



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: December 14, 2021

DATE: November 12, 2021

TO: Board of County Commissioners

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

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

SUBJECT: Public Hearing: Second reading and adoption of 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 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. (All Commission Districts.)

SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110.406 to add a new section to building placement standards to allow a reduction of the front yard setback for parcels in situations where 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.

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

PREVIOUS ACTION

On November 16, 2021, the Washoe County Board of County Commissioners (Board) introduced and conducted a first reading of an ordinance amending Washoe County Code Chapter 110 Section 406, *Building Placement Standards*, to add a new section allowing a reduction of the front yard setback by up to 10 feet for parcels in situations where the

AGENDA ITEM # _____

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 front property line.

On October 5, 2021, the Washoe County Planning Commission heard this item, initiated the code amendment, and voted unanimously to recommend approval of proposed development code amendment WDCA20-0001 to the Board of County Commissioners (see Attachment B).

On September 15, 2021, a public workshop was held in person and by Zoom. The attendees had questions about the proposed development code change and staff explained the changes.

BACKGROUND

This code amendment adds a new section to the Development Code which allows a Director's modification of standards for parcels that are adjacent to public right-of-way (ROW) on a local residential street when there is more than 20 feet between the edge of the pavement or curb of the ROW and the parcels' front property line. This change will allow for a reduction in the front yard setback by up to 10 feet in such situations, which should offer more flexibility for parcels that are adjacent to wide sections of unused ROW. The change will also better serve the community by offering a code option for property owners who are in this situation. The draft ordinance is included as Attachment A to this staff report and the proposed changes are included within the ordinance.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt the attached ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards.

It is further recommended that the Board affirm the following four findings of fact that the Washoe County Planning Commission made on October 5, 2021, as recorded within Resolution Number 21-07 (Attachment B):

1. That the Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. That the Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes of the Development Code as expressed in Article 918, Adoption of Development Code;
3. That the Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board, and the requested amendment allows for a more desirable utilization of land within the regulatory zones;
4. The 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.

If adopted, the Ordinance will be effective on December 27, 2021.

POSSIBLE MOTION

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

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk) amending the Washoe County Code at Chapter 110 (Development Code) Article 406, Building Placement Standards, to add 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 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; and to affirm the four findings of fact that the Washoe County Planning Commission made on October 5, 2021, as recorded with Resolution Number 21-07 and attached to the staff report for this item.”

- Attachments: A - Draft BBC Ordinance (working Copy)
B - Planning Commission Signed Resolution 21-07
C - Planning Commission Staff Report for WDCA21-0001
D - Planning Commission Draft Minutes for October 5, 2021, Meeting
E - Draft BCC Ordinance (Clean Copy)

DRAFT: October 15, 2021

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 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.

DRAFT: October 15, 2021

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 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.

DRAFT: October 15, 2021

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 15, 2021

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2021.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2021.

Vote:

Ayes:

Nays:

Absent:

Bob Lucey, Chair
Washoe County Commission

ATTEST:

Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the 27th day of the month of December of the year 2021.



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.

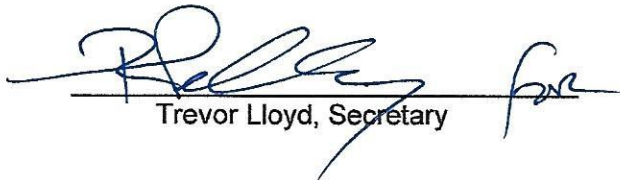
NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

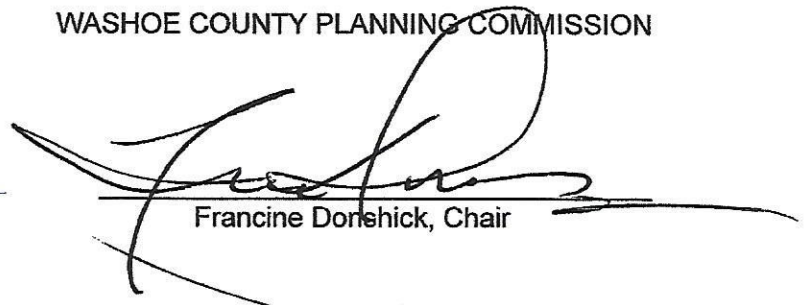
A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on October 5, 2021.

ATTEST:

WASHOE COUNTY PLANNING COMMISSION


Trevor Lloyd, Secretary


Francine Dornhick, Chair

DRAFT: October 5, 2021

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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:

DRAFT: October 5, 2021

- 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

DRAFT: October 5,2021

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 _____.



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)
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STAFF PLANNER:	Planner's Name:	Julee Olander
	Phone Number:	775.328.3627
	E-mail:	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)

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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

Planning Commission Resolution 21-07
Meeting Date: October 5, 2021
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promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

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

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

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

ADOPTED on October 5, 2021.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Francine Donshick, Chair

DRAFT: October 5,2021

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:

DRAFT: October 5, 2021

- 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

DRAFT: October 5,2021

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 _____.



WASHOE COUNTY PLANNING COMMISSION Draft Meeting Minutes

Planning Commission Members

Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton
Pat Phillips

Tuesday, October 5, 2021
6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

Secretary

Trevor Lloyd, Secretary

and available via
Zoom Teleconference

The Washoe County Planning Commission met in a scheduled session on Tuesday, October 5, 2021, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. Call to Order and Determination of Quorum [non-action item]

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

Commissioners present: Larry Chesney
Francine Donshick, Chair
Sarah Chvilicek, Vice Chair
Kate S. Nelson
Pat Phillips

Commissioners absent: R. Michael Flick
Larry Peyton

Staff present: Roger Pelham, Acting Secretary, Planning and Building
Julee Olander, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. Pledge of Allegiance [non-action item]

Commissioner Nelson led the pledge to the flag.

3. Ethics Law Announcement [non-action item]

Deputy District Attorney Jennifer Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure [non-action item]

Commissioner Chesney recited the appeal procedure for items heard before the Planning Commission.

5. Public Comment [non-action item]

Chair Donshick opened the Public Comment period. There was no response to the request for public comment.

6. Approval of Agenda [For possible action]

In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the agenda for the October 5, 2021 meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of five for, none against; Commissioners Flick and Peyton – absent.

7. Approval of the [September 7, 2021 Draft Minutes](#) [For possible action]

Commissioner Chesney moved to approve the minutes for the September 7, 2021, Planning Commission meeting as written. Commissioner Nelson seconded the motion, which passed unanimously with a vote of five for, none against; Commissioners Flick and Peyton – absent.

8. Consent Items [For possible action]

A. [Tentative Subdivision Map Case Number WTM5-2-92 \(St. James Village\)](#) [For possible action] – For hearing, discussion, and possible action to approve an extension of time for expiration of the approval of the subdivision, for two years, from October 16, 2021 until October 16, 2023. The subdivision was originally approved by the Planning Commission on August 18, 1992 for 530 single-family lots. The planning commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired, in accordance with NRS 278.360.

- Applicant/Property Owner: St James’s Village, Inc.
- Location: Joy Lake Road, approximately 2 miles southeast of its intersection with Mount Rose Highway
- APN: 046-060-45, 046-060-47, 046-080-40, 046-132-06, 046-180-14, 156-040-09, 156-040-14, 156-040-15, 156-111-23, 156-141-04
- Parcel Size: ± 1,626 acres
- Master Plan: Suburban Residential (SR) and Open Space (OS)
- Regulatory Zone: Low Density Suburban (LDS) and Open Space (OS)
- Area Plan: Forest Area
- Development Code: Authorized in Article 608 Tentative Subdivision Maps
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Chair Donshick called for Commissioner disclosure. She stated she knows the owner Mr. Fred Woodside through the rodeo. There were no further disclosures from Commissioners.

Commissioner Chvilicek motioned to move the item from the consent agenda to the public hearing agenda. Commissioner Nelson seconded the motion, which passed unanimously with a vote of five for, none against; Commissioners Flick and Peyton – absent.

Staff Roger Pelham and Julee Olander joined the meeting at 6:07 PM. Roger Pelham reviewed the project.

Discussion by Commission:

Commissioner Chesney asked if this was the final phase of the project. Mr. Pelham stated that there are several remaining phases with a couple hundred lots, potentially, to be recorded with this project.

Commissioner Chvilicek stated this project has been on record for quite some time. Mr. Pelham said this project had been ongoing for 28 years. Commissioner Chvilicek asked for clarification on the parameters that have allowed this project to remain ongoing since 1992. Mr. Pelham stated that if the applicant complies with the code to maintain the validity of the final map, then the projects move forward. He said this is the appropriate process. Mr. Pelham elaborated that the applicant can only ask for one extension; a final map is recorded, they have one option to extend the project by two years and then another final map must be recorded. There were several final maps recorded over the years and several more outstanding.

Commissioner Nelson inquired about the water issue. The staff report indicates that the applicant entered into an agreement with Lumos and Associates in April 2021 to resolve the water issue, but they don't state what. Mr. Pelham stated the applicant is required to provide water rights at the recording of the final map. If additional infrastructure is required, that would have to be constructed or bonded for at the time of recording the final map. Mr. Pelham added that at a certain point, when approximately 250 lots are recorded or constructed, the applicant is required to connect to community sewer. Currently the reach from Mt. Rose Highway to the community has not yet been constructed. They are required to do this prior to the final map being recorded or construction of a certain number of lots.

Commissioner Nelson stated they knew this time was coming, and they had just entered into an agreement to resolve the water issue in April.

Applicant Representative Ken Krater stated that numerous final maps have been recorded over the years to keep this map alive. With the Great Recession, three final maps that had been recorded were converted back to acreage because there weren't any lot sales going on at that time. The project is very active now with a lot of lot sales going on. The applicant has been working with the Truckee Meadows Water Authority (TMWA) for a couple of years to resolve the water issues. The major issue is that the applicant designed the water system for the project back when it was initially approved under the Washoe County Water Resources. When Washoe County Water Resources merged with Truckee Meadows Water Authority (TMWA), the regulations changed. The applicant had a discovery done by TMWA, but it didn't make any sense, so the applicant engaged Lumos and Associates. Lumos initially told the applicant that a final report would be done in July. Currently, the applicant is expecting that final report next week. Through the study, the applicant found that the Truckee Meadows Water Authority was using water from the water system for homes outside the Saint James Village area. TMWA was using as much water as the entire development, and so it was creating pumping issues with the wells. Now that the applicant has this information, they can go back and get a new discovery done to finalize the water plans for the project.

Mr. Krater stated that it's a great market and they are getting great feedback from buyers. The applicant is committed to moving this project forward. They have a final map into the County right now and will be able to record it as soon as the water issue is resolved.

Commissioner Chesney asked how many lots are left to be developed in the entire subdivision. Mr. Krater stated there are about 200 lots remaining to be developed, with about 220 lots recorded to date.

Commissioner Nelson asked whether the existing domestic wells at the end of Callahan Ranch Rd would be impacted by the project. Mr. Krater said the existing domestic wells would not be impacted. The wells in the Callahan Ranch Rd area are separated from the St. James Village property by a fault, as confirmed by hydrogeologists on behalf of TMWA and the applicant. The applicant has enough water rights to build out the entire project, so water rights are not an issue.

Commissioner Chvilicek asked for clarification on Mr. Krater's earlier comment that TMWA was drawing from the applicant's wells, causing overdrawing. Commissioner Chvilicek asked how soon that would be resolved. Mr. Krater stated that it will be resolved fairly quickly. TMWA has been extremely cooperative in supplying all the data needed to do the study. TMWA did not realize that they had a check valve open, which was allowing water to flow into other areas along Joy Lake Rd. It's been a learning process. Mr. Krater stated that TMWA staff doesn't have the history that Washoe County Water Resources had. There were some issues with storage tanks along Joy Lake Rd. Since the project area is part of the TMWA system, they could use water from the St. James Wells while they did the maintenance and repairs to the other tanks. Commissioner Chvilicek said she hopes this gets corrected and other systems get checked because water is a precious resource in the Truckee Meadows.

There was no response to the request for public comment.

Mr. Pelham requested that if the Planning Commission moves forward with approval, he recommended using the verbiage "the existing conditions of approval," instead of "the attached conditions of approval." This would include all the conditions of approval as they exist and all the amendments over the years.

Motion: Commissioner Chesney moved that the Washoe County Planning Commission approve the two-year Extension of Time Request until October 16, 2023, for Tentative Subdivision Map Case Number TM5-2-92 for the St. James's Village Subdivision, subject to the existing conditions of approval, as previously amended, having made the findings that the conditions of approval ensure consideration of the items enumerated in NRS 278.360, that the original findings remain valid, and that the circumstances have not appreciably changed since the original approval.

Commissioner Chvilicek seconded the motion, which passed with five in favor; none was against; Commissioners Flick and Peyton were absent.

9. Public Hearings [For possible action]

A. [Development Code Amendment Case Number WDCA21-0001 \(110.406\)](#) [For possible action] – 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: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander provided a presentation.

There was no response to the request for public comment.

Discussion by Commission:

Commissioner Phillips inquired about the widening of Huffaker between Virginia and Del Monte. Commissioner Phillips stated that it becomes very narrow there and several people have been built there in the last year. Commissioner Phillips asked if those people would be grandfathered in or whether they would need to seek a special variance. She is concerned about the future of the area as she anticipates further road widening will be necessary.

Ms. Olander stated that Engineering would review any requests to modify setbacks. If there were any proposed roadways, by either the County or RTC, Engineering could deny the request. Ms. Olander also pointed out that the ability to vary setback is only for local residential streets, which is not covered by RTC's purview.

Motion: Commissioner Chesney moved 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. Commissioner Chesney further moved 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.

Commissioner Nelson seconded the motion, which passed with five in favor; none against; Commissioners Flick and Peyton – absent.

10. Chair and Commission Items [Non-action item]

- A. Future agenda items - None
- B. Requests for information from staff

Commissioner Chvilicek stated that she requested at the September 7th meeting that the Commissioners be sent information on how to interact with the Master Plan Updates. She stated she had not received that information, so she is making the request again. Chair Donshick added that Commissioner Chvilicek also requested the “planned, but not yet built” documents at the last meeting, which had not been received. Chair Donshick requested that a printed copy of the “planned, but not yet built” for Washoe County, Reno, and Sparks, be included in the Commissioner’s packets. Commissioner Chesney noted it’s on the Regional Planning website.

11. Director’s and Legal Counsel’s Items [Non-action item]

- A. Report on previous Planning Commission items

Acting Secretary Pelham reported that on September 14th the Washoe County Board of County Commissioners approved a resolution to initiate an amendment to the Regional Plan Utility Corridor Map. This action will support the placement of a transmission line for the Rock Springs Solar project, which had previously come before the Planning Commission.

- B. Legal information and updates

Deputy District Attorney, Jennifer Gustafson, provided the following updates:

The Pyramid Lake Paiute Tribe filed a Supreme Court writ contesting the Washoe County Board of County Commissioners' approval of the Ormat geothermal field expansion. The main issue was with the content of the Environmental Monitoring Plan, required by the federal government. Ormat and the Pyramid Lake Paiute Tribe were able to reach an agreement on the language used in the continued monitoring plan. The Tribe did voluntary dismiss that Supreme Court writ. That was the final action of that litigation.

There was also a petition for judicial review filed in the Second Judicial District Court on the abandonment of part of Paiute Drive in Incline Village. That is currently working through the system and being briefed and will have a future update once that’s been resolved.

12. Public Comment [Non-action item]

There was no response to the request for public comment.

13. Adjournment [Non-action item]

With no further business scheduled before the Planning Commission, the meeting adjourned at 6:39 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on November 2, 2021.

Trevor Lloyd
Secretary to the Planning Commission

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 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.

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:

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2021.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2021.

Vote:

Ayes:

Nays:

Absent:

Bob Lucey, Chair
Washoe County Commission

ATTEST:

Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the 27th day of the month of December of the year 2021.