



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: July 9, 2019

DATE: June 7, 2019

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Community Services Department
775-328-3627, jolander@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Community Services Dept., 328-3619,
mhauenstein@washoecounty.us

SUBJECT: Public Hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.
(All Commission Districts.)

SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110.406:

1. To Section 110.406.05, General, add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone of the lot; and
2. To remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993.

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

PREVIOUS ACTION

On June 25, 2019, the Washoe County Board of Commissioners (Board) introduced and conducted a first reading of an ordinance amending Washoe County Code Chapter 110 to

AGENDA ITEM # _____

Section 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots and to remove Section 110.406.35(e) Side Yards, Prior Zoning.

On May 7, 2019, the Washoe County Planning Commission heard this item, initiated the code amendment and voted unanimously to recommend approval of proposed development code amendment Case No. WDCA19-0001.

BACKGROUND

Development Code Article 406, Building Placement Standards, provides the standards and requirements for building placement on a lot that are determined by the regulatory zone of a property. For nonconforming lots, that requirement can be challenging and the proposed development code amendment will allow nonconforming lots to be reviewed by the lot size and not the regulatory zoning for building placement standards. This change will codify for nonconforming lots, providing a better and fairer review procedure of building placement.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on May 7, 2019, as recorded within Resolution Number 19-12 (Attachment B).

If adopted, the Ordinance will be effective on July 19, 2019.

POSSIBLE MOTION

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

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk); and to affirm the four findings of fact that the Washoe County Planning Commission made on May 7, 2019, as recorded with Resolution Number 19-12 and attached to the staff report for this item.”

Attachments: A- Proposed Draft Ordinance
B - Planning Commission Signed Resolution 19-12
C - Planning Commission Staff Report for WDCA19-0001
D - Planning Commission Draft Minutes for May 7, 2019 Meeting

DRAFT: May 24, 2019

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REGULAR TEXT: NO CHANGE IN LANGUAGE

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BOLD TEXT: NEW LANGUAGE

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

Summary: *Amends the Washoe County Code at Chapter 110 (Development Code) by updating the standards in Section 110.406.05 to add a requirement regulating setbacks on non-conforming lots and removing the side yard setback requirements for lots created prior to May 26, 1993.*

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to add a requirement to Section 110.406.05 for determining

DRAFT: May 24, 2019

setbacks on lots which are nonconforming for parcel size;
and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-12 on May 7, 2019 creating Development Code Amendment Case Number WDCA19-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0001 on May 7, 2019, and adopted Resolution Number 19-12 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS; therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 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, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (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

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measured from the edge of the road. **If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot does meet minimum size for lots in that zone.**

SECTION 2. Section 110.406.35(e) of the Washoe County Code is hereby amended to read as follows:

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- ~~(e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.~~

SECTION 3. 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

DRAFT: May 24, 2019

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.

DRAFT

DRAFT: May 24, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

ATTEST:

County Clerk

Vaughn Hartung, Chair
Washoe County Commission

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), WITHIN ARTICLE 406, BUILDING PLACEMENT STANDARDS 110.406.05, GENERAL, TO ADD A REQUIREMENT REGULATING SETBACKS ON LEGAL NON-CONFORMING LOTS, WHEN THE LOT SIZE DOES NOT MEET THE MINIMUM LOT SIZE FOR THE ACTUAL REGULATORY ZONE APPLICABLE TO THE LOT, THE ALLOWED SETBACKS WILL BE BASED ON THE REGULATORY ZONE THRESHOLDS FOR THE NEXT DENSEST REGULATORY ZONE FOR WHICH THE ACTUAL LOT SIZE DOES MEET THE MINIMUM LOT SIZE REQUIREMENTS; AND TO REMOVE SECTION 110.406.35(e) SIDE YARDS, PRIOR ZONING, REGARDING THE OPTION TO USE THE SIDE YARD SETBACK REQUIREMENTS OF THE LAND USE CATEGORY COMPARABLE TO THE PARCEL SIZE FOR LOTS CREATED PRIOR TO MAY 26, 1993; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-12

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, on May 7, 2019 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA19-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on May 7, 2019; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA19-0001:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will

Planning Commission Resolution 19-12
Meeting Date: May 7, 2019
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promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

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

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

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

ADOPTED on May 7, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Trevor Lloyd, Secretary



Sarah Chvilicek, Chair

DRAFT: April 12, 2019

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REGULAR TEXT: NO CHANGE IN LANGUAGE

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BOLD TEXT: NEW LANGUAGE

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

Summary: Amends the Washoe County Code at Chapter 110 (Development Code) by updating the standards in Section 110.406.05 to add a requirement regulating setbacks on non-conforming lots and removing the side yard setback requirements for lots created prior to May 26, 1993.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to add a requirement to Section 110.406.05 for determining

DRAFT: April 12, 2019

setbacks on lots which are nonconforming for parcel size;
and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-12 on May 7, 2019 creating Development Code Amendment Case Number WDCA19-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0001 on May 7, 2019, and adopted Resolution Number 19-12 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS; therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 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, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (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

DRAFT: April 12, 2019

measured from the edge of the road. If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot does meet minimum size for lots in that zone.

SECTION 2. Section 110.406.35(e) of the Washoe County Code is hereby amended to read as follows:

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- ~~(e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.~~

SECTION 3. 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

DRAFT: April 12, 2019

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.

DRAFT: April 12, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

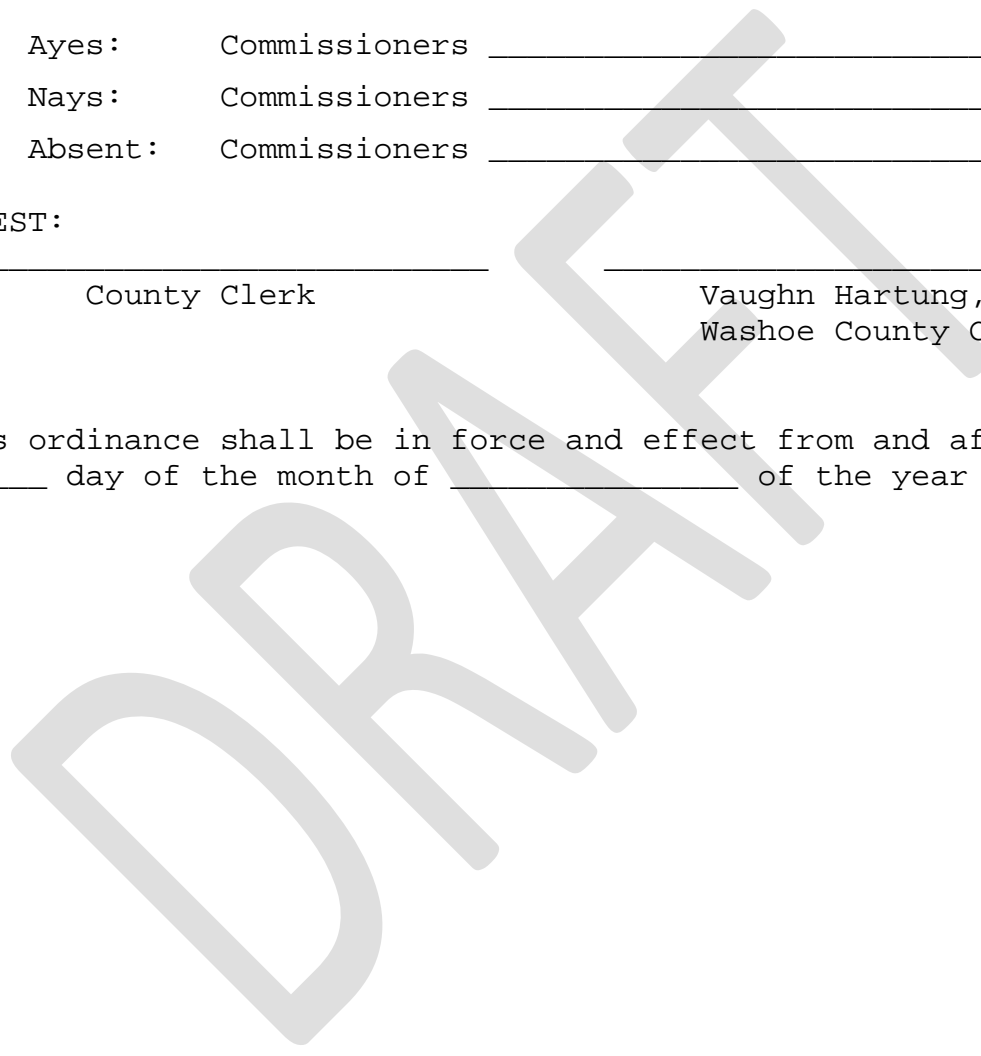
Absent: Commissioners _____.

ATTEST:

County Clerk

Vaughn Hartung, Chair
Washoe County Commission

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





Planning Commission Staff Report

Meeting Date: May 7, 2019

Agenda Item: 8D

STAFF REPORT CASE NUMBER: WDCA19-0001 (Building Placement Standards on Nonconforming Lots)

BRIEF SUMMARY OF REQUEST: Amending the Development Code to add a provision to regulate setbacks on legal non-conforming lots based on the parcel size and the closest matching regulatory zone and remove current code language regarding the side yard requirements for lots created prior to May 26, 1993

STAFF PLANNER: Planner's Name: Julee Olander
Phone Number: 775.328.3627
E-mail: jolander@washoecounty.us

APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA19-0001 (Building Placement Standards on Nonconforming Lots) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

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

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

STAFF RECOMMENDATION

INITIATE

INITIATE AND RECOMMEND APPROVAL

DO NOT INITIATE

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission initiate Development Code Amendment WDCA19-0001, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions with Findings on Page 5)

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Proposed Amendments/OrdinanceExhibit A-1

Development Code Amendments

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

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

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

The Board hears all amendments recommended for approval, and amendments denied by the PC upon appeal. The Board 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.

Public Notice

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

Background

Development Code Article 406, *Building Placement Standards*, provides the standards and requirements for building placement on a lot that are determined by the regulatory zone of a property. Building placement standards often result in challenges or restrictions for nonconforming lots that were not anticipated when this provision of the code was adopted. There are numerous nonconforming lots throughout the County where such properties do not conform with the current regulatory zone standards. This situation is particularly prevalent for lots that have been created by means of a common open space development (i.e. subdivision). For such developments, the regulatory zone is typically not changed for parcels; however the lots are often smaller in size than the regulatory zone requires. For these reasons, Washoe County has nonconforming lots that do not meet the minimum parcel size requirement for the regulatory zone but are still subject to the building placement (setback) requirements for the regulatory zone which they are located in. The purpose of this amendment is to clarify and codify that building placement setback standards are based on the size of the lot rather than the regulatory zone. Recently, Article 306, Accessory Uses and Structures, Detached Accessory Structures 110.306.10(a), Lot Coverage was amended to address similar concerns for accessory structures on nonconforming lots.

Amendment Evaluation

The code amendment will provide and codify specific requirement concerning setback requirements for building placement on nonconforming lots. Currently, setbacks for nonconforming lots are based on the regulatory zoning of the lot. This update would base the setbacks for nonconforming lots on the lot size and not the regulatory zoning. This change is similar to the change for nonconforming lots for accessory structures, which is now based on the lot size and not regulatory zoning, which was approved by the Board of County Commissioners on March 26, 2019.

Proposed Amendment

Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows (text in bold is new language and strike out text is deleted 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, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (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 edge of the road. **If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot meets the minimum size for lots within that regulatory zone.**

And

Section 110.406.35(e) Side Yards. Side yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.

- (c) Accessory Structures. Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- ~~(e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.~~

Findings

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

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

Staff comment: The Master Plan establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. This amendment will provide a specific standard for building placement on nonconforming lots and does not conflict with any of the policies or action programs of the Master Plan.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: The proposed Development Code amendment for building placement standards for nonconforming lots will not adversely impact public health, safety or welfare. This change will provide fairness for property owners with smaller lots that do not meet the minimum lot size per the regulatory zone requirements.

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 responds to a change of conditions and will codify building placement standards for nonconforming lots.

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

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

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing. A public workshop was held on March 20, 2019 for this application and there was one attendee. She had questions concerning impacts to the fire department.

Recommendation

It is recommended that the PC initiate and subsequently recommend approval of WDCA19-0001, to amend the Development Code within 406, *Building Placement Standards*, as described in this staff report. The following motions are provided for the PC's consideration:

Motions

Initiation

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA19-0001.

Amendment

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0001, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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

Appeal Process

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

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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), WITHIN ARTICLE 406, BUILDING PLACEMENT STANDARDS 110.406.05, GENERAL, TO ADD A REQUIREMENT REGULATING SETBACKS ON LEGAL NON-CONFORMING LOTS, WHEN THE LOT SIZE DOES NOT MEET THE MINIMUM LOT SIZE FOR THE ACTUAL REGULATORY ZONE APPLICABLE TO THE LOT, THE ALLOWED SETBACKS WILL BE BASED ON THE REGULATORY ZONE THRESHOLDS FOR THE NEXT DENSEST REGULATORY ZONE FOR WHICH THE ACTUAL LOT SIZE DOES MEET THE MINIMUM LOT SIZE REQUIREMENTS; AND TO REMOVE SECTION 110.406.35(e) SIDE YARDS, PRIOR ZONING, REGARDING THE OPTION TO USE THE SIDE YARD SETBACK REQUIREMENTS OF THE LAND USE CATEGORY COMPARABLE TO THE PARCEL SIZE FOR LOTS CREATED PRIOR TO MAY 26, 1993; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-12

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, on May 7, 2019 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA19-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on May 7, 2019; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA19-0001:
 - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will

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

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

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

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

ADOPTED on May 7, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Sarah Chvilicek, Chair

DRAFT: April 12, 2019

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: *Amends the Washoe County Code at Chapter 110 (Development Code) by updating the standards in Section 110.406.05 to add a requirement regulating setbacks on non-conforming lots and removing the side yard setback requirements for lots created prior to May 26, 1993.*

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to add a requirement to Section 110.406.05 for determining

DRAFT: April 12, 2019

setbacks on lots which are nonconforming for parcel size;
and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-12 on May 7, 2019 creating Development Code Amendment Case Number WDCA19-0001; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0001 on May 7, 2019, and adopted Resolution Number 19-12 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS; therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 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, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (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

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measured from the edge of the road. **If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot does meet minimum size for lots in that zone.**

SECTION 2. Section 110.406.35(e) of the Washoe County Code is hereby amended to read as follows:

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) Outside Stairs. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- ~~(e) Prior Zoning. Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.~~

SECTION 3. 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

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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.

DRAFT: April 12, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

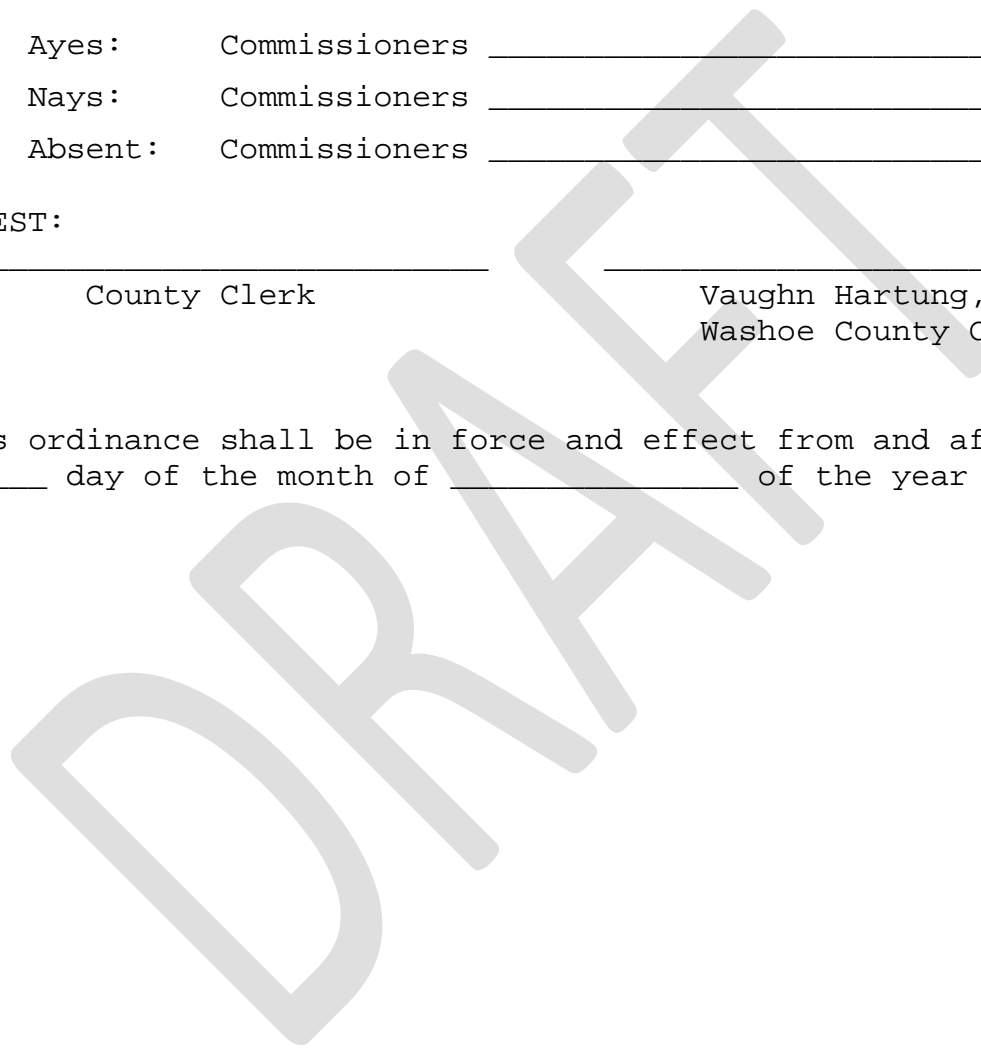
Absent: Commissioners _____.

ATTEST:

County Clerk

Vaughn Hartung, Chair
Washoe County Commission

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





WASHOE COUNTY PLANNING COMMISSION & CITY OF RENO PLANNING COMMISSION



Meeting Minutes

The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only), all other matters were heard by only the Washoe County Planning Commission

Tuesday, May 7, 2019 • 6:00 PM

**Washoe County Administration Complex, Commission Chambers,
1001 East Ninth Street, Reno, NV 89512**

Washoe County Planning Commissioners	
Sarah Chvilicek, Chair	
Larry Chesney, Vice Chair	Francine Donshick
James Barnes	Philip Horan
Thomas B. Bruce	Michael W. Lawson
Reno City Planning Commissioners	
Mark Johnson, Chair	
Britton Griffith, Vice Chair	Paul Olivas
Peter Gower	John Marshall
Ed Hawkins	Kevin Weiske

The Washoe County Planning Commission and Reno City Planning Commission met in a scheduled session on **Tuesday, May 7, 2019**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

NOTE: The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only); all other matters were heard by only the Washoe County Planning Commission.

1. *Determination of Quorum

Chair Chvilicek called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Washoe County Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick

Philip Horan
Michael W. Lawson

Reno City Commissioners present: Mark Johnson, Chair
Britton Griffith, Vice Chair
Ed Hawkins
Paul Olivas
John Marshall
Kevin Weiske

Commissioners absent: Peter Gower (Reno City Planning Commissioner)

Staff present: Trevor Lloyd, Washoe County Secretary, Planning and Building
Chris Bronczyk, Washoe County Planner, Planning and Building
Kelly Mullin, AICP, Washoe County Senior Planner, Planning and Building
Dave Solaro, Washoe County Assistant County Manager
Julee Olander, Washoe County Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, Washoe County District Attorney's Office
Katy Stark, Washoe County Recording Secretary, Planning and Building
Donna Fagan, Washoe County Office Support Specialist, Planning and Building
Claudia Hanson, Planning Manager, Reno Community Development
Karl Hall, Reno City Attorney, Reno City Attorney's Office
Greg Salter, Deputy City Attorney, Reno City Attorney's Office

2. *Pledge of Allegiance

The pledge was recited.

3. *Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

Lori Beach, Washoe County Resident/City of Reno Tax Payer, requested consideration for storage containers. She stated there are many residents who live in rural areas with acreage. She said she uses the storage container to store feed for her animals and provide storage for those who are being flooded. She read from the staff report regarding visual appeal.

Tammy Holt-Still, Swan Lake Recovery Committee, said there was a commissioner who was hosting an information table at a Northern Nevada Business breakfast. There were rumors that this commissioner made fun of the residents of Lemmon Valley and the effluent water at the school grounds. Lemmon Valley residents were the butt of their jokes. She said the Commissioners need to be professionals and represent business and residents.

Denise Ross spoke for Danny Cleous and herself. She shared that there is a lot of hurt in

Lemmon Valley. She asked the Commissioners to re-examine why they serve on the board. She addressed a commissioner about making fun of Lemmon Valley residents. She said Danny Cleous is losing everything. She asked for compassion and caring.

As there were no further requests to the call for public comment, Chair Chvilicek closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the May 7, 2019 meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Possible Action to Approve April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

D. Development Code Amendment Case Number WDCA19-0001 (Building Placement Standards on Nonconforming Lots) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

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

- Applicant: Washoe County
- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: jolander@washoecounty.us

Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. There were no member disclosures.

Julee Olander, Washoe County Planner, provided a staff presentation.

With no requests for public comment, Chair Chvilicek closed the public comment period.

Motion for Development Code Amendment Case Number WDCA19-0001:

Initiation

Commissioner Lawson 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 WDCA19-0001.

Vice Chair Chesney seconded the motion. The motion carried unanimously (7-0).

Amendment

Commissioner Lawson 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 WDCA19-0001, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. He 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):

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.

Chair Chvilicek re-opened Item 8D to include the amendment.

Commissioner Donshick seconded the motion to approve the amendment. The motion carried unanimously (7-0).

9. Chair and Commission Items

- *A. Future agenda items – Commissioner Lawson requested to report back to the Commission regarding the information he learned regarding the process for reviewing technical tentative map approvals. Mr. Lloyd said an information item regarding the process can be agendaized.

DDA Edwards said the clerks requested action for item 8D initiation and amendment. He said there is a motion on initiation, but the language needs to be read for the amendment. Chair Chvilicek re-opened item 8D.

- *B. Requests for information from staff – No requests.

10. Director's and Legal Counsel's Items

- *A. Report on previous Planning Commission items – Nothing to report.

- *B. Legal information and updates – DDA Edwards said Prado Ranch judicial review was dismissed based on lack of standing. He was unsure of the appeal.

11. *General Public Comment and Discussion Thereof

With no requests for public comment, Chair Chvilicek closed the public comment period.

Chair Chvilicek said they are diligently working on the Regional Plan Update and recommended that the Commissioners follow the updates.

12. Adjournment – The meeting adjourned at 8:29 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on June 4, 2019.

Trevor Lloyd, Secretary to the Planning Commission