



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

CM/ACM KS
Finance DW
DA ✓
Risk Mgt. N/A
HR N/A
Other N/A

STAFF REPORT

BOARD MEETING DATE: **June 9, 2015**

DATE: May 6, 2015

TO: Board of County Commissioners

FROM: Eric Young, PhD, Planning and Development Division Community Services Department, 328-3613, eyoung@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Introduction and first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto; and if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 23, 2015, at 3:00 p.m. (All Commission Districts.)

SUMMARY

Introduction and first reading of an ordinance amending Washoe County Code (WCC) Chapter 110 (Development Code) at Section 110.106.15 Regulatory Zones to repeal and replace the current description of Specific Plan Regulatory Zone; at Table 110.302.05.4 Table of Uses (Industrial Use Types) to define the limits of industrial use types in specific plan proposals; and at Division 4, Development Standards to add Article 442 Specific Plan Standards and Procedures, to provide regulations for planned development consistent with NRS 278A Planned Development. Set the public hearing for second reading and possible adoption of the ordinance for June 23, 2015, at 3:00 p.m.

Washoe County Strategic Objective supported by this item: Economic development and diversification

AGENDA ITEM # #30

PREVIOUS ACTION

The Washoe County Planning Commission initiated DCA 14-005, changes to Divisions One, Three, and Four on April 7, 2015 by Resolution Number 15-06.

The Washoe County Planning Commission recommended approval of DCA 14-005 on May 5, 2015 by Resolution Number 15-09.

BACKGROUND

PROPOSED CODE AMENDMENTS

Washoe County has utilized a Specific Plan process since the adoption of the original one-map planning system some decades ago. Upon switching to the current two-map system, Washoe County retained a specific plan process through regulatory zoning. The intent of the Specific Plan Regulatory Zone is to enable flexible development standards that will facilitate the type of mixed use development opportunities envisioned by the Land Use and Transportation Element of the Washoe County Master Plan (see Attachment A).

However, a joint review by the Division of Planning and Development and the District Attorney's Office determined that our current code may not be facilitating the types of development envisioned by the master plan, and that our current specific plan regulations should be changed to more closely align with Nevada Revised Statutes regarding planned development. Nevada Revised Statute (NRS) 278A, Planned Development, enables jurisdictions to utilize planned development (what Washoe County calls Specific Plan), but only upon adoption of a planned development ordinance that sets forth the standards and conditions by which a proposed planned development is evaluated. The statute spells out the required contents of the ordinance with some specificity. Working together, staff from the Planning and Development Division and the District Attorney's Office amended the County's current approach to planned development through the current Specific Plan regulatory zone to reflect NRS requirements. The proposed amendments to Divisions One, Three and Four of the Washoe County Code, Chapter 110 (Development Code) are intended to improve the ability of the Code to facilitate the vision of the master plan, and to do so in a manner that is fully consistent with state statutes regarding planned development.

The staff report prepared for the May 5, 2015 Planning Commission (PC) meeting is included as Attachment A to this staff report and provides more detailed information on the background behind the proposed Code amendments.

The PC moved to adopt Resolution 15-09 (Attachment B), recommending adoption of DCA 14-005. The motion passed on a vote of 5 supporting and none against, 2 absent.

PUBLIC NOTICE AND PARTICIPATION

Staff hosted a public workshop on April 29, 2015 to discuss the proposed amendment and invited all current members of the County's Citizen Advisory Boards to attend. Staff also presented the proposed amendments at the Development Services Forum on April 9, 2015. No public comment or feedback was received during or following either of these outreach efforts.

WCC Section 110.818.35 requires the Board of County Commissioners (Board) to affirm, modify or reject the findings of fact made by the PC during the Board's final action (i.e., adoption of the ordinance) of any Development Code amendment. The Board may also add any other findings of fact that they deem to be relevant as part of their final action. The four findings of fact made by the PC during their recommendation for approval of DCA 14-005 are included within Resolution 15-09 (Attachment B). Those findings of fact, and staff's comments on those findings as contained in the PC staff report for the May 5, 2015 meeting, are included below:

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 Land use and Transportation Element of the Master Plan contains numerous goals, policies and other text supporting the implementation of planned development. This amendment is in compliance with the Master Plan and will contribute to its further implementation.

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: This amendment seeks to add to the tools available to the Board, the Planning Commission, and the Public to achieve the purposes of the Development Code, in particular the development patterns and types that are promoted by the Master Plan. By providing another avenue to implement the development patterns desired by the Master Plan, this amendment promotes all of the original purposes of the Development Code. By providing a diversity of ways to achieve the county's sustainable development goals, this amendment adds to the ability of the Development Code to achieve its purpose and as such does not adversely affect the public's 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 amendments are specifically designed to ensure that Washoe County's Development Code is consistent with and conforms to Nevada Revised Statute regarding Planned development, specifically, NRS278A.

4. No Adverse Effects. 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 amendments specifically relate to the Land Use and Transportation Element and as such do not affect the policies and action programs of the Conservation or Population Elements of the Washoe County Master Plan.

FISCAL IMPACT

No fiscal impacts are anticipated.

RECOMMENDATION

It is recommended that the Board introduce and conduct a first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto; and if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 23, 2015, at 3:00 p.m.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to introduce Bill Number (insert bill number as provided by the County Clerk) amending the Washoe County Code at Chapter 110 (Development Code) Article 106, Master Plan Categories and Regulatory Zones at Section 110.106.15, Regulatory Zones, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, Specific Plan Standards and Procedures, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto; and if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 23, 2015, at 3:00 p.m."

- Attachment: A. Planning Commission Staff Report
B. Planning Commission Resolution 15-09
C. DCA 14-005 (WCC Chapter 110 amendments)