



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: April 10, 2018

**DATE:** March 6, 2018

**TO:** Board of County Commissioners

**FROM:** Eva Krause, AICP, Planner, Community Services Department  
328-3628, [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning &  
Building Community Services Dept., 328-3619,  
[mhauenstein@washoecounty.us](mailto:mhauenstein@washoecounty.us)

**SUBJECT:** Introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road. If supported, set the public hearing for second reading and possible adoption of the Ordinance for April 24, 2018. (All Commission Districts.)

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### SUMMARY

Introduction and first reading of an ordinance amendment WCC Chapter 110 to:

1. Change the requirement for measuring a setback from an access easement 20 feet wide or more to measuring a setback from an access easement when the easement is more than 20 feet wide; and,
2. To require that when a County maintained road is located outside of an easement or right-of-way the setback shall be measured from the edge of the road.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

AGENDA ITEM # \_\_\_\_\_

## **PREVIOUS ACTION**

February 6, 2018 – Washoe County Planning Commission voted unanimously to initiate and recommended approval of proposed development code amendment DCA17-0007. Chvilicek (via phone), Chesney, Barnes, Bruce, Donshick, Horan, Lawson.

## **BACKGROUND**

Washoe County Code (WCC) Chapter 110 (Development Code), Article 406, Building Placement Standards, determines when a setback is measured from the property line and when a setback is measured from the edge of an access easement.

- Currently, if an access easement is 20 feet wide, the setback is measured from the edge of the easement.
- A 20 foot wide easement is required by the Truckee Meadows Fire Protection District to provide access to private parcels, and is not intended to be used or developed as a public street.

Measuring a setback from the access easement increases the setback distance, thereby reducing the usable portion of a property, without providing any public benefit. The proposed amendment (see Attachment A) will change the code standard to require the setback to be measured from the edge of an easement when the easement is more than 20 feet wide.

In addition, the code amendment requires that when a road is located outside of a right-of-way or easement, but is maintained by Washoe County, the setback shall be measured from the edge of the road.

- There are limited situations where this applies. In most cases the road was developed as part of a subdivision created between 1930 and 1950 and was not recorded and/or where surveys were not required during creation of the lots.
- Requiring a setback from the road provides a safety buffer for both the property owner and the County.

## **PROPOSED AMENDMENT**

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: **(1) when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet or more, the required yard setback is measured from the edge of the easement closest to the proposed structure; or is maintained by the County, (2) when a Washoe County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback shall be measured from the easement edge closest to the proposed structure-edge of the road.**

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended the Board introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road. It is further recommended that the Board set the public hearing for second reading and possible adoption of the Ordinance for April 24, 2018.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to introduce Bill Number (insert bill number as provided by the County Clerk) and set the public hearing for a second reading and possible adoption of the ordinance for April 24, 2018.”

Attachments: A- Proposed Ordinance  
B –Planning Commission minutes  
C – Planning Commission Staff Report  
D – Planning Commission Signed Resolution

WORKING COPY  
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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

***Summary: Amends the Development Code by updating the standards within Section 110.406.05, General, to change when a setback is measured from an access easement, or from a Washoe County maintained road not located in a recorded right-of-way or easement; and other related matters.***

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

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

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, *Building Placement Standards*, at Section 110.406.05, *General*, to modify the requirements applicable to measuring setbacks from certain easements by changing the requirement to measure setbacks from the edge of the easement when the easement is more than 20 feet wide; and, by clarifying that when a County maintained road is located outside of a recorded easement or right of way the setback is measured from the edge of the road; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 18-06 on February 6, 2018; and,

- B. The amendments and this ordinance were drafted in concert with the District Attorney; and the Planning Commission held a duly noticed public hearing for WDCA17-0007 on February 6, 2018, and adopted Resolution Number 18-06 recommending adoption of this ordinance; and,
- C. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to update the standards within Section 110.406.05, *General*; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.406.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: (1) when an access easement traverses a portion of a property and has a total width of **more than** twenty (20) feet ~~or more, the required yard setback is measured from the edge of the easement closest to the proposed structure; or is maintained by the County,~~ (2) ~~when a Washoe County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback is shall be measured from the easement edge closest to the proposed structure edge of the road.~~

SECTION 2. General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not

inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

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

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Marsha Berkbigler, Chair  
Washoe County Commission

**DRAFT: January 8, 2018**

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

DRAFT



# WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

## Planning Commission Members

Sarah Chvilicek, Chair  
Larry Chesney, Vice Chair  
James Barnes  
Thomas B. Bruce  
Francine Donshick  
Philip Horan  
Michael W. Lawson  
Trevor Lloyd, Secretary

Tuesday, February 6, 2018  
6:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, February 6, 2018, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Vice Chair Chesney called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Chair (via telephone)  
Larry Chesney, Vice Chair  
James Barnes  
Thomas B. Bruce  
Francine Donshick  
Philip Horan  
Michael W. Lawson

Commissioners absent: None

Staff present: Trevor Lloyd, Secretary, Planning and Building  
Kelly Mullin, AICP, Senior Planner, Planning and Building  
Eva Krause, AICP, Planner, Planning and Building  
Julee Olander, Planner, Planning and Building  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Katy Stark, Recording Secretary, Planning and Building  
Donna Fagan, Office Support Specialist, Planning and Building

### 2. \*Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

### 3. \*Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.



#### 4. \*Appeal Procedure

Secretary Lloyd recited the appeal procedure for items heard before the Planning Commission.

#### 5. \*Public Comment

Vice Chair Chesney opened the public comment period. There was no response to the call for public comment.

#### 6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Horan moved to approve the agenda for the February 6, 2018, meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

#### 7. Approval of January 2, 2018, Draft Minutes

Commissioner Donshick moved to approve the minutes for the January 2, 2018, Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

#### 8. Public Hearings

**A. Master Plan Amendment Case Number WMPA17-0012 (Spanish Springs – General Commercial)** – For possible action, hearing and discussion to amend the Spanish Springs Area Plan to modify Policy SS.1.3(f), which currently limits the General Commercial (GC) regulatory zone to properties with a regulatory zone of GC prior to August 17, 2004. The amendment would remove the date limitation in this policy. If the amendment is adopted, final approval will be contingent upon a finding of conformance with the Truckee Meadows Regional Plan.

- Applicant: Washoe County
- Location: Spanish Springs Suburban Character Management Area
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 820
- Commission District: 4 – Commissioner Hartung
- Prepared by: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328. 3608
- E-Mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Trevor Lloyd, Secretary, read the item into the record. Vice Chair Chesney called for any disclosures. Hearing none, Kelly Mullin, Senior Planner, presented the Staff Report.

Vice Chair Chesney opened up questions to the Commission. Hearing none, he called for public comment. Gordon Astrom, 200 Horizon Ridge Road, said that although this was changing a date on a piece of paper, in essence, it would allow RVs at this location. He stated the Planner went through the background, but on August 8, 2017, County Commissioner Hartung stated putting RVs on that corner would not meet three of the five findings and the character of the community would change. He noted it had already been denied by the Planning Commission and by the Board of County Commissioners (BCC). He said they were trying to change what should go on an industrial piece of property. So far, there were two choices, to accept

Neighborhood Commercial/Office zoning for that area and put in a personal storage facility or to change the Master Plan to conform to what they wanted to build. He said this facility was built across from his residence and he did not want this on the main street.

Mark Sullivan, 438 Roberts Street, said he belonged to the Citizen's Advisory Board (CAB) for Spanish Springs and he attended the Planning Commission meeting when this project was originally approved in 2004. He thought the vision of what the Valley was in 2004 had certainly changed. He said that piece of property was commercial, but when industrial would be allowed there, anything could go there. He stated less intense areas was where industrial use should go. He urged the Commission to not change this to Industrial.

Vice Chair Chesney called for questions from the Commission. Commissioner Lawson said there was a public comment at the CAB meeting opposing this and he wondered what that consisted of. Ms. Mullin stated the public comment opposition was from Mr. Astrom, who just spoke.

Commissioner Donschick said this was brought forward from staff, but she believed it had to be brought forward by someone requesting it. Ms. Mullin said it came from the compromise the BCC was seeking and specifically what Commissioner Hartung was proposing in terms of trying to find another way to allow for that particular property to be able to have storage of operable vehicles, without allowing for storage of operable vehicles in all Neighborhood Commercial areas within Spanish Springs with a Special Use Permit.

Vice Chair Chesney asked if this was approved and they went ahead with the storage area under the Conditional Use Permit process would that allow for increased screening and wall heights so the RVs would not be visible from the street. Ms. Mullin responded if this was approved they would have to seek a zone change to General Commercial and go through the Special Use Permit process for RV storage. There were very specific design guidelines for personal storage areas and one of the primary things they would look at in the Special Use Permit process was impacts to the surrounding communities.

Commissioner Bruce said the Planning Commission voted against something last year that had actually been presented to the Spanish Springs CAB prior and he wondered if the CAB recommended the Planning Commission vote against the amendment that would change that lot to an RV park. Ms. Mullin said the Master Plan Amendment last year was to change one section within the Use Table within the Spanish Springs Area Plan. Neighborhood Commercial zoning in Spanish Springs did not allow for the storage of operable vehicles and the request was that it be changed from not allowed to it would require a Special Use Permit to be allowed. She noted the CAB was not in favor of that request and the Planning Commission was not in favor of it either.

Vice Chair Chesney closed the public hearing and brought discussion back to the Commission. DDA Edwards stated the Commission had to make their decision based on the Findings in the staff report.

Commissioner Horan stated he would not support a motion to approve, because after reviewing this item a couple of times, he still had not changed his position.

Commissioner Lawson said he looked at enough staff recommendations to know that they were well-intended and they were not advocating for anything. With respect to DDA Edwards and the fact the Commission had to make their decision based on the Findings, he felt there was a lot of judgement also. He said he respected Commissioner Horan's decision, but he wanted to know why he was not in favor of it.

Commissioner Horan said he felt this request was making a change for a specific piece of property and the Commission was against it before. Vice Chair Chesney said the original application the Commission turned down was to allow Neighborhood Commercial in the Spanish Springs area and allow the parking of operable vehicles. This would take that away from the entire Spanish Springs area and would allow for the applicant to apply to change this particular piece of property to General Commercial. He said he recalled the Commission voted against everything to be zoned Neighborhood Commercial. Based on the Findings, he said he had to support this at this time.

Commissioner Donshick said this would not make any formalized change, it would only remove the August 17, 2004, cutoff designation; it would still have to go through all the rest of the zone amendment, master amendments and regulatory zone changes. Ms. Mullin stated the request was to remove the date limitation. The section of the policy that specifically spoke to General Commercial only being allowed in the Spanish Springs area was in 2004 and that sentence would be removed.

Vice Chair Chesney called for a motion.

Commissioner Bruce moved 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 adopt Master Plan Amendment Case Number WMPA17-0012 to amend the Spanish Springs Area Plan by removing the date limitation within Policy SS.1.3(f), having made the following five findings in accordance with Washoe County Code Section 110.820.15(d) and the three findings required by the Spanish Springs Area Plan. He further moved to certify the resolution contained as Exhibit A of this staff report for submission to the Washoe County Board of Commissioners, and authorize the chair to sign the resolution on behalf of the Planning Commission. Commissioner Donshick seconded the motion, which was approved with a vote of six in favor and one opposed. Commissioner Horan voted in opposition.

#### **Washoe County Code Section 110.820.15(d) Master Plan Amendment Findings**

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with existing or planned adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Changed Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

#### **Spanish Springs Area Plan Findings - Policy SS.17.1**

- a. The amendment will further implement and preserve the Vision and Character Statement.

- b. The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.
- c. The amendment will not conflict with the public's health, safety or welfare.

**B. Special Use Permit Case Number WSUP17-0021 and Administrative Permit Case Number WADMIN17-0010 (Dodge Flat Solar)** – For possible action, hearing, and discussion by the Washoe County Planning Commission (PC) to provisionally approve a special use permit for a 200 MW solar energy center with associated grading, and an administrative permit to allow for two private communication antennas over 45-feet in height. The project site consists of four parcels totaling ±1,616-acres and is classified as a Renewable Energy Production industrial use type. Approximately 1,200-acres would be developed to include a photovoltaic solar field, substation, switchyard, 200 MW energy storage system, and ancillary facilities, including two 90-foot-tall private communication antennas. The project would connect to an existing 345 kV transmission line that crosses the subject property. Proposed grading includes ±307,000 cubic yards of cut, ±264,000 cubic yards of fill, and disturbing an area of approximately 1,200-acres in size. The request also seeks to vary parking and landscaping standards by waiving them. The proposal will require a conformance review with the Truckee Meadows Regional Plan for a Project of Regional Significance because it includes an electric substation, a transmission line that carries more than 60 kV and is a facility that generates electricity greater than 5 MW. If the project is provisionally approved by the PC, it will also require subsequent action by the Washoe County Board of Commissioners to sponsor an amendment to the Truckee Meadows Regional Plan to identify the location of the new substation on the Regional Utility Corridor Map of the Truckee Meadows Regional Plan.

- Applicant: Dodge Flat Solar, LLC
- Property Owners: New Nevada Lands, LLC; NV Land & Resource Holdings, Inc.
- Location: 2505 State Route 447
- Assessor's Parcel Numbers: 079-150-29 (±600-ac.), 079-150-11 (±480-ac.), 079-180-16 (±499-ac.), 079-180-14 (±38-ac.)
- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Articles 808, 810 and 812
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sections 23/25, T21N, R23E; Sections 19/31, T21N, R24E; MDM, Washoe County, NV
- Prepared by: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3608
- E-Mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Trevor Lloyd, Secretary, read the item into the record. Vice Chair Chesney called for any disclosures. Hearing none, he opened the public hearing. Kelly Mullin, Senior Planner, presented the Staff Report. Vice Chair Chesney opened up questions to the Commission. Hearing none, he called the Applicant forward.

John Berkich, NexEra Dodge Flat Solar, said he had the opportunity to become associated with this project after he retired from the County. He said Jesse Marshall, Project Manager, would make the presentation. Mr. Marshall stated he felt the staff report covered most of the items related to the project. He noted their experience with similar projects throughout the Country, as well as other projects in Nevada, and presented their PowerPoint presentation.

Vice Chair Chesney opened up questions to the Commission. Commissioner Lawson stated he noticed one of their community outreach was with the Pyramid Lake Tribe and he questioned what their meeting was like. Mr. Marshall stated they were supportive. He explained there was a 2,000-foot length of road between Highway 447 and their project site that people drove on all the time, which belonged to the Pyramid Lake Tribe. To complete the development of the project, they were going to need a right-of-entry agreement, which was essentially an easement from the Tribe to use that portion of the road. He said the Tribe gave them a proposal to get the easement granted.

Chair Chvilicek said she was looking at Exhibit A and had a question regarding Item E, wherein it talked about any prehistoric, historic remains or artifacts being discovered and she thought there should be an agreement with the Tribe. Ms. Mullin stated that was a standard requirement they had on projects of this type in terms of making sure the proper agencies were notified. Secretary Lloyd stated the purpose of that Item was to alert the Applicant's that it was their responsibility to work with the State Historic Preservation if there were any artifacts found. Chair Chvilicek said that even though the project was not on Tribal land, historically there was tribal passage through the area and she wanted to know if the Tribe would be notified. Mr. Marshall stated they conducted cultural surveys on the site and shared those results with the Tribe and they had not identified any areas of concern or any issues related to the cultural significance of anything they came across on the project site.

Vice Chair Chesney called for public comment. There was no response to the call. Vice Chair Chesney closed the public hearing and called for a motion.

Commissioner Donshick moved 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 provisionally approve, with the conditions included as Exhibit A to this matter, Special Use Permit Case Number WSUP17-0021 and Administrative Permit Case Number WADMIN17-0010 for Dodge Flat Solar LLC, having made all five findings in accordance with Washoe County Code Sections 110.810.30 and 110.808.25, and the additional two required findings in accordance with Section 110.324.30. This approval is subject to the project being found in conformance with the Truckee Meadows Regional Plan. This includes the revised conditions as provided in the staff report addendum. Commissioner Lawson seconded the motion, which carried unanimously with a vote of seven for, none against.

#### **Findings from Sections 110.810.30 and 110.808.25**

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**Findings from Section 110.324.30 (b)**

6. Necessary Height. The height of the private communication antenna support structure is necessary to receive or transmit a signal that meets the applicant's needs; and
7. Federal Compliance. The height of the private communication antenna support structure shall be in compliance with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.

**C. Abandonment Case Number WAB17-0006 (Schamback)** – For possible action, hearing and discussion to approve the abandonment of a 40-foot-wide roadway and public utility easement along the eastern property line of a privately owned parcel next to Mount Rose Highway. The easement was created by government patent.

- Owner/Applicant: Harold B. Schamback, Jr.
- Location: 16220 Mt. Rose Highway
- Assessor's Parcel Number: 049-090-01
- Parcel Size: ±1-acre
- Master Plan Category: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/ Washoe Valley
- Development Code: Authorized in Article 806
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 34, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3608
- E-Mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Trevor Lloyd, Secretary, read the item into the record. Vice Chair Chesney called for any disclosures from the Commission. There were none. Kelly Mullin, Senior Planner, presented the Staff Report. Vice Chair Chesney called for any questions from the Commission. There were no questions.

Vice Chair Chesney called the Applicant forward. Harold Schamback, 16220 Mt. Rose Highway, indicated he did not wish to speak. Vice Chair Chesney opened up discussion to the Commission. There was no discussion and Vice Chair Chesney closed the public hearing and called for a motion.

Commissioner Lawson moved 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 approve, with the conditions included as Exhibit A to this matter,

Abandonment Case Number WAB17-0006 for Harold Schamback, having made all three findings in accordance with Washoe County Code Section 110.806.20, and the additional finding required by NRS for government patent easements. Commissioner Donschick seconded the motion, which carried unanimously with a vote of seven for, none against.

#### **Findings from Section 110.806.20**

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Forest Area Plan;
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

#### **Additional Finding for Government Patent Easements**

4. Public Purpose. The government patent easement proposed to be abandoned is no longer required for a public purpose.

#### **D. Development Code Amendment Case Number WDCA17-0007 (Setback from easements) – For possible action, hearing and discussion:**

- A) To initiate an amendment to Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend Section 110.406.05 General, and for other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses the property, regardless of width, in which case the setback would be measured from the edge of the road.
- B) If the proposed amendment is initiated, to conduct a public hearing to deny or recommend approval of the proposed amendment; and,
- C) If approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Eva Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3628
- E-Mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Trevor Lloyd, Secretary, read the item into the record. Vice Chair Chesney called for any disclosures. Hearing none, he called staff forward. Eva Krause, Planner, presented the Staff Report.

Vice Chair Chesney called for questions from the Commission. Hearing none, he called for public comment. Dave Snelgrove, 11150 Corporate Blvd., said he was the Planning and Right-

of-Way Manager at CFA and he had been before the Commission a few months ago. He noted the front yard setback requirement of 20 feet or greater. He said it was written 20 feet and now it was written more than 20 feet. He said a 20-foot wide easement was a standard requirement for fire access and a lot of public access required 20 feet. He said it became very impactful if you had to apply the front yard setback off of that 20-foot required easement. He said he appreciated staff addressing this issue.

Vice Chair Chesney closed public comment and opened discussion to the Commission. Hearing none, he closed the public hearing and called for a motion.

### **Initiation**

Commissioner Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA17-0007.

### **Amendment**

Commissioner Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0007, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. She further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e).

Commissioner Bruce seconded both the motions, which carried unanimously with a vote of seven for, none against.

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

**E. Development Code Amendment Case Number WDCA17-0010 (Accessory Structure height)** – For possible action, hearing and discussion to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, to amend Section 110.306.10 Detached Accessory Structures, to define



how the height of an accessory structure is measured both when the structure is located within the required rear or side yard setback, and when it is located outside of all applicable setbacks; and for other matters necessarily connected therewith and pertaining thereto.

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

- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Eva Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3628
- E-Mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Trevor Lloyd, Secretary, read the Item into the record. Vice Chair Chesney called for any disclosures. Hearing none, Eva Krause, Planner, presented the Staff Report. Vice Chair Chesney opened up questions to the Commission. Hearing none, he called for public comment. There was no response to the call for public comment.

Vice Chair Chesney closed the public hearing and called for any discussion from the Commission. Commissioner Horan stated he felt this was well done. Vice Chair Chesney called for a motion.

### **Initiation**

Commissioner Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 306, *Accessory Uses and Structures*, as described in the staff report for WDCA17-0010.

### **Amendment**

Commissioner Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0010, to amend Washoe County Code Chapter 110 within Article 306, *Accessory Uses and Structures*, as described in the staff report for this matter. She further moved to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e).

Commissioner Horan seconded both the motions, which carried unanimously with a vote of seven for, none against.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will

promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

**F. Regulatory Zone Amendment Case Number WRZA17-0006 (Valle Vista)** – For possible action, hearing, and discussion by the Washoe County Planning Commission to amend the Sun Valley Regulatory Zone Map, changing the Regulatory Zone from Medium Density Suburban (MDS- 3units per acre) to High Density Suburban (HDS- 7 units per acre) on a ±15.33-acre parcel located at 550 East 4th Avenue at the southwest corner of East 4th Avenue and Lupin Drive in Sun Valley.

- Applicant/Owner: Landbank Development Co. LLC
- Location: 550 East 4<sup>th</sup> Ave.
- Assessor's Parcel Number: 085-122-03
- Parcel Size: ±15.33
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban(MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 821-Amendment of Regulatory Zone
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 20, T20N, R20E, MDM, Washoe County, NV
- Prepared by: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Trevor Lloyd, Secretary, read the Item into the record. Vice Chair Chesney called for any disclosures. Commissioner Bruce stated he had a neighbor who owned a piece of property not far from the project and he had expressed his concerns about traffic. DDA Edwards asked if Commissioner Bruce owned the property with the neighbor. Commissioner Bruce stated no and had no monetary interest. DDA Edwards asked him if he made any commitment to the neighbor about how he would vote on the item. Commissioner Bruce stated no. DDA Edwards said Commissioner Bruce would not need to recuse himself. Julee Olander, Planner, presented the Staff Report noting the item should reflect it was in Commission District 5 and not Commission District 3.

Vice Chair Chesney opened up questions to the Commission. Commissioner Horan said the density was moving from 75 units to 103 units. Ms. Olander stated what had been approved previously was a manufactured home park, and it is different how they defined the density because of the manufactured home park requirements. The setbacks were not the same and the density was not the same as for a single family residence in MDS. A manufactured home

park allowed 75 units without having a zone change. A manufactured home park is allowed in MDS with a Special Use Permit, and that was what was brought before the Board of Adjustment in 2011. She said after the zone change was approved, the Applicant would move forward with a tentative map and that would show the layout of those lots. She explained they had indicated they were going to use the exact same layout they proposed in 2011.

Vice Chair Chesney said the only change from 2011 was they were going to sell these parcels to individuals instead of leasing them. Ms. Olander stated that was correct. She provided in the staff report the advantages for the individuals owning the parcels and the main reason had to do with obtaining financing.

Commissioner Bruce said even though the developer represented it would stay at 75, was there anything to keep them from coming back and changing it to 100. Ms. Olander said the other caveat to this was the Truckee Meadows Regional Plan (TMRP) only allowed five units per acre in the unincorporated area of Washoe County, which meant they were limited even though the zoning allowed seven units they could only have five units. Mr. Lloyd stated the TMRP limited densities in Washoe County for single-family residential to five units per acre; however, there was a caveat that if there was a request for multi-family or attached units showing housing affordability, they could exceed that number.

Vice Chair Chesney called for the Applicant's presentation. Darren Proulx, Applicant, said he was a mortgage broker and a few years ago he was appointed to the Mortgage Advisory Council where they worked with the mortgage commissioner. He said it was through that experience that he was exposed to different kinds of financing options. One of those was called a "chattel mortgage" and that was typically personal property. His presentation explained why this little change would dramatically benefit the people who would live in the community.

Dave Snelgrove, Planning and Right-of-Way Manager CFA, stated this was previously approved in 2011 for a 75-unit mobile home park. He said there had been some recent changes in the area, but they had a significant shortage of affordable housing. He heard the City of Sparks was about 7,000 units short in affordable housing. He presented their PowerPoint presentation.

Vice Chair Chesney called for discussion. Commissioner Lawson asked how the infrastructure would fit with the RTC's investigation on drainage in that corridor. Mr. Snelgrove showed the LDS Church that had been built with sidewalks, curbs and gutters, which controlled the drainage on that street. In Sun Valley there were rather deep drainage ditches along the roadway and there were a lot of comments about school children waiting at Fourth Street for the bus and they could end up waiting in the drainage culverts. Right now there was water going in that was uncontrolled and the curbs, gutters and sidewalks created a safer environment for pedestrians and controlled the water coming off. He said they were working on the engineering plans with detention basins to hold some of the water back. That was separate from the curb, gutter and sidewalk issue, but he wanted to bring it up because flooding was a big issue. If the County required they provide additional improvements through the conditions, they would do those.

Commissioner Horan said they mentioned on-site storage. Mr. Snelgrove stated there was a little section that was near the beginning of the subdivision, which had 15 or 20 spots that would be suitable. Because they were private streets, they would have their own snow removal equipment, but also space for people who may have a vehicle to store. Mr. Lloyd said the tentative map would come in at a later date and all the Commission was hearing today was the regulatory zone amendment.

Vice Chair Chesney called for public comment. Robert Taylor, 412 Short Ave., said he opposed this because he would be looking at all these nice homes out his kitchen window. He noted he lived there 35 years without looking at other homes and he liked that.

Margaret Reinhardt, 530 E 7<sup>th</sup> Ave., said she had lived in Sun Valley for 54 years and she was a past Chair of the Sun Valley General Improvement District (GID) and she had been on and off the Sun Valley CAB for more than 20 years. She said most of the comments made at the CAB meeting were against it. She said their reasoning was the density and the flood issues. She said once a density change was allowed there would be other developers come in and take advantage of it and Sun Valley had traditionally been Medium Density with one dwelling per one-third acre. When the Applicant was questioned at the CAB meeting, she asked him what the proposed setbacks would be; 10 feet in the front and 10 feet in the back. She said the people who bought this tiny little lot with 10 feet in the back could not erect a shed, because there had to be a five-foot clearance around the shed and with only 10 feet to work with, even a one-foot shed would not work without a variance. She said they also would not have the square footage to allow for a garage. The other two meetings they had were very heavily attended and no one was for it. She said they were told at the meeting that this was a done deal. It did not conform to the Sun Valley area and the people buying into this would be very restricted.

Lawrence Strickland, 412 Short Ave., said they were showing their property was going to be pushed right up against the three properties that were above Short Avenue and against the field. He said there was no easement and they were not showing any kind of access to the back of the properties and for 35 to 40 years there was a gate they could use to go out if they had to. Those three properties shared a common driveway, not a road where first responders could get in. He wondered what they were going to do with that road. He understood they did not want to develop the road because the neighbors further up the road did not want to give up their property to develop a road. He thought there should be some kind of an easement for fire trucks and first responders and it looked like this was being put in the middle of a beautiful field where it did not belong. He believed this would bring the values of surrounding properties down. He showed his property on the map and the access he was referring to and he requested that be addressed, along with the flood plain and the schools.

Damian McQueen, 5358 Melinda Lane, said he was in favor of this because there were things in Sun Valley that had frustrated him for quite a while. He said the area had a bad reputation because people wanted to build sheds as opposed to houses with lawns and real property that could be afforded. He said the developers addressed a lot of his concerns regarding putting in sidewalks, lighting and addressing some of the flooding. He said he lived right down from the development, which would address flooding for his property. He said this would take care of fires, because this was being proposed in an undeveloped field with open weeds. He said if the development went in as a mobile home park, or a higher-quality of living homes that people could afford, it would benefit Sun Valley, Washoe County, Reno and the State.

Jisoo Ryu, 715 Wall Canyon Drive, said he moved to Sun Valley three years ago and he loved it because it was not congested. However, this amendment would create problems. He said on page 19 of the staff report it showed a map of Sun Valley and it was all residential area and was Medium Density and now they wanted to change to High Density. High Density meant 105 units. They were going to build 75 units, but he wondered why they did not build 45 units and keep it Medium Density. He said in the staff report it said it was comparable with the Plans, but he did not believe that was true. He said this would be very crowded and he felt it would invite criminal elements. He said all the residents who attended the other meetings were against this and he asked the Commission to reconsider the project.

Eric Dietlein, 260 Moonbeam Drive, said he owned two parcels about three blocks north of the development. He purchased properties in Sun Valley and he brought in new units and converted them to real property and made them financeable. He said Sun Valley was one of the last places where that could be done and the end product was affordable. He said the two projects he had going right now was pushing the limit of what was affordable. One was currently on the market for \$310,000. This project would allow for what the Master Plan called for, which was more affordable housing in the area. Five parcels per acre was not that dense, it was over 8,000 square feet per parcel. It was a beautiful development and unlike the development around it, it would have curbs, sidewalks, proper drainage, and paved roads and he could not imagine why the people surrounding that area would not be thrilled to have this put in. He thought that based on the number of people noticed in the area as required and the people who showed up to this meeting was a minority. He was surprised the CAB member that spoke earlier addressed that the character of Sun Valley was one-third acre parcels, because within the last year he sold a one-sixth acre parcel that had been grandfathered in to a fully disabled person who could not afford anything else. He thought this was a fantastic project and it would bode well for Sun Valley. He said there were very few parcels left in Sun Valley that were large enough to accommodate a project like this.

Smithers Marquez, 9825 S Virginia Street, said she worked with Julie Cadjew who had been in the real estate business for over 30 years and they specialized in manufactured homes. She said they experienced the challenges in obtaining loans on manufactured homes versus the ease of obtaining loans on a manufactured home with real property. This project would be an opportunity for affordable housing, an improvement for the community and a step in the right direction for improving Sun Valley. She understood there were some people in the community that had concerns, but this project had done its due diligence and they were meeting all County requirements. Allowing the zone change would simply allow buyers the ability to purchase their new homes.

Mike Hill, 1185 Sweetwater Drive, said he worked in and around Sun Valley and knew the area well. He believed this was a great project and a beautifully-planned community. The zone change would not have a negative effect, it would benefit the community in two ways. One was the bad housing crunch and second, this would provide a desperately needed entry-level home ownership and allow people to own the land versus leasing the land. He was in support of the project and urged the Commission to approve the zone change.

Sooja Ryu, 715 Wall Canyon Drive, said there was a meeting regarding this project at the church and there was a lot of opposition. She said many people who opposed this did not attend because they were tired and they had to work and be with their families. She was disappointed with the people who supported this because they were not listening to the people who were opposed to it. She heard from people that kids had been hit by cars even without this project on the streets. People said they paid a lot of money for flood insurance and their properties were not fixed. She saw a fire there last year and the fire truck could not get up the road.

Sheila Cunningham, 5325 Madeiros Drive, said she thought the problem was that apparently they could not make houses in a Medium Density area into real property. She said why not change the rule to where you could do that instead of changing this piece of land into High Density. Last night the chairperson of the CAB said that she had seen this happen a hundred times where one section of the neighborhood was changed to High Density, then the next thing she knew the rest of the neighborhood was changed to High Density. She wanted the Commission to know that the nice thing about Sun Valley was that it was so close to downtown and yet it was like a small town. If you look at the map there was not a lot or if any High Density areas and she was afraid this would become a slippery slope if this was approved.

Vice Chair Chesney closed public comment and opened up questions to the Commission. Hearing none, he closed the public hearing and opened discussion to the Commission. Commissioner Horan wondered why they could not do the 75 units under Medium Density as opposed to High Density. Mr. Lloyd said the allowable density in a Medium Density Suburban zone was three dwelling units per acre, detached. He said they allowed up to five units per acre for a mobile home park, which was what the applicant proposed and what was approved in 2011.

Commissioner Bruce asked how many High Density units existed in Sun Valley currently. Mr. Lloyd said there was map of the zoning in Sun Valley in their packet, Exhibit C, page 3. He said there were some High Density zoned properties, but this request was for High Density Suburban. He noted there were also some Urban zoning categories in Sun Valley. In fact, two years ago this Planning Commission approved a Low Density Urban project in Sun Valley. He did not know the actual number of lots that were zoned High Density Suburban or Medium Density Urban.

Commissioner Lawson said he shared the concerns about affordable housing in Washoe County, but he also shared the concerns of existing communities with regard to zone changes that allowed development that was inconsistent with their style of living. He appreciated the fact that people in Sun Valley attended many meetings and expressed their concerns. He said the Commission was compelled to make their decisions based on whether or not they felt the conditions were met. His perspective was that he did not find this was compatible with the existing land use. He did not find that it would not adversely impact the public health, safety or welfare of the area. He was going back and forth through this whole presentation because he appreciated what the developer was trying to do and he appreciated them trying to provide affordable housing; he just did not think it was appropriate in that area. He encouraged the Applicant to find different property that was already zoned to allow what they were trying to accomplish.

Vice Chair Chesney stated he understood the community's concerns, but if they looked at this closely, it was already approved for 75 units as a mobile home park. All the developer was asking to do was subdivide this so that people would have legitimate ownership of the property. As was explained in the presentation there were either two finance companies to finance it as personal property or the buyers would own the property and have real property when they were done. He thought this beat the pants off of living in an apartment or a mobile home park because they would actually own the land. Commissioner Horan said he agreed with the Vice Chair. He thought affordable housing was important and they had to start somewhere.

Commissioner Lawson said the first step was to get a Special Use Permit and it was approved for 75 units, but he did not think that was profitable for the Applicant. The difference was that it was easier to market it in this fashion, but he did not see it in this location. He wondered what would prevent the next person from coming in and saying I'm going to buy all those one-third acre parcels and then request High Density. He thought it was inconsistent with the Findings.

Commissioner Horan stated serving on this Commission allowed each and every member to voice their opinions and the ability to vote the way they felt and he believed in that.

Chair Chvilicek stated what was being heard before the Commission tonight was the opportunity to provide affordable home ownership as opposed to having developers put in something that would not be. She reminded everyone in the audience this was the first step of many steps and it mattered that affordable home ownership was what communities were striving for.

Vice Chair Chesney called for a motion.

Commissioner Horan moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission recommends adoption of the proposed Regulatory Zone Amendment Case Number WRZA17-0006 having made all of the following findings in accordance with Washoe County Development Code Section 110.821.15(d). He further moved to certify the resolution and the proposed Regulatory Zone Amendment in WRZA17-0006 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission. Commissioner Donshick seconded the motion, which carried unanimously with a vote of six for, and Commissioner Lawson voting nay.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions; more desirable use. The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

## **9. Chair and Commission Items**

### **\*A. Future agenda items**

There were no future agenda items requested.

### **\*B. Requests for information from staff**

There was no request for information from staff.

## **10. Director's and Legal Counsel's Items**

### **\*A. Report on previous Planning Commission items**

Trevor Lloyd, Secretary, stated at the last Commission meeting it was asked of staff to have a discussion regarding cargo containers. He noted Planning would be bringing that back at some time in the future, but the Department was extremely busy at this time. He said at the last meeting, there was a request to provide a status on the overall map for approved, but

not-yet-built, developments in the County, but that was something they were still working on. He said it would be an overall map that would be consistent with Washoe County's map, but in the meantime, he provided the Commission with a link regional staff had on their website to their map program. He explained one of the challenges they were facing was that it did not translate the way that Washoe County looked at approved but not-yet-built maps. Most of the developments in the Cities were done through a Planned Unit Development (PUD). He invited the Commission to look at what Regional had done.

Mr. Lloyd said there was a new CAB program the Board of County Commissioners (BCC) adopted on January 23, 2018. With that there was a new CAB schedule, which would provide for more efficient meetings; they were having a lot of cancellation of meetings and the meetings they were holding were not corresponding with a lot of the current projects. In addition, the BCC endorsed that the CAB's would primarily be looking at development projects and not so much at the other issues that would typically go before them. He stated the Planners would start taking a much more active role in the CAB meetings and work with them to help hold more efficient meetings. He noted they held training sessions to help staff in that role.

Mr. Lloyd said staff had been working on the Regional Plan Update and the Commission would be asked to participate in a survey to assist staff. Vice Chair Chesney asked if that was a survey separate from the one the Regional Planning Commission just completed. Mr. Lloyd stated it was separate; however, it looked a lot like it, but this one would be specific for Washoe County.

**\*B Legal information and updates**

DDA Edwards stated there was a question tonight about the condition pertaining to the discovery of historical artifacts or remains at a project site. He explained he did some research and would be working with staff to address that issue, because he felt there were some improvements that could be done to the language.

**11. \*General Public Comment**

Vice Chair Chesney called for public comment. There was no response to the call for public comment.

**12. Adjournment**

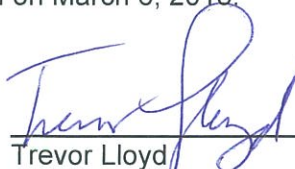
With no further business scheduled before the Planning Commission, the meeting adjourned at 9:17 p.m.

Respectfully submitted,



\_\_\_\_\_  
Katy Stark, Recording Secretary

Approved by Commission in session on March 6, 2018.



\_\_\_\_\_  
Trevor Lloyd  
Secretary to the Planning Commission





# Planning Commission Staff Report

Meeting Date: February 6, 2018

Agenda Item: 8D

STAFF REPORT CASE NUMBER: WDCA17-0007 (Article 406)

**BRIEF SUMMARY OF REQUEST:** Change the requirement for measuring a setback from an access easement 20 feet wide or more to measuring a setback from an access easement when the easement is more than 20 feet wide, and to clarify that when a County maintained road is located outside of an easement or right-of-way the setback is measured from the edge of the road pavement.

**STAFF PLANNER:** Planner's Name: Eva Krause, AICP  
Phone Number: 775.328.3628  
E-mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

**APPLICANT:** Washoe County

**CASE DESCRIPTION**

**Development Code Amendment Case Number WDCA17-0007 (Setback from easements) –**  
For possible action, hearing and discussion:

- A) To initiate an amendment to Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend Section 110.406.05 General, and for other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses the property, regardless of width, in which case the setback would be measured from the edge of the road.
- B) If the proposed amendment is initiated, to conduct a public hearing to deny or recommend approval of the proposed amendment; and,
- C) If approval is recommend, to authorize the Chair to sign a resolution to that effect.

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

**STAFF RECOMMENDATION**

INITIATE

**INITIATE & RECOMEND APPROVAL**

DO NOT INITIATE

**POSSIBLE MOTION**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission Initiate Development Code Amendment WDCA17-0007, and recommend approval and authorize the Chair to sign the attached resolution.

*(Motion with Findings on Pages 5 and 6)*

**Staff Report Contents**

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**Exhibits Contents**

Resolution ..... Exhibit A

## **Background**

Washoe County Code (WCC) Chapter 110, Article 406, *Building Placement Standards*, determines when a setback is measured from the property line and when a setback is measured from the edge of an access easement. In addition the standards determine where to measure a setback from when a Washoe County maintains a road even if the access easement is less than 20 feet wide.

Section 110.406.05 General, states that *All required yard setbacks are measured from the property line with the following exception: when an access easement traverses a portion of the property and has a total width of twenty (20) feet or more, or is maintained by the County, the required yard setback is measured from the easement edge closet to the propose structure.*

- In March of 2006, Article 406, *Building Placement Standards* was amended to address a condition that, while not common, was impacting Washoe County's ability to maintain some roads. The problem is related to old subdivisions that were either not recorded or where roads were not constructed in accordance with the approved subdivision map, but the responsibility for road maintenance has been accepted by the County. The 2006 code amendment was an attempt to address the issue of where to measure the setback from when a County maintained road is not built within a recorded right-of-way or easement.
- As part of the 2006 code amendment, the General section language was changed to state that the setback is to be measured from access easements 20 feet wide or wider, where it had previously said the setback is to be measured from easements of more than 20 feet wide. This amendment unintentionally made numerous homes and accessory structures legal non-conforming and limited a property owner's ability to upgrade or expand their existing structures or to construct new structure.

## **Existing Code language**

**Section 110.406.05 General.** The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exception: when an access easement traverses a portion of a property and has a total width of twenty (20) feet or more, or is maintained by the County, the required yard setback is measured from the easement edge closest to the proposed structure.

## **Proposed Amendment**

**Section 110.406.05 General.** The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exception: **(1) when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet or more the required yard setback is measured from the easement closest to the proposed structure;** or ~~is maintained by the County;~~ **(2) when a Washoe County-maintained road traverses a portion of a property and is located outside of a recorded right-of-way or easement, regardless of the roadway width,** the required yard setback ~~is shall be~~ measured from the ~~easement edge closest to the proposed structure.~~ **edge of the road.**

## **Project Evaluation**

- An access easement 20 feet in width is normally created to provide a private driveway to parcels not located on a public road. These easements are not intended to become public roads.

- When an access easement is more than 20 feet wide, such as easement surrounding government patent lots, the intent is to be used as, or to preserve, corridors for roads.
- All yard abutting access easement are considered front yards. In most regulatory zones the front yard setback is the largest setbacks required.
- Measuring the required yard setback from the` edge of the easement, rather than from the property line, reduces the developable area of the property.
- The greatest impact of the 2006 code change is to properties zoned Medium Density Suburban (MDS). MDS zoning allows for 3 units per acre. These smaller lots have a 20 foot front and rear yard setback requirement. Add to that a 20 foot access easement, and which results in 60 feet of the property that cannot be built on.
- Amending the code to required yard setbacks to be measured from property line rather than from the easement, when the easement is 20 foot wide or less, will restore many parcels to a legal and conforming status.
- Under the current code a property owner can build a fence on the edge of the easement if the fence is no higher than 4.5 feet. The proposed amendment will allow a property owner who has a 20 foot wide access easement traversing their property the ability to build a 6 foot tall fence along their neighbor's driveway, to screen and secure their yard and home in a manner similar to other single family properties that do not have easements traversing their property.

## **Findings**

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

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

*Staff comment:* The Master Plan establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. The proposed amendment does not add or change any allowable uses enabled by regulatory zones as established in the Development Code, and thus complies with the policies 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.

*Staff comment:* The proposed amendment will allow individuals the ability to use more of their property, and will allow the County to require a buffer from roads that are located outside of an easement or right-of-way. This amendment represents very minimal impacts in most situations. There are no anticipated adverse impacts to public 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 proposed amendment corrects the unintended impact of the 2006 code amendment, and is an initiative by Planning and Building Division staff to provide relief to properties that became legal non-conforming properties when the previous code amendment was approved. The code amend will also allow property owner's better use of their land by allowing a 20 foot wide access easement to be incorporated within the required setback.

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

Staff comment: The Conservation Element and the Population element are not impacted by this proposed amendment.

### **Public Notice**

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

### **Recommendation**

It is recommended that the Planning Commission initiate and subsequently recommend approval of WDCA17-0007, to amend the Development Code within Article 406, *Building Placement Standards*, as follows:

**Section 110.406.05 General.** The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exception: when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet the required yard setback is measured from the easement; or when a Washoe County maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback shall be measured from the edge of road pavement.

The following motions are provided for the Planning Commission's consideration:

### **Motions**

#### ***Initiation***

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA17-0007.

#### ***Amendment***

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0007, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This

recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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

**Appeal Process**

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

xc: Applicant: Washoe County Community Services Department, Planning and Building Director

Staff Report xc: David M. Solaro, Assistant County Manager; Dwayne Smith Engineering and Capital Projects; Denise Reynolds, Truckee Meadows Fire Protection District; All Citizen Advisory Board, Chair.



**RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION**

**INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 406, *BUILDING PLACEMENT STANDARDS*, TO AMEND THE STANDARDS WITHIN SECTION 110.406.05 GENERAL; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO. THE CODE CURRENTLY REQUIRES THAT THE SETBACK BE MEASURED FROM THE EDGE OF THE EASEMENT WHEN THE EASEMENT IS 20 FEET WIDE OR GREATER. THE PROPOSED AMENDMENT WOULD REQUIRE THE SETBACK BE MEASURED FROM THE EDGE OF AN EASEMENT WHEN THE EASEMENT IS MORE THAN 20 FEET.**

**IN ADDITION, THE CODE CURRENTLY REQUIRES THAT WHEN A ROAD IS MAINTAINED BY THE COUNTY, THE SETBACK IS MEASURED FROM THE EDGE OF AN ACCESS EASEMENT REGARDLESS OF THE EASEMENT WIDTH. THE PROPOSED AMENDMENT WOULD REQUIRE THAT IF A ROAD IS MAINTAINED BY THE COUNTY, BUT IS NOT LOCATED WITHIN A RECORDED RIGHT-OF-WAY OR EASEMENT, THE SETBACK SHALL BE MEASURED FROM THE EDGE OF THE ROAD REGARDLESS OF THE ROAD WIDTH.**

Resolution Number 18-06

**WHEREAS**

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to Washoe County Code Chapter 110 (Development Code) Article 406, *Building Placement Standards*, on February 6, 2018 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA17-0007, came before the Washoe County Planning Commission for a duly noticed public hearing on February 6, 2018; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA17-0007:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Attachment A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on February 6, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Trevor Lloyd, Secretary

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Sarah Chvilicek, Chair



DRAFT: January 8, 2018

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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

**Summary:** *Amends the Development Code by updating the standards within Section 110.406.05, General, to change when a setback is measured from an access easement, or from a Washoe County maintained road not located in a recorded right-of-way or easement; and other related matters.*

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

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

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, *Building Placement Standards*, at Section 110.406.05, *General*, to modify the requirements applicable to measuring setbacks from certain easements by changing the requirement to measure setbacks from the edge of the easement when the easement is more than 20 feet wide; and, by clarifying that when a County maintained road is located outside of a recorded easement or right of way the setback is measured from the edge of the road; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 18-\_\_\_ on February 6, 2018; and,

- B. The amendments and this ordinance were drafted in concert with the District Attorney; and the Planning Commission held a duly noticed public hearing for WDCA17-0007 on February 6, 2018, and adopted Resolution Number 18-\_\_\_\_ recommending adoption of this ordinance; and,
- C. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to update the standards within Section 110.406.05, *General*; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.406.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: (1) when an access easement traverses a portion of a property and has a total width of **more than** twenty (20) feet ~~or more, the required yard setback is measured from the edge of the easement closest to the proposed structure; or is maintained by the County,~~ (2) ~~when a Washoe County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback is shall be measured from the easement edge closest to the proposed structure edge of the road.~~

SECTION 2. General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not

inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

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

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

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chair of the Board

**DRAFT: January 8, 2018**

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

DRAFT



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 406, *BUILDING PLACEMENT STANDARDS*, TO AMEND THE STANDARDS WITHIN SECTION 110.406.05 GENERAL; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO. THE CODE CURRENTLY REQUIRES THAT THE SETBACK BE MEASURED FROM THE EDGE OF THE EASEMENT WHEN THE EASEMENT IS 20 FEET WIDE OR GREATER. THE PROPOSED AMENDMENT WOULD REQUIRE THE SETBACK BE MEASURED FROM THE EDGE OF AN EASEMENT WHEN THE EASEMENT IS MORE THAN 20 FEET.

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Resolution Number 18-06

### WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to Washoe County Code Chapter 110 (Development Code) Article 406, *Building Placement Standards*, on February 6, 2018 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA17-0007, came before the Washoe County Planning Commission for a duly noticed public hearing on February 6, 2018; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA17-0007:

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

**NOW, THEREFORE, BE IT RESOLVED** that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Attachment A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on February 6, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
Trevor Lloyd, Secretary

  
\_\_\_\_\_  
Sarah Chvilicek, Chair

DRAFT: January 8, 2018

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*Summary: Amends the Development Code by updating the standards within Section 110.406.05, General, to change when a setback is measured from an access easement, or from a Washoe County maintained road not located in a recorded right-of-way or easement; and other related matters.*

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

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

Title:

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WHEREAS:

- A. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 18-\_\_\_ on February 6, 2018; and,

DRAFT: January 8, 2018

- B. The amendments and this ordinance were drafted in concert with the District Attorney; and the Planning Commission held a duly noticed public hearing for WDCA17-0007 on February 6, 2018, and adopted Resolution Number 18-\_\_\_\_ recommending adoption of this ordinance; and,
- C. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to update the standards within Section 110.406.05, *General*; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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SECTION 2. General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not



inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2018.

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

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

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chair of the Board

**DRAFT: January 8, 2018**

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

DRAFT