regular meeting of the Commission after the application is deemed complete by the Director.
8. **Notice of Hearing.** Notice of the public hearing before the Commission shall be prepared, mailed, distributed, and published in the same way as a notice for a

regulatory zone amendment in Section 110.821.20 of this Code. The notice shall indicate that a copy of the application and plan are on file with the Secretary.

9. **Public Hearing at Commission.** A public hearing shall be conducted in accordance with the rules of the Commission. The hearing may be continued subject to the requirements of NRS 278A.480 (2). Written consents to extension of time may be approved and signed by the Chair of the Commission.
10. **Findings.** Consistent with NRS 278A.500 and in addition to making all the findings required by Section 110.821.15 of this code for regulatory zone amendments, the commissioners shall consider and set forth in the minutes of the meeting (either as a part of the motion or by individual comments) with particularity in what respects the Plan would or would not be in the public interest, including, but not limited to findings on the following:
 - (a) **Consistency with Specific Plan Standards.** In what respects the plan is or is not consistent with the statements of objectives of a Specific Plan set forth in this Article;
 - (b) **Departures from regulatory zone requirements are in public interest.** The extent to which the plan departs from regulatory zone and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest;
 - (c) **Residential/nonresidential ratio.** The ratio of residential to nonresidential use in the planned development;
 - (d) **Adequacy of common open space.** The purpose, location and amount of the common open space in the development and the adequacy or inadequacy of the amount and purpose of common open space as related to the proposed density and type of residential development.
 - (e) **Maintenance of Common Open Space.** The reliability of the proposals for the maintenance and conservation of the open space.
 - (f) **Adequacy of public services, traffic and amenities.** The physical design of the plan and the manner in which design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (g) **Relationship to neighborhood.** The relationship, beneficial or adverse, of the proposed Specific Plan to the neighborhood in which it is proposed to be established.
 - (h) **Schedule sufficiency.** If the development is to be built over a period of years, the sufficiency of the terms and conditions in the plan intended to protect the interests of the public, residents and owners of the development in the integrity of the plan.
11. **Actions by Commission.** Based on its determinations and findings, on a motion approved by a majority of commissioners present at the meeting, the Commission may:
 - (a) **Recommend Approval.** The Commission may, by resolution, recommend tentative approval of the Plan and regulatory zone change as submitted or subject to conditions not included in the Plan as it was submitted. The resolution must specify the Plan being tentatively approved, recommend the form of performance bond that shall accompany an application for final

approval as provided in NRS 278A.490, and must recommend the time within which an application for final approval of the Plan must be filed, or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part as provided in NRS 278A.510. The resolution must also describe the proposed amendment to the appropriate regulatory zone map. A copy of the resolution shall be mailed to the applicant and any party who requests a copy and when mailed, the period of time for all appeals starts.

(b) **Deny.** If a motion to adopt a resolution recommending tentative approval of the plan and regulatory zone amendment fails, or if a motion to deny the application is approved, the application is denied, which is a final action and the application will not be forwarded to the Board unless the denial is appealed to the Board in accordance with section 110.912.20 of this code. The Commission may (by separate motion if necessary) determine if the denial is without prejudice. A minute order shall be prepared by the Secretary stating the denial and the basic reason(s) for the denial which shall be mailed to the applicant and anyone who requests a copy, and when so mailed, the time period for all appeals begins to run.

(c) **No action.** If no action is taken on an application (i.e. no motion is made, all motions die for lack of a second, or a tie vote occurs and the applicant has not asked for a postponement under Commission Rules), any person aggrieved by the non-action may appeal to the Board under Section 110.912.20 of this code. A minute order shall be prepared by the Secretary stating what happened, and, if possible, any reason for the non-action, which shall be mailed to the applicant and anyone who requests a copy, and when so mailed, the time period for all appeals begins to run.

12. **Minutes.** The Secretary shall forthwith prepare a draft of minutes of the Specific Plan proceeding (for inclusion in the overall minutes of the meeting) describing events and setting forth the testimony and discussions, and with particularity discussing the findings adopted, and discussions regarding in what respects the plan would or would not be in the public interest as provided in NRS 278A.500. Because of appeal deadlines, a copy of the draft minutes must be forthwith mailed to the landowner, and when the full meeting minutes are approved, a copy of the approved minutes shall also be mailed to the owner as provided in NRS 278A.520.

13. **Action by the Board, Scheduling of hearing and notice.** If the Commission recommends adoption of the Plan and regulatory zone amendment, the County Clerk shall schedule a public hearing before the Board to occur within 60 days of the filing of the Commission's resolution, and notice of the hearing shall be given in accordance with Section 110.821.20 of this code. Following the public hearing, the Board may take one of the following actions. Either action is a final action for the purposes of judicial review.

(a) **Tentatively adopt the plan and regulatory zone amendment.** The Board shall consider the findings made by the Commission and adopt, modify or reject all or any of them and based on that consideration may, by resolution, tentatively adopt the Plan and regulatory zone amendment as submitted or subject to conditions not included in the Plan as it was submitted. The resolution must specify the Plan being tentatively approved, set forth the form of performance bond that shall accompany an application for final approval as provided in NRS 278A.490, and state the time within which an application for final approval of the Plan must be filed, or, in the case of a plan which provides for development over a period of

years, the periods within which application for final approval of each part as provided in NRS 278A.510. The resolution must also describe the proposed amendment to the appropriate regulatory zone map and state that the regulatory zone amendment is tentatively approved and shall become effective (without further action by the Board) if and when the Plan is finally approved as provided in NRS chapter 278A and this article. A copy of the resolution shall be filed with the County Clerk and copies shall be mailed to the landowner and any party who requests a copy and when mailed, the period of time for judicial review starts; or

- (b) Deny the plan and regulatory zone amendment. If a motion to adopt a resolution to tentatively approve the Plan and regulatory zone amendment fails, or if a motion to deny the application is approved, the application is denied, which is a final action. The Board may (by separate motion if necessary) determine if the denial is without prejudice. A minute order shall be prepared by the Clerk stating the denial and the basic reason(s) for the denial which shall be filed with the Clerk and mailed to the landowner and anyone who requests a copy, and when so mailed, the time period for judicial review begins to run.
14. Minutes. The minutes of the meeting shall describe events, the testimony and discussions, and with particularity state the findings adopted by the Board, and discussions regarding in what respects the Plan would or would not be in the public interest as provided in NRS 278A.500. A copy of the minutes, when approved, must be forthwith mailed to the landowner as provided in NRS 278A.520.
15. Status of tentatively approved plan and regulatory zone amendment. NRS 278A.520 governs a tentatively approved Plan. The tentatively approved regulatory zone amendment shall not be adopted prior to final approval of the proposed Specific Plan.

Section 110.442.60 Final Approval and Implementation of Plan.

1. Application and approval. An application for final approval of all or a part of the Plan shall be prepared in accordance with NRS 278A.530 and filed with the Director within the time frames established in the resolution granting tentative approval. Unless otherwise specified in the approving resolution, the Director may make the determination and approve and process the application as provided in NRS 278A.530 through 278A.570. Actions and decisions of the Director regarding final approval of a plan are subject to judicial review as provided in NRS 278A.590.
2. Certification and recording of finally approved Plan. A final plan approved by the County shall be recorded and has the effect set forth in NRS 278A.570.
3. Implementation of regulatory zone amendment. Upon final approval of all or any part of the Plan, the tentatively approved regulatory zone amendment for all the property described in the tentative approval and subject to the particular application for final approval shall become a final approval and be implemented without further action by the Board.
4. Abandonment or failure to implement of Plan. If the plan is abandoned or fails to be timely implemented, as provided in NRS 278A.580, no further development may take place on the property included in the plan until the property is resubdivided and is rezoned by following the provisions of Article 821, amendment of Regulatory zone, of this code.

Section 110.442.65 Enforcement and Modification of Approved Plan. The plan and implementing documents (such as recorded covenants, conditions and restrictions) shall provide for the enforcement and modification by residents and the County as provided in NRS 278A.380 through NRS 278A.420. Modifications or amendments on behalf of the County may be initiated by the Director or the Board and shall follow the procedures set forth above for tentative and final approval. Enforcement actions may be taken directly to the Board.

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 the 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 it 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

Draft: May 5, 2015

This ordinance was proposed on _____ by Commissioner _____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

This Ordinance shall be in force and effect immediately upon the date of the second publication as required by NRS 244.100, which is _____.