

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

Summary: Pursuant to NRS 278.319, amends the Development Code by adding Section 110.804.35 to allow the Director of the Planning and Building Division to grant minor deviations of standards within Chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard.

BILL NO. 1790

ORDINANCE NO. 1604

Title:

Pursuant to NRS 278.319, an ordinance amending the Washoe County Code at Chapter 110 (Development Code), of the Washoe County Code within Article 804 (Variances), to add Section 110.804.35 (Minor Deviations to allow the Director of the Planning and Building Division to grant minor deviations of standards within Chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard; to establish an application process for minor deviations; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 804 of the Washoe County Code Chapter 110 (Development Code) in order to allow the Director of the Planning and Building Division to grant minor deviations of standards within Chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard and to establish an application process for minor deviations and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 17-11 on October 3, 2017; and,

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- 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 WDCA17-0006 on October 3, 2017, and adopted Resolution Number 17-11 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.804.35 of the Washoe County Code is hereby added to read as follows:

Section 110.804.35 Minor Deviations. The Director of the Planning and Building Division may grant a minor deviation of standards to this chapter for deviations less than 10 percent of the applicable Development Code standard pursuant NRS 278.319.

- (a) Application. The applicant must file a Director's Modification of Standards application, accompanied by the appropriate fee, with the Planning and Building Division, and must clearly describe the extenuating circumstances or unique physical conditions on the project site to justify the need for the requested deviation. The applicant must provide a description of the requested deviation, and how the request will remedy the circumstances and/or conditions. As part of the application submittal, the applicant must provide written consent from the owner(s) of real property that would be affected by the request. At minimum, affected property owners means those owners of parcels that immediately abut the location of the proposed minor deviation. The Director may require the written consent from additional owner(s) of real

property if deemed necessary by the Director to provide notice to all owners of affected real property.

- (b) Director's Decision. The Director shall provide a written decision on the application for a minor deviation within 15 working days of receipt of a completed application. The Director may grant or deny the application, or may determine that the application exceeds the 10% threshold and require submission of a Variance application pursuant to this Article. The findings specified in section 804.25 of this Code are not required for minor deviations but the Director must find that the requested minor deviation does not result in a substantial detriment to the public good and does not impair the purpose of the zoning district or any regulations adopted by Washoe County. The Director's decision may be appealed following the provisions of section 804.40 of this Code.

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 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 November (month) 14 (day), 2017.

Proposed by Commissioner Hartung.

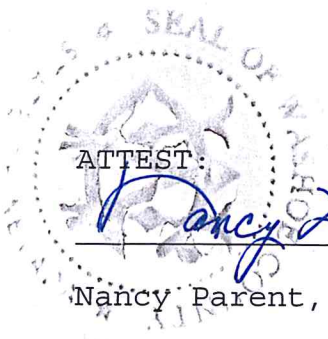
Passed on November (month) 28 (day), 2017.

Vote:

Ayes: Bob Lucey, Marsha Berksigler, Kitty Jung, Vaughn Hartung and Jeanne Hermsen

Nays: none.

Absent: none.



ATTEST:

Nancy L. Parent

Nancy Parent, County Clerk

Bob Lucey
Bob Lucey, Chair
Washoe County Commission

This ordinance shall be in force and effect from and after the 8th day of the month of December of the year 2017

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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 12/01/2017 - 12/08/2017, for exact publication dates please see last line of Proof of Publication below.

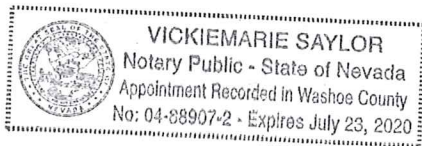
Subscribed and sworn to before me

Signed: Taliaa Stawerman

Vickiemarie Saylor

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE
NO. 1604 BILL NO. 1790 NOTICE IS HEREBY GIVEN
that typewritten copies of the above-numbered and
entitled ordinance a

Publish Dates:
12/01/17, 12/08/17



NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1604
BILL NO. 1790

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on October 24, 2017 by Commissioner Jung and was passed and adopted without amendment at a regular meeting held on November 28, 2017 by the following vote of the Board of County Commissioners:

PURSUANT TO NRS 278.319, AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), OF THE WASHOE COUNTY CODE WITHIN ARTICLE 804 (VARIANCES), TO ADD SECTION 110.804.35 (MINOR DEVIATIONS) TO ALLOW THE DIRECTOR OF THE PLANNING AND BUILDING DIVISION TO GRANT MINOR DEVIATIONS OF STANDARDS WITHIN CHAPTER 110 OF THE WASHOE COUNTY CODE FOR DEVIATIONS LESS THAN 10 PERCENT OF THE APPLICABLE DEVELOPMENT CODE STANDARD; TO ESTABLISH AN APPLICATION PROCESS FOR MINOR DEVIATIONS; AND FOR OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.
(Bill No.1790)

Those Voting Aye: Bob Lucey, Marsha Berkgigler, Kitty Jung, Vaughn Hartung and Jeanne Herman.

Those Absent: None

This Ordinance shall be in full force and effect from and after December 8.
IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED: November 29, 2017

NANCY PARENT, Washoe County Clerk and
Clerk of the Board of County Commissioners

No 2572103

December 1 & 8 , 2017

WCCOMP DEC11*1710=16

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