



# Planning Commission Staff Report

Meeting Date: October 5, 2021

Agenda Item: 9A

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA21-0001 (110.406)

**BRIEF SUMMARY OF REQUEST:**

Amending the Washoe Development Code regarding setback requirements adjacent to right-of-way (ROW)

**STAFF PLANNER:**

Planner's Name:

Julee Olander

Phone Number:

775.328.3627

E-mail:

[jolander@washoecounty.us](mailto:jolander@washoecounty.us)

**CASE DESCRIPTION**

**Development Code Amendment Case Number WDCA20-0001 (110.406)** – For hearing, discussion, and possible action to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards, by adding a new section which allows the Director of the Planning and Building Division to approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet from the front property line when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County Engineer may request that Washoe County be released from any liability relating to street maintenance operations.

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

Location:	Countywide
Development Code:	Authorized in Article 818
Commission 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 and recommend approval of WDCA21-0001, an amendment to Article 406, Building Placement Standards, within Washoe County Chapter 110 (Development Code) and to update sections within Article 406. I further move to authorize the Chair to sign the resolution contained as Attachment A on behalf of the Washoe County 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 initiation and recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e).

*(Motions with Findings on Page 4)*

**Staff Report Contents**

Development Code Amendments ..... 3

Amendment Evaluation..... 3

Findings..... 4

Public Notice..... 4

Recommendation..... 4

Motion..... 4

Appeal Process..... 5

**Attachment Contents**

Resolution..... Exhibit A

## **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**

Washoe County 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 parcel. The purpose of this amendment is to add a requirement for parcels that are adjacent to public right-of-way (ROW) when the edge of the paved surface or curbing is more than 20 feet from the property line.

## **Amendment Evaluation**

In order to provide requirements for parcels that are adjacent to paved right-of-way (ROW) that is more than 20 feet from the property line, Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows:

**Section 110.406.24 Modification of Building Placement Standards for Front Yard Setbacks on Parcels Adjacent to Local Residential Streets' Right-of-Way (ROW) Located More than 20 Feet from Front Property Line.** The Director of the Planning and Building Division may approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet from the front property line when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County Engineer may request that Washoe County be released from any liability relating to street maintenance operations.

This change will offer more flexibility for parcels that are adjacent to wide sections of unpaved ROW. This change will also better serve the community by offering a code option for property owners. On September 15, 2021, a community meeting was held in person and by Zoom. The attendees had questions about the proposed development code change and staff explained the changes.

## **Findings**

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code 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 properties in Washoe County, which are then regulated through the development code. This amendment will provide additional standards for parcels that are adjacent to public right-of-way (ROW) that are more than 20 feet from the property line. This update 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 will add a requirement for parcels that are adjacent to public right-of-way (ROW) that are more than 20 feet from the property line and this change will not adversely 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 will provide requirements for parcels that are adjacent to public right-of-way (ROW) that is more than 20 feet from the property line, which will provide flexibility to property owners. This will enable those parcels to reduce the required front yard setbacks, which will provide various options for those parcels.

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 Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting. Such notification was accomplished and staff can provide proof of notification if requested.

## **Recommendation**

It is recommended that the Washoe County Planning Commission recommend approval of WDCA21-0001, to amend Washoe County Chapter 110 (Development Code) within Article 406. The following motion is provided for your consideration.

## **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 and

recommend approval of WDCA21-0001, an amendment to Article 406, Building Placement Standards, within Washoe County Chapter 110 (Development Code) and to update sections within Article 406. I further move to authorize the Chair to sign the resolution contained as Attachment A on behalf of the Washoe County 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 initiation and 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 from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to Washoe County Code Section 110.818.25 and Washoe County Code Section 110.912.20.



## 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 110.406.24, TO ADD A NEW SECTION ALLOWING THE DIRECTOR OF THE PLANNING AND BUILDING DIVISION TO APPROVE A MODIFICATION OF STANDARDS (DIRECTOR'S MODIFICATION) TO REDUCE THE FRONT YARD SETBACK (AS OTHERWISE REQUIRED BY THE UNDERLYING REGULATORY ZONE) BY UP TO 10 FEET FROM THE FRONT PROPERTY LINE WHEN THE EDGE OF PAVEMENT OR CURB OF THE ADJACENT PUBLIC RIGHT-OF-WAY (ROW) OF A LOCAL RESIDENTIAL STREET IS MORE THAN 20 FEET FROM THE PROPERTY LINE. THE DIRECTOR'S MODIFICATION MUST INCLUDE A FINDING THAT THE ADJACENT ROW IS NOT PLANNED FOR A FUTURE ROAD EXPANSION AND MUST CONSIDER ROADWAY SAFETY AND SNOW STORAGE. ADDITIONALLY, THE COUNTY ENGINEER MAY REQUEST THAT WASHOE COUNTY BE RELEASED FROM ANY LIABILITY RELATING TO STREET MAINTENANCE OPERATIONS; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 21-07

### 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 October 5, 2021 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA21-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on October 5, 2021; 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 WDCA21-0001:
  - 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 October 5, 2021.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

---

Trevor Lloyd, Secretary

---

Francine Donshick, Chair

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 WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) ARTICLE 406 BY ADDING A NEW SECTION ALLOWING A DIRECTOR'S MODIFICATION OF STANDARDS TO DECREASE THE FRONT YARD SETBACK FOR PARCELS ADJACENT TO PUBLIC RIGHT-OF-WAY OF A LOCAL RESIDENTIAL STREET, THE EDGE OF WHICH IS LOCATED MORE THAN 20 FEET FROM THE PARCEL'S FRONT PROPERTY LINE**

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

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

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, by adding a new section which allows the Director of the Planning and Building Division to approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet from the front property line when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County Engineer may request that Washoe County be released from any liability relating to street maintenance operations.

WHEREAS:



- A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add a code provision which allows a Director's Modification of standards in certain circumstances for parcels with front property lines adjacent to a local residential street's public right-of-way; and
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Development Code (Chapter 110), Article 406, by Resolution Number 21-07 on October 5, 2021 after a duly noticed public hearing for WCDA21-0001; and
- C. The proposed amendment and this ordinance were drafted in concert with the District Attorney; 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. Article 406 of the Washoe County Development Code (Chapter 110) is hereby amended to add a new section as follows:

**Section 110.406.24 Modification of Building Placement Standards for Front Yard Setbacks on Parcels Adjacent to Local Residential Streets' Right-of-Way (ROW) Located More than 20 Feet from Front Property Line.** The Director of the Planning and Building Division may approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet from the front property line when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County

**Engineer may request that Washoe County be released from any liability relating to street maintenance operations.**

SECTION 2. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chair 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.

**DRAFT: October 5, 2021**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2021.

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

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2021.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Robert Lucey, Chair  
County Commission

ATTEST:

\_\_\_\_\_  
Janis Galassini, County Clerk

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