



# Washoe County Planning Commission *RULES, POLICIES AND PROCEDURES*

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## Contents

Article 1	DEFINITIONS AND GENERAL POLICIES .....	2
1.01	Definitions.....	2
1.02	Commission Determines Rules, Policies and Procedures.....	2
1.03	Duties and Responsibilities.....	3
1.04	Communications outside of public hearings or meetings.....	3
1.05	Ethical Principles for Planning; Disclosures and Abstentions.....	4
Article 2	QUORUM AND VOTING .....	4
2.01	Number of Commissioners Required to Conduct Business.....	4
2.02	Voting.....	4
Article 3	MEETINGS.....	5
3.01	Notice and Agenda.....	5
3.02	Regular Meetings.....	5
3.03	Special Meetings.....	6
3.04	Continued Items.....	6
3.05	General Expectations of Commissioners During Meetings.....	6
3.06	Meeting Decorum; Removal for Disruptive Conduct.....	6
3.07	Procedures for Individual Agenda Items.....	7
3.08	Cancellation of Meetings.....	7
Article 4	SPECIAL CIRCUMSTANCES.....	7
4.01	Request to Withdraw or Continue a Development Application.....	7
4.02	Denial Without Prejudice.....	7
Article 5	OFFICERS OF THE COMMISSION.....	7
5.01	Titles.....	7
5.02	Election of Officers.....	8
5.03	Terms of Office.....	8
5.04	Authority to Sign.....	8
5.05	Delegation of Authority.....	8

5.06	Committees of the Planning Commission.....	8
Article 6	REGIONAL PLANNING COMMISSION .....	9
6.01	Appointment of Members by BCC. ....	9
6.02	Appointment of alternates by PC. ....	9
Article 7	AMENDMENT OF RULES, POLICIES AND PROCEDURES .....	9
7.01	Amendments. ....	9
Appendix A	Ethical Principles in Planning.....	A-1

**Article 1 DEFINITIONS AND GENERAL POLICIES**

**1.01 Definitions.** The following words have the following meanings for purposes of these rules, policies and procedures:

- a. **Adjudicative matter** means deciding or recommending how legislative policies (such as master plans, zoning regulations and provisions in the Development Code) would apply to individual properties usually upon application by property owners. Examples of adjudicative matters include applications by landowners for special use permits, administrative permits, variances, parcel or subdivision maps, development agreements, and Master Plan amendments or re-zoning requests for an individual property or project.
- b. **Department** means the Planning and Building Division of the Community Services Department or the department designated by the Washoe County Commission to administer the regulations of land use and zoning.
- c. **Development Code** means the Development Code of Washoe County, WCC Chapter 110.
- d. **Director** means the chief executive or director of the Department, or his/her designee.
- e. **General Business matter** includes taking action on general business items and procedural matters such as election of officers, appointment of committees, ceremonial or administrative resolutions, and amendments to these rules.
- f. **Legislative matter** includes establishing overall land use policies or designations involving a large area consisting of multiple properties in disparate ownership, including adoption or amendment of the master plan or regulatory zoning regulations as they would generally apply to multiple properties of diverse ownership, or amendments to the Development Code. However, an application for a master plan amendment or regulatory zoning classification for the benefit of a particular property or project is considered as an adjudicative matter.

**1.02 Commission Determines Rules, Policies and Procedures.** The Washoe County Planning Commission, under State statute and by Washoe County code, has the responsibility for adopting long-range plans; recommending development code amendments; and approving, when authorized, development applications for the

unincorporated portions of the County. In the furtherance of these responsibilities, the Planning Commission adopts the following rules, policies and procedures and from time to time may amend said rules, policies and procedures. Furthermore, the Commission has all the powers conferred and duties imposed on it by law, including NRS chapter 278 and the Washoe County Development Code. These rules have no effect to the extent of any conflict between any provisions of these rules and any applicable constitutional, statutory, or county code provisions.

### **1.03 Duties and Responsibilities.**

#### **a. POLICY**

- i Members of the Commission shall keep themselves informed on planning laws, policies, procedures and trends in planning practice, and ethics laws of Nevada.
- ii The seven Commission members shall represent the best interests of unincorporated Washoe County.
- iii Commissioners shall endeavor to provide questions on agenda items to the Planning Managers or staff of the Department a minimum of 24 hours prior to the meeting on which the agenda item is scheduled.

#### **b. RULE**

- i Members shall be prompt and diligent in attendance.
- ii Failure of a member to attend 3 successive regular meetings, or miss more than 25% of scheduled meetings annually, will be reported to the Board of County Commissioners and said absences may be considered justifiable cause for replacement.

### **1.04 Communications outside of public hearings or meetings.**

**a. POLICY.** Except for legislative and general business matters, Commissioners should avoid ex parte communications (i.e., private communications outside a public meeting with interested parties) regarding matters coming before the Commission.

- i. Adjudicative matters. With respect to such actions, Commissioners must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias.
- ii. Site Visits. Commissioners are authorized in NRS 278.190 (3) to enter and examine any land in the performance of their functions, and site visits may be important to gain a better understanding of the proposed actions and their impact on surrounding lands.

**b. RULE.** Commissioners shall not solicit, offer, or accept any offer for any business relationship or arrangement with any interested party. Any preexisting, ongoing or expected business relationship with any interested party must be disclosed and may be grounds for abstention under NRS Chapter 281A.

- 1.05 Ethical Principles for Planning; Disclosures and Abstentions. The Commission is governed by Nevada’s ethics laws, including NRS Chapter 281A. The Commission may also use the American Planning Association’s *Ethical Principles in Planning (Appendix A)* as guiding principles for the conduct of Commissioners, provided it does not conflict with any applicable provisions of law.**

**Article 2 QUORUM AND VOTING**

**2.01 Number of Commissioners Required to Conduct Business.**

- a. For general matters of business a quorum of the Commission shall be four members.
- b. For a matter requiring a two-thirds vote of the total membership as required by state statute, specifically Master Plan amendments, the following rules apply:
  - i. Total membership means the number of commissioners appointed and serving on the Commission. An unfilled vacancy does not count as part of the total membership. If seven members of the Commission are appointed and serving on the Commission, in such matters, not less than five Commissioners must be in attendance and vote to approve the action on said motion. The term “in attendance” means physically present at the meeting or attending the meeting through a telephone or video conference.
  - ii. In the event that the minimum required members of the Commission are not present, the item shall be scheduled for the next appropriate regular meeting.

**2.02 Voting.**

- a. Unless otherwise required by law, all matters and motions may be resolved by a majority of votes of those present at the meeting. State law and Washoe County Code provide for differing voting requirements based on the type of application before the Planning Commission. The present code requirements are listed below. In the event of a conflict between the code section and these rules, the code section prevails.
  - i. Types of actions which must be passed by an affirmative vote of no less than two-thirds (2/3) of the Commission’s full membership:
    - o Master plan amendment. Affirmative vote of not less than two-thirds (2/3) of the Commission’s total membership to adopt by resolution. [WCC Section 110.820.15 (c); NRS 278.210 (3)]
  - ii. Types of actions which must be passed by an affirmative vote of a majority of the Commission’s full membership:
    - o Regulatory zone amendment: Affirmative vote by a simple majority of the Commission’s membership to adopt, adopt with modification (both of which may include conditions), or deny. [WCC Section 110.821.15 (c)]
    - o Tentative subdivision map: Affirmative vote of the majority of the Planning Commission’s full membership to approve, conditionally approve, or deny. [WCC Section 110.608.15 (c)]
  - iii. Types of actions which must be passed by an affirmative vote of a majority of Commissioners present at a meeting (assuming a quorum present at the meeting):

- Boundary line adjustment: To approve, conditionally approve, or deny. [WCC Section 110.618.16 (c)]
  - Development code amendment: Simple majority vote of the quorum present at the meeting to recommend approval by resolution. [WCC Section 110.818.15 (d)]
  - Major subdivision map amendment: To file and record. [WCC Section 110.616.30 (b)]
  - Project of regional significance: In addition to any review as a special use permit and/or a tentative subdivision map, to approve or provisionally approve. [WCC Section 110.812.25 (c)]
  - Special use permit: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.812.20 (e)]
  - Vacation or abandonment of easements: To order with or without conditions. [WCC Section 110.806.15 (d)]
  - Variance: To approve, approve with conditions, modify, modify with conditions, or deny. [WCC Section 110.804.15 (e)]
- b. A tie vote means the motion does not pass.

## **Article 3 MEETINGS**

### **3.01 Notice and Agenda.**

- a. The Commission is a public body and must comply with the laws of Nevada regarding public and open meetings, including NRS Chapter 241 (the “open meeting law”).
- b. All meetings of the Commission will be held in accordance with the open meeting law.
- c. Robert's Rules of Order, as amended, may be used for guidance for Commission meeting procedures when a question or controversy arises. Alternatively, the Chair may employ other procedures or techniques in an effort to provide for deliberation, an opportunity for the public and Commissioners to be heard, and for the Commission to reach a consensus and/or decision.
- d. In order to maximize public participation in a meeting, Commission meetings should not extend beyond 11 p.m. and the Chair is authorized to continue items that would start after that time.

### **3.02 Regular Meetings.**

- a. The first Tuesday of each month is the regular meeting day.
  - i. Should the first Tuesday of the month fall on a holiday, or interfere with a special event using the meeting facilities of the County complex, the meeting shall be held on an alternate date and/or at an alternate meeting facility as determined by the Chair or Acting Chair.
  - ii. Should a second monthly meeting be reinstated, the regular meeting day of that meeting would be the third Tuesday of each month.

b. Order of Business. Regular meetings shall be conducted in the following order<sup>1</sup>:

1. \*Determination of a Quorum
2. \*Pledge of Allegiance
3. \*Ethics Law Announcement
4. \*Appeal Procedure
5. \*Public Comment
6. Approval of Agenda
7. Approval of Minutes
8. Consent Items
9. Planning Items and Public Hearings
10. Chair and Commissioner Announcements
11. \*Director's Items
12. \*Public Comment
13. Adjournment

**3.03 Special Meetings.** Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon the call of not less than three Commission members.

**3.04 Continued Items.** The Commission may vote to grant a continuance on an agendized item upon request of a Commissioner, the Applicant or the Applicant's Representative. If the Chair or Commission decides to continue an item, public comment will not be heard for that item until the date of the continued hearing.

**3.05 General Expectations of Commissioners During Meetings.** Commissioners shall treat each other and all persons at a meeting with respect before, during and after the meeting. The decorum rules stated below apply to Commissioners as well as members of the public, and a Commissioner may be removed for disruptive conduct except that if a Commissioner is removed for disrupting a meeting, the removal will be only for the agenda item being considered when the disruption occurred.

**3.06 Meeting Decorum; Removal for Disruptive Conduct.**

- a. Meetings of the Planning Commission are limited forums for the governmental purpose of making planning policies and decisions for the community in accordance with its duties under state and local law. That governmental purpose is efficiently accomplished only when the process established by law is followed and all participants in a meeting conduct themselves within the limits established and with decorum, civic responsibility, and mutual respect.
- b. It is the intent of the Commission to maintain the highest level of decorum. The Chair is authorized to take appropriate actions to maintain such decorum to include declaring recesses, admonishing speakers and other remedies set forth below.

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<sup>1</sup> Asterisks (\*) are used to denote non-action items. Agenda headings will be modified to correctly indicate whether or not an item is an action (no asterisk) or a non-action action (\*).

- c. The viewpoint of any speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech at the meeting. Remarks which are irrelevant, impertinent, unduly repetitious, or which contain personal attacks, implied or actual threats, fighting words, or profanity are not consistent with efficiently accomplishing the governmental purpose.
- d. The Chair may remove (with or without warning) any person who willfully makes the kind of remarks described above or engages in other disorderly conduct, if such remarks or conduct makes the orderly conduct of the meeting impractical.
- e. Removal for disruptive conduct will be for the remainder of the meeting.

**3.07 Procedures for Individual Agenda Items.** These rules are intended to promote consistency and efficiency, maximize public input, and afford the appropriate amount of due process in the conduct of meetings of the Planning Commission. These rules apply to all proceedings before the Commission.

- a. Motions must be seconded before acceptance or debate. If a motion is not seconded, it is considered moot and the Chair may call for further discussion or a new motion. Unless otherwise directed by the Chair, motions may be made and voted upon in accordance with Robert's Rules of Order.
- b. The Chair shall call for a vote. If no motion is made, if a motion to deny is passed, or if a motion to approve an adjudicative matter does not receive the required number of affirmative votes, it is deemed denied with prejudice unless the motion otherwise specifies. Additionally, a separate motion may be made and approved to deny without prejudice based on Rule 4.02.
- c. Within 60 days from the action, an Action Order shall be prepared and filed with the Secretary to the Commission, and a copy will be served on the applicant in an adjudicative matter.

**3.08 Cancellation of Meetings.** The Chair of the Planning Commission may choose to cancel a meeting if there are no substantive items of business to discuss.

#### **Article 4 SPECIAL CIRCUMSTANCES**

**4.01 Request to Withdraw or Continue a Development Application.** An applicant has the ability to withdraw or continue a development application submitted for consideration by the Commission at any point prior to action being taken by the Commission.

- a. A withdrawn application is not a denied application, and therefore is not subject to the "one year wait on denials" provisions of the Development Code for submitting a new development application request.

**4.02 Denial Without Prejudice.** A motion to deny without prejudice (which allows a denied application to be resubmitted prior to the expiration of a required waiting period as defined in the Development Code) can be offered by any Commissioner.

#### **Article 5 OFFICERS OF THE COMMISSION**

**5.01 Titles.** The officers of the Commission shall be:

- a. Chair, who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees, and generally represent the Commission.
- b. Vice Chair, who will perform all of the Chair's functions in the absence of the Chair.
- c. Secretary (non-voting), who shall be the Director or his/her designee, and who shall maintain the Commission records; Rules, Policies and Procedures; and attachments.

#### **5.02 Election of Officers.**

- a. The first Commission meeting in July shall include on the agenda the election of officers, and the election shall be the first order of business under Chair and Commissioners' Items.
- b. The Chair will take office immediately upon election and will officiate over the remainder of the elections and the meeting in progress. All other elected officers shall take office immediately upon election.

#### **5.03 Terms of Office.**

- a. Each officer of the Commission shall be elected by the Commission and shall serve for one year or until his successor is elected and takes office. Each officer shall be limited to two consecutive terms.
- b. In the case the Chair does not complete his/her term of office, the Vice Chair who succeeds him/her may serve as Chair for two full terms.

#### **5.04 Authority to Sign.**

- a. The Secretary may sign such documents as may require certification on behalf of the Commission. Transmittals of Commission action or intent to the Board of County Commissioners and/or the County Clerk will generally be the responsibility of the Secretary.
- b. The Chair shall sign such documents as required by Nevada Revised Statutes or Washoe County Code.

**5.05 Delegation of Authority.** The Commission may designate one or more members, or the Secretary, to act for the Commission in the conduct of hearings or the performance of its duties. The Commission may also delegate to such members, when appropriate and to the extent permitted by law, such authority as may be necessary.

#### **5.06 Committees of the Planning Commission.**

- a. Establishment of Sub-Committees. The Chair of the Planning Commission shall make all appointments of members and alternates to all Planning Commission sub-committees. The Chair may seek input or consent of the Commission when making these appointments.
  - i. The sub-committees include the Design Review Committee (DRC), the Parcel Map Review Committee (PMRC) and the Regional Road Impact Technical Advisory Committee (RRIF TAC).
  - ii. Committee membership will meet established requirements.



- iii. Members and alternates shall be appointed for a specified term.
- b. The Chair may establish other committees as he/she deems necessary.
- c. All meetings of a Commission appointed committee are subject to the provisions of the Nevada open meeting law.

## **Article 6 REGIONAL PLANNING COMMISSION**

**6.01 Appointment of Members by BCC.** Nevada Revised Statutes requires the Washoe County Commission to appoint three members of the Washoe County Planning Commission as members on the Truckee Meadows Regional Planning Commission. The terms of office for Regional Planning Commission members are established in NRS 278.0262. The number of times an individual Planning Commission member may serve on the Regional Planning Commission are governed by the County Commission's adopted *Rules and Procedures*.

**6.02 Appointment of alternates by PC.** The County Commission allows the Planning Commission to select the remaining Planning Commissioners not specifically appointed to the Regional Planning Commission to serve as alternates to the appointed Commission members on the Regional Planning Commission. The alternates' terms are effective upon the date of appointment of the new Regional Planning Commission member by the Washoe County Commission.

- a. When vacancies on the Regional Planning Commission are filled by the Washoe County Commission, unless otherwise decided by the Planning Commission, previously selected alternates will move up in succession to fill the gap created by the appointment of a Commissioner to the Regional Planning Commission. For example, if the first alternate is appointed to the Regional Planning Commission, then the second alternate moves into the first alternate position, the third alternate into the second alternate position, the fourth alternate into the third alternate position, and the fourth alternate position will be filled by remaining Commissioner.
- b. If a Commissioner appointed as a member on the Regional Planning Commission member is unable to attend a meeting, the Commissioner shall contact the Director or his/her designee as soon as possible. The Director or his/her designee shall contact the first alternate to serve in the absent Commissioner's stead. If the first alternate is unable to attend, then the second alternate will be contacted and so forth until an alternate is available to attend the meeting.
- c. The Secretary to the Planning Commission, or his/her designee, shall transmit the names of the County Commission appointed members and alternates to the Executive Director of the Truckee Meadows Regional Planning Agency. The Secretary, or his/her designee, shall also inform the County Commission of the names of all alternates.

## **Article 7 AMENDMENT OF RULES, POLICIES AND PROCEDURES**

**7.01 Amendments.** The Rules, Policies and Procedures may be amended or added to by majority vote of the Commissioners present. The proposed amendment or addition shall be placed as an action item on a Commission meeting, and would become effective at the next Commission meeting upon a majority affirmative vote of the full Commission.

- 1st Revision:** *March 3, 1992*
- 2nd Revision:** *March 7, 1995*
- 3rd Revision:** *May 24, 1996*
- 4th Revision:** *January 21, 1997*
- 5th Revision:** *June 15, 1999*
- 6th Revision:** *July 16, 2002*
- 7th Revision:** *May 20, 2003*
- 8th Revision:** *September 25, 2009*
- 9th Revision:** *May 20, 2010*
- 10th Revision:** *February 7, 2012*
- 11th Revision:** *April 3, 2012*
- 12th Revision:** *March 4, 2014*
- 13th Revision:** *August 1, 2017*
- 14th Revision:** *November 7, 2017*
- 15th Revision:** *August 7, 2018*

## APPENDIX A Ethical Principles in Planning

American Planning Association  
(As Adopted May 1992)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

### **A. The planning process must continuously pursue and faithfully serve the public interest.**

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

**B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.**

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after

verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

**C. APA members who are practicing planners continuously pursue improvement in their planning competence as well as in the development of peers and aspiring planners. They recognize that enhancement of planning as a profession leads to greater public respect for the planning process and thus serves the public interest.**

APA Members who are practicing planners:

1. Strive to achieve high standards of professionalism, including certification, integrity, knowledge, and professional development consistent with the AICP Code of Ethics;
2. Do not commit a deliberately wrongful act which reflects adversely on planning as a profession or seek business by stating or implying that they are prepared, willing or able to influence decisions by improper means;
3. Participate in continuing professional education;
4. Contribute time and effort to groups lacking adequate planning resources and to voluntary professional activities;
5. Accurately represent their qualifications to practice planning as well as their education and affiliations;
6. Accurately represent the qualifications, views, and findings of colleagues;
7. Treat fairly and comment responsibly on the professional views of colleagues and members of other professions;
8. Share the results of experience and research which contribute to the body of planning knowledge;
9. Examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation;
10. Contribute time and information to the development of students, interns, beginning practitioners and other colleagues;
11. Strive to increase the opportunities for women and members of recognized minorities to become professional planners;
12. Systematically and critically analyze ethical issues in the practice of planning.