



# Planning Commission Staff Report

Meeting Date: April 7, 2015

Subject: Request to Re-Initiate Development Code Amendment Case Number DCA14-005

Applicant: Planning and Development Division

**Agenda Item Number: 9A**

Summary: To re-initiate an amendment to Washoe County Code, Chapter 110, Development Code that would add Article 442, Specific Plan Standards and Procedures, and amend Article 106, Master Plan Categories and Regulatory Zones to provide criteria and procedures for rezoning to Specific Plan regulatory zones.

**Recommendation: Adopt and authorize the Chair to sign the attached resolution**

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## **Description**

To re-initiate an amendment to Washoe County Code, Chapter 110, Development Code, in order to prepare an ordinance (as required by NRS 278A.090 regarding planned unit developments), that would add Article 442, Specific Plan Standards and Procedures, and amend Article 106, Master Plan Categories and Regulatory Zones to provide criteria and procedures for rezoning to Specific Plan regulatory zones, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, and provide for other matters properly relating thereto and authorizing the chair to sign a resolution carrying out the actions described in the item.

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**Initiating Development Code Amendments**

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction

of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

### **Public Notice**

There are no public notice requirements established within the Development Code for initiation of a Development Code amendment.

### **Background**

NRS Chapter 278A authorizes the County to approve and regulate “planned unit developments” (an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both) if Washoe County enacts an ordinance pursuant to NRS 278A.090. To ensure flexibility of land use regulations over such developments and reduce undue delay in their approval, NRS Chapter 278A authorizes the approval and recording of project specific plans (sometimes referred to as design standards manuals or handbooks) that replace traditional zoning regulations for the development.

Under WCC Section 110.106.15 (u), Washoe County has a “Specific Plan” Regulatory Zone which is intended for planned unit developments, and staff recommends that the County enact an ordinance that will activate its authority to rezone properties and approve specific plans that will constitute the regulatory zoning for such developments.

### **Description of Proposed Amendments**

The proposed amendments will integrate requirements of NRS Chapter 278A with the established County procedures for rezoning of property, to include:

- Coordinating the rezoning of property with approval of the specific plan itself.
- As required by statute, providing procedures for tentative and final approval of the specific plan.
- Listing what information will be needed on the application for rezoning and specific plan approval, and the procedures and timeline for the Division to act on the application.
- Describing the information that needs to be in a specific plan.
- Setting minimum standards of design for specific plan developments and the standards and conditions governing their approval and regulation.
- Requiring notice and hearing before the Planning Commission similar to notice and hearing for rezoning, and having the Planning Commission review and recommend (with findings and conditions) action on both the zoning change and tentative specific plan.
- Requiring notice and hearing before the Board of County Commissioners similar to notice and hearing for rezoning, and having the Board finally approve the rezoning and tentative plan.

Development Code Initiation, Specific Plan Zoning

- Providing for judicial review of decisions of the Board.
- Providing criteria and procedures for the final approval and recording of the specific plan and the effect of recording the final specific plan.
- Providing for the enforcement and amendment and possible revocation of the specific plan.
- Repealing of portions of WCC Section 110.106.15 (u) (description of Specific Plan zoning classification) covered by the foregoing amendments.

The resolution attached to this staff report will replace Resolution 14-9 adopted by the Planning Commission on April 1, 2014 which included the proposed Development Code amendments as set forth in this staff report and also included proposed amendments to the Washoe County Master Plan. Amendments are not required for the Master Plan. Additionally, more than 125 days has passed since the initiation of the Development Code amendments with no public hearing on the proposed amendments, therefore the Commission is asked to re-initiate the Development Code amendments [WCC Section 110.818.15(b)].

#### **Recommendation**

Staff recommends that the Planning Commission adopt the resolution as set forth in Exhibit A initiating an amendment to Washoe County Code, Chapter 110, Development Code, in order to prepare an ordinance (as required by NRS 278A.090 regarding planned unit developments), that would add Article 442, Specific Plan Standards and Procedures, and amend Article 106, Master Plan Categories and Regulatory Zones to provide criteria and procedures for rezoning to Specific Plan regulatory zones, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, and provide for other matters properly relating thereto. The following motion is provided for your consideration:

#### **Motion**

“After giving reasoned consideration to the information contained in the staff report, I move to adopt the resolution contained in Exhibit A to the staff report of this item to initiate an amendment to Washoe County Code, Chapter 110, Development Code providing for criteria and procedures for rezoning, approval and regulation of Specific Plan Developments. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today’s date.”

Attachment: Exhibit A, Resolution

xc: Nate Edwards, Esq., District Attorney’s Office  
Bill Whitney, Director, Planning and Development



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

**INITIATING AN AMENDMENT TO THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, TO  
ESTABLISH CRITERIA AND PROCEDURES FOR REZONING, APPROVAL AND REGULATION OF SPECIFIC PLAN  
DEVELOPMENTS  
AND PROVIDING FOR MATTERS PROPERLY RELATING THERETO.**

Resolution Number 15-06

WHEREAS:

- A. Section 110.818.05 of the Washoe County Code authorizes the Washoe County Planning Commission to initiate amendments to the Washoe County Development Code;
- B. The Director of the, Planning and Development Division of the Community Services Department has petitioned the Planning Commission to initiate possible amendments to the Development Code to establish criteria and procedures for rezoning, approval and regulation of specific plan developments;
- C. The Planning Commission has reviewed and discussed some suggested amendments at a duly noticed open meeting and believes that such amendments are worthy of drafting and consideration;

NOW THEREFORE BE IT RESOLVED by the Planning Commission of Washoe County:

1. The Director of the Planning and Development Division is hereby authorized and instructed to ask the District Attorney to draft amendments to the Development Code for consideration at one or more public hearings which shall be noticed in accordance with WCC Section 110.818.20.
2. Such amendments shall implement the provisions of NRS chapter 278A by establishing criteria and procedures for the rezoning, approval and regulation of specific plan developments and providing for other matters properly relating thereto, including (but not limited to):
  - o Coordinating the rezoning of property with approval of the specific plan itself.
  - o As required by statute, providing procedures for tentative and final approval of the specific plan.

- Listing what information will be needed on the application for rezoning and specific plan approval, and the procedures and timeline for the Division to act on the application.
  
- Describing the information that needs to be in a specific plan.
  
- Setting minimum standards of design for specific plan developments and the standards and conditions governing their approval and regulation.
  
- Requiring notice and hearing before the Planning Commission similar to notice and hearing for rezoning, and having the Planning Commission review and recommend (with findings and conditions) action on both the zoning change and tentative specific plan.
  
- Requiring notice and hearing before the Board of County Commissioners similar to notice and hearing for rezoning, and having the Board finally approve the rezoning and tentative plan.
  
- Providing for judicial review of decisions of the Board.
  
- Providing criteria and procedures for the final approval and recording of the specific plan and the effect of recording the final specific plan.
  
- Providing for the enforcement and amendment and possible revocation of the specific plan.
  
- Repealing of portions of WCC Section 110.106.15 (u) (description of Specific Plan zoning classification) covered by the foregoing amendments.

ADOPTED on April 7, 2015

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

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Carl R. Webb, Jr. AICP, Secretary

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Roger Edwards, Chairman