



Planning Commission Staff Report

Meeting Date: April 3, 2018

Agenda Item: 8E

STAFF REPORT CASE NUMBER: WDCA18-0002 (Articles 302 & 304)

BRIEF SUMMARY OF REQUEST: Add Private and Public School Facilities to Table of Uses, Table 110.302.05.2 and to Use Classification System, Section 110.304.20

STAFF PLANNER: Planner's Name: Julee Olander
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APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA18-0002 (Private and Public School Facilities) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private Education will be allowed with a board of adjustment special use permit in all regulatory zones except industrial and open space, and that Public Education will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, *Use Classification System*, Section 110.304.20, Civic Use Types, to add to the definition of Education the sub-definitions of Private Education and Public Education; and for 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 WDCA18-0002, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions with Findings on Pages 6)

Staff Report Contents

Initiating Development Code Amendments..... 2

Public Notice 2

Development Code Amendments..... 2

Amendment Evaluation..... 3

Public Notice 5

Recommendation 5

Motions 6

Appeal Process 6

Exhibit Contents

ResolutionExhibit A

AB87Exhibit B

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 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

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

Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use

development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

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

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

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background

In 2013 the Washoe County Board of Commissioners approved an update to the Development Code 110 to implement AB87 (Exhibit B), which created common standards for development of public schools. Article 440, Public School Facilities Design Standards, was created in conjunction with the cities and with the Washoe County School District to respond to the legislation with uniform requirements for public schools addressing height, building setbacks, landscaping and parking; in addition, Article 440 went even further by eliminating the need for a special use permit for a public education facility. However, Table of Uses 110.302.05.2, which regulates regulatory zones, was not updated and the Table of Uses currently requires a Special Use Permit for Education.

Staff is requesting an amendment to Table 110.302.05.2 and to Section 110.304.20 of the Washoe County Code in order to comply with statutory requirements identified in NRS 278.0211, which was established with the passing of AB87 of the 2013 legislative session. This amendment will differentiate between private and public schools and will fully implement Article 440. The amendment to Table 110.302.05.2 includes adding public education and private education under the education use type. By distinguishing between private and public school facilities, the discretionary review of a Special Use permit will be removed from public school facilities (in accordance with Article 440) while still requiring a Special Use Permit for private school facilities. Definitions of Private and Public School Facilities will be added to the Education definition in Section 304 to clarify the difference between facilities.

Amendment Evaluation

- The intent of WCC Table 110.302.05.2 is to show which uses are permitted or not and if there is a discretionary review required in each regulatory zone.
- The intent of WCC Section 304 is to classify the use types and explains the function and characteristics of each.
- Adding Private School Facilities and Public School Facilities to Table 110.302.05.2 and 110.304.20 provides specific requirements for education facilities and addresses the intent of AB87.

Proposed Amendment

Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows:

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	S ₂
Education	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂
Private School Facilities	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂
Public School Facilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂
Major Services and Utilities																		
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	S ₂
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	A
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (g) **Education.** Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges Curriculum must be approved by the State Department of Education. **This use type does not refer to home schooling of children who live on-site.**

- (1) **Private School Facilities.** Private School Facilities use type refers to educational services for the education of the children of the community that are funded primarily by means other than tax revenue.
- (2) **Public School Facilities.** Public School Facilities use type refers to educational services for the education of the children of the community that are funded primarily with tax revenue.

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 clarify school facilities uses 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 Development Code amendment clarifies the difference between private and public school facilities and will not adverse impact 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 responds to the requirements and regulations in Section 440 and updates other sections of the Code to be consistent with Section 440.

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 15, 2018 and there were no attendees.

Recommendation

It is recommended that the PC initiate and subsequently recommend approval of WDCA18-0002, to amend the Development Code within Article 302 & 304, *Allowed Uses and Use Classification*

System, 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 302 & 304, *Allowed Uses and Use Classification System*, as described in the staff report for WDCA18-0002.

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 WDCA18-0002, to amend Washoe County Code Chapter 110 within Articles 302 & 304, *Allowed Uses and Use Classification System*, 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 CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 302, ALLOWED USES, TABLE 110.302.05.2, TABLE OF USES (CIVIC USE TYPES), SPECIFYING THAT PRIVATE EDUCATION WILL BE ALLOWED WITH A BOARD OF ADJUSTMENT SPECIAL USE PERMIT IN ALL REGULATORY ZONES EXCEPT INDUSTRIAL AND OPEN SPACE, AND THAT PUBLIC EDUCATION WILL BE ALLOWED IN ALL REGULATORY ZONES EXCEPT INDUSTRIAL AND OPEN SPACE WITH NO SPECIAL USE PERMIT REQUIRED; WITHIN ARTICLE 304, USE CLASSIFICATION SYSTEM, SECTION 110.304.20, CIVIC USE TYPES, TO ADD TO THE DEFINITION OF EDUCATION THE SUB-DEFINITIONS OF PRIVATE EDUCATION AND PUBLIC EDUCATION; AND FOR OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 18-10

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 302, *Allowed Uses* and Article 304, *Use Classification System*, on April 3, 2018 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA18-0002, came before the Washoe County Planning Commission for a duly noticed public hearing on April 3, 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 WDCA18-0002:
 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 April 3, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Sarah Chvilicek, Chair

DRAFT: March 14, 2018

WORKING COPY (DRAFT)
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 Development Code by updating the standards in Section 302 within Table 110.302.05.2, specifying the regulatory zones in which Private School Facilities and Public School Facilities are allowed, disallowed, or allowed with a board of adjustment special use permit; within Section 110.304.20, adding to the definition of Education the sub-definitions of Private School Facilities and Public School Facilities; and other matters necessarily connected therewith and pertaining thereto.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private Education will be allowed with a board of adjustment special use permit in all regulatory zones except industrial and open space, and that Public Education will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, Use Classification System, Section 110.304.20, Civic Use Types, to add to the definition of Education the sub-definitions of Private Education and Public Education; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS :

- A. This Commission desires to amend Article 302 and 304 of the Washoe County Development Code (Chapter 110) in order to xxx and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 18-__ on April 3, 2018; 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 WDCA18-0002 on April 3, 2018, and adopted Resolution Number 18-__ 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. Table 110.302.05.2 of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	S ₂
Education	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	S ₂	--	S ₂	S ₂
Private School Facilities	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	--	S₂	S₂	--	S₂	S₂

Public School Facilities	A	A	A	A	A	A	A	A	A	A	A	A	--	A	A	--	A	A	
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--	
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂	
Major Services and Utilities																			
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--	
Parks and Recreation																			
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	S ₂
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A	
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	A	
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 2. Section 110.304.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (a) **Administrative Services.** Administrative services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.
- (b) **Child Care.** Child care use type refers to the use of a building or a portion thereof for the daytime care of individuals under eighteen (18) years of age. Child care use types are subject to the regulations and permission of the Washoe County Department of Social Services. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are child care use types:
 - (1) **Family Daycare.** Family daycare refers to daycare services provided for six (6) or fewer full-time children, including those of the child care facility licensee who are under the age of seven (7) years, except that care may also be provided for up to three (3) additional part-time children for three (3) hours before school and three (3) hours after school, but only during periods when schools are in session, subject to the regulations and permission of the Washoe County Department of Social Services.
 - (2) **Large-Family Daycare.** Large-family daycare refers to daycare services provided for more than six (6) full-time children, including those of the child care facility licensee who are under the age of seven (7) years.

- (3) Child Daycare. Child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision, on less than a twenty-four (24) hour basis, but excluding services provided in a private dwelling.
- (c) Community Center. Community center use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to five hundred (500) or fewer. Typical uses include public or private, non-commercial clubs.
- (d) Community Garden. Community garden use type refers to an area of land managed and maintained by a group to grow and harvest food crops, non-food crops (such as native plants), or ornamental crops (such as flowers), for personal or group use, consumption, or donation. Commercial sale of any crops produced in the community garden is prohibited. A community garden may be established in any regulatory zone subject to the following conditions:
- (1) A signed affidavit shall be submitted to the division stating that the property owners, or the owners designated agent, agree to the proposed use. All liability considerations are the responsibility of the property owner and the users of the property.
- (2) A site plan shall be submitted to the division showing the areas to be cultivated, the location of any structures associated with the use, access points, how and where water will be obtained, and parking locations (if applicable).
- (3) Structures smaller than or equal to two-hundred (200) square feet may be established on-site to support operation and maintenance of the community garden, provided they are located at least five (5) feet from any property line, do not block any easements, and do not impede sight visibility from or onto public streets. All tools, equipment, chemicals, or fertilizers stored on site shall be within a locked structure.
- (4) Activities at the garden site shall be limited to daylight hours. The use of motorized equipment is limited to the hours of 8 a.m. to 5 p.m. No exterior lighting or illumination shall occur.
- (5) Once all outdoor crops have been harvested for the current growing season, the area utilized shall be cleaned of any dead vegetation or supporting materials within thirty (30) days of the final harvest or by November 15, whichever comes first. Tilling of the dead vegetation back into the soil is allowed and meets this requirement.
- (e) Convalescent Services. Convalescent services use type refers to provision of bed care and in-patient services for persons requiring regular medical attention, but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.
- (f) Cultural and Library Services. Cultural and library services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

- (g) Education. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education. **This use type does not refer to home schooling of children who live on-site.**
- (1) Private School Facilities. Private School Facilities use type refers to educational services for the education of the children of the community that are funded primarily by means other than tax revenue.
 - (2) Public School Facilities. Public School Facilities use type refers to educational services for the education of the children of the community that are funded primarily with tax revenue.
- (h) Group Care Facility. Group care facility use type refers to an establishment that provides housing and living environment on a weekly or longer basis, for a group of persons not defined as a family or a group home. These facilities may provide life skill training, living assistance and supervised care service, but excludes medical treatment or uses classified under hospital services. This term includes specifically the following types of uses:
- (1) Child Care Institution;
 - (2) Facility for transitional living for released offenders;
 - (3) Group home use types which accommodate more persons than permitted as a group home.
- (i) Hospital Services. Hospital services use type refers to medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees or visitors.
- (j) Major Services and Utilities.
- (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
 - (2) Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.
- (k) Nature Center. Nature center use type refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboreta and gardens.
- (l) Parks and Recreation. Parks and recreation use type refers to publicly owned parks or private not for profit recreation facilities and open space facilities within

the recreation areas. These may be operated by a concessionaire. The following are park and recreation use types:

- (1) Active Recreation. Active recreation refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.
- (2) Passive Recreation. Passive recreation refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping and sporting activities, are included.
- (m) Postal Services. Postal services use type refers to mailing services, excluding major processing, as provided by the United States Postal Service, including branch post offices and public and private facilities.
- (n) Public Parking Services. Public parking services use type refers to parking services involving building and lots which may be privately and/or publicly owned and operated and is assigned to meet a parking demand. Commercial parking is that which is not designated for any identified use.
- (o) Public Service Yard. Public service yard use type refers to the use of a property operated by a governmental agency for the purposes of storing equipment and materials and includes ancillary office and meeting space for public service projects. A public service yard is limited to operations involving public road construction, road maintenance, snow removal and operations supporting public parks construction and maintenance.
- (p) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (q) Safety Services. Safety services use type refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

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 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

Chair of the Board

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

Assembly Bill No. 87–Assemblymen Daly, Elliot Anderson, Bobzien, Carrillo; Benitez-Thompson, Cohen, Hansen, Hickey, Kirner, Livermore and Sprinkle

Joint Sponsor: Senator Smith

CHAPTER.....

AN ACT relating to public schools; requiring consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties; requiring that such standards and specifications be developed in conjunction with the school district of that county; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) **Section 1.3** of this bill requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) developed in conjunction with the school district of that county. **Section 3** of this bill requires such ordinances to be adopted on or before February 28, 2014.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height



of the building, the setback of the building, the landscaping and the amount of parking space must be:

- 1. Consistent in all such ordinances; and*
- 2. Developed in conjunction with the school district of that county.*

Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

- (a) Are consistent in all such ordinances; and
- (b) Have been developed in conjunction with the school district of the county.

2. As used in this section, “governing body” has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

