



WASHOE COUNTY

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DA	<u>NE</u>
Risk Mgt	<u>N/A</u>
HR	<u>N/A</u>
Comptroller	<u>CH</u>

STAFF REPORT

BOARD MEETING DATE: May 23, 2017

DATE: May 23, 2017
TO: Board of County Commissioners
FROM: Eric Young, Senior Planner, Planning and Development
Community Services Department, 328-3613, eyoung@washoecounty.us
THROUGH: Bob Webb, Planning Manager, Planning and Development,
Community Services Department, 328-3623, bwebb@washoecounty.us
SUBJECT: For possible action, public hearing, and discussion on:

1. Appeal of the Planning Commission's denial of Development Code Amendment Case No. WDCA16-0001 (Willey), which sought to amend the Development Code at Chapter 110, Article 302, Table of Uses 110.302.05.4 (Industrial Use Types) to allow the Wholesaling, Storage, and Distribution (Heavy) Industrial use-type from WCC Section 110.304.30 in the General Rural (GR) regulatory Zone, with a Board of Adjustment approved Special Use Permit. The Wholesaling, Storage and Distribution use type is defined in WCC Section 110.304.30(1) and generally refers to businesses or establishments primarily engaged in wholesaling, storage, and bulk sale distribution including but not limited to open-air handling of material and equipment other than live animals and plants. The Heavy Use Type is further defined as distribution and handling of materials and equipment with examples to include monument sales, stone yards, or open storage yards. The appellant is requesting that the Board of County Commissioners reverse the Planning Commission's denial and approve the amendment request.
2. If the appeal is approved, introduction and first reading of an ordinance amending Washoe County Code, Chapter 110 (Development Code), at Article 302, Table of Uses 110.302.05.4 (Industrial Use Types) to allow the Wholesaling, Storage and Distribution Industrial Use Type (Heavy), as defined in WCC Section 110.304.30, in the General Rural (GR) regulatory zone with a Board of Adjustment approved Special Use Permit, and to make other changes necessarily connected therewith and pertaining thereto. The version of the ordinance approved for first reading may or may not include a minimum lot size requirement. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 13, 2017. (All Commission Districts.)

AGENDA ITEM # 23

SUMMARY

The Planning Commission conducted two public hearings for Development Code Amendment Case Number WDCA16-0001 on March 7 and April 4, 2017. The second hearing was necessary to correct errors in the resolution and accompanying ordinance adopted by the Planning Commission at the conclusion of the first hearing. The requested amendment would change the table of industrial land uses to allow the Wholesaling, Storage, and Distribution use-type in the General Rural (GR) Regulatory Zone throughout the unincorporated county with the approval of a special use permit by the Board of Adjustment. Their discussion included a review of the value and intent of potentially including a 40-acre minimum lot size requirement for such uses. At the conclusion of the hearing the Planning Commission voted unanimously to deny the requested amendment due to their inability to make any of the findings required by Washoe County Code chapter 110. The applicant, Mr. Gail Willey, filed a timely appeal of the Planning Commission decision. The appeal application states the reason the Planning Commission's decision should not have been made is, "The Planning Commission abused its discretion in denying the proposed amendment."

Through this appeal, the Board of Commissioners is being asked to take the following actions in the following order:

1. Determine if the Wholesaling, Storage, and Distribution use-type is an appropriate use throughout unincorporated Washoe County in the General Rural regulatory zone with an approved special use permit by the Board of Adjustment. If the Board determines the use is appropriate, act to grant the appeal and reverse the denial action of the Planning Commission. If the Board determines the use is not appropriate, act to deny the appeal.
2. If the Board grants the appeal and reverses the denial action of the Planning Commission, the next action is to determine if a minimum lot size should be required.
3. If the Board determines a 40-acre minimum lot size is appropriate, introduce and conduct a 1st reading of the ordinance in attachment A. If the Board determines that a 40-acre minimum lot size is not appropriate, introduce and conduct a first reading of the ordinance in attachment B.

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

PREVIOUS ACTION

The Planning Commission originally heard this case on March 7, 2017. The Planning Commission voted unanimously in favor of recommending approval of the amendments. However, the resolution approved by the Planning Commission did not match the agenda item and description in the staff report, nor the draft ordinance language exactly. Specifically, the resolution referred to the "General Rural Agricultural" regulatory zone and the amendment involves the "General Rural" regulatory zone. Therefore, it was necessary for staff to bring this case back to the Planning Commission in order to correct this inaccuracy.

On April 4, 2017, the Planning Commission heard the case again. At this hearing, the Planning Commission heard from numerous community members concerned about the impact of the proposed amendment. After considerable discussion regarding the appropriateness of allowing an industrial use-type in the General Rural regulatory zone throughout unincorporated Washoe County, the Planning Commission voted unanimously to deny the proposed amendment. The Planning Commission stated that they misunderstood the nature of the request the first time they heard it. They stated that their better understanding of the request led them to the conclusion that they could not make any of the findings required by Washoe County Code Chapter 110.

BACKGROUND

The applicant requested a Development Code Amendment to allow the establishment of Wholesaling, Storage and Distribution (Heavy) use-types in the General Rural (GR) regulatory zone with the granting of a special use permit by the Board of Adjustment. The request for the amendment was driven by the applicant's desire to establish a full service wholesale/retail landscape supply operation on General Rural zoned land. Currently, the Industrial regulatory zone is the only regulatory zone where such a use is permitted in unincorporated Washoe County. Staff's analysis of the request indicated that this amendment would create the potential for an industrial use-type to be located on non-conforming sub 40-acre GR parcels, in areas already developed primarily as residential. Staff recommended approval of the proposed amendment but only with the inclusion of a requirement to have a minimum lot size of 40 acres, the minimum required to be a conforming GR parcel. The Planning Commission recommended approval of the amendment on March 7, 2017 but voiced their dissatisfaction with the requirement for a minimum lot size.

However, due to the error mentioned in the Previous Action section of this staff report, the Planning Commission conducted a second public hearing for this matter on April 4, 2017. At this hearing, numerous community members expressed their concerns about maintaining their community's rural character. The Planning Commission discussed the impact of allowing an industrial use-type in rural areas. The Commission expressed a concern that allowing additional industrial use types in rural areas was not consistent with the Master Plan's deliberate exclusion of the Industrial Regulatory Zone from rural areas. The Commission also discussed the proliferation of small, non-conforming GR parcels throughout the county, and the fact that these parcels are often located in predominately residential areas. The staff report, minutes, and subsequent Action Order from the Planning Commission meeting are attached as attachments C, D and E respectively. At the conclusion of the public hearing, the Planning Commission stated that they had a more comprehensive understanding of the proposed amendment than they had after the first hearing, and determined that the amendment did not meet the required findings from WCC section 110.818.15(e). Below are the required findings and the Planning Commission's reasoning for their inability to conclude they could be met.

1. Consistency with Master Plan. The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Washoe County Master Plan, specifically the South Valleys Area plan or any other Area Plan that does not allow the Industrial Regulatory Zone. The Master Plan's

exclusion of the Industrial Regulatory Zone from the county's rural areas was a deliberate action and this amendment is not consistent with that policy;

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code, because of the potential negative impacts it could create in areas attempting to maintain a rural community character;
3. Response to Changed Conditions. The proposed Development Code amendment does not respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners because the conditions have not sufficiently changed; i.e., the community's desire to maintain its rural character has not changed; and,
4. No Adverse Affects. The record does not provide enough information to assure the Planning Commission that 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.

Given the above discussion, the Board of Commissioners is being asked to take from one to three separate actions:

1. Deny or approve the appeal of WDCA16-0001 (Willey), Wholesaling, Storage and Distribution in General Rural.
2. If the appeal is approved, determine whether or not a 40-acre minimum lot size requirement should be imposed.
3. Introduce and conduct a first reading of the draft ordinance with or without a 40-acre minimum lot size.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

Staff recommends that the Board affirm the Planning Commission's denial of Development Code Amendment Case No. WDCA16-0001 (Willey).

POSSIBLE MOTION

Should the Board agree with the Planning Commission's denial of Development Code Amendment Case No. WDCA16-0001 (Willey); staff offers the following motion: "Move to affirm the Planning Commission's denial of Development Code Amendment Case No. WDCA16-0001, proposing to allow the Wholesaling, Storage and Distribution (Heavy) use-type in the General Rural Regulatory Zone with an approved Special Use Permit from the Board of Adjustment, having not been able to make the following findings pursuant to WCC section 110.818(e):

1. Consistency with Master Plan. The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment would adversely impact the public health, safety or welfare,

and will not 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 does not identify and respond 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 does not create a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.”

Should the Board disagree with the Planning Commission’s denial of Development Code Amendment Case No. WDCA16-0001; staff offers the following motion: “Move to reverse the Planning Commission’s denial of Development Code Amendment Case No. WDCA16-0001 and make all of the following required findings pursuant to WCC 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.

Further, introduce and conduct a first reading of the draft ordinance in attachment [A - with 40-acre minimum] [B - without 40-acre minimum]. And, if supported, set the public hearing for second reading and possible adoption of the Ordinance for June 13, 2017.”

Attachments:

- A – Draft Ordinance with 40-acre minimum
- B – Draft Ordinance without 40-acre minimum
- C – Staff Report, April 4, 2017 Planning Commission
- D – Minutes, April 4, 2017 Planning Commission
- E – Action Order, April 10, 2017, Planning Commission
- F - Appeal Application

ATTACHMENT A

Draft ordinance with
40 acre minimum parcel size

**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: An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, Allowed Uses by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed on parcels of at least 40 acres in size with a special use permit granted by the Washoe County Board of Adjustment.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, Allowed Uses by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment

WHEREAS:

- A. This Commission desires to amend Article 302, Allowed Uses, of Washoe County Chapter 110 (Development Code) in order to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a minimum parcel size of 40 acres and special use permit granted by the Washoe County Board of Adjustment and,
- B. The proposed amendment was initiated by Mr. Gail Willey by submittal of an application for a Development Code Amendment on December 15, 2016, and is assigned case number WDCA16-0001; and,

- 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 WDCA16-0001 on April 4, 2017 and recommended denial 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. Table 110.302.05.4 (Industrial Use-Types) of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.4
TABLE OF USES (Industrial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP
Aggregate Facilities																			
Permanent	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	--
Temporary	See Article 332																		
Caretaker's Residence																			
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP
Custom Manufacturing	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	--	S ₂	A	--	--	--	S ₂	--	SP
Energy Production																			
Non-Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--
Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	--	S ₂	S ₂	S ₂	SP
General Industrial																			
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--
High Technology Industry	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	A	--	--	--	S ₂	--	SP
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	SP
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP
Mining Operations	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	--
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--
Wholesaling, Storage and Distribution																			
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	S ₂ †	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Note: * If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

† A minimum lot size of 40 acres is required for Wholesaling Storage and Distribution Special Use Permit in the General Rural Regulatory Zone.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 4. 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 _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes: Commissioners _____

Nayes: Commissioners _____

Absent: Commissioners _____

Bob Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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

ATTACHMENT B

Draft ordinance without
40 acre minimum parcel size

**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: An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, Allowed Uses by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 302, Allowed Uses by amending Table 110.302.05.4 (Industrial Use-Types), to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment

WHEREAS:

- A. This Commission desires to amend Article 302, Allowed Uses, of Washoe County Chapter 110 (Development Code) in order to include the General Rural Regulatory Zone among the regulatory zones where the Wholesaling, Storage and Distribution (Heavy) industrial use-type is allowed with a special use permit granted by the Washoe County Board of Adjustment and,
- B. The proposed amendment was initiated by Mr. Gail Willey by submittal of an application for a Development Code Amendment on December 15, 2016, and is assigned case number WDCA16-0001; and,

- 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 WDCA16-0001 on April 4, 2017 and recommended denial 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. Table 110.302.05.4 (Industrial Use-Types) of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.4
TABLE OF USES (Industrial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP	
Aggregate Facilities																				
Permanent	S ₂	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	S ₂	-	-	
Temporary	See Article 332																			
Caretaker's Residence																				
Attached	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	SP	
Detached	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	SP	
Custom Manufacturing	S ₂	S ₂	S ₂	-	-	-	-	-	-	S ₂	-	S ₂	A	-	-	-	S ₂	-	SP	
Energy Production																				
Non-Renewable*	S ₂	S ₂	-	-	-	-	-	-	-	-	-	-	S ₂	S ₂	-	S ₂	S ₂	-	-	
Renewable*	S ₂	S ₂	-	-	-	-	-	-	-	S ₂	-	S ₂	S ₂	S ₂	-	S ₂	S ₂	S ₂	SP	
General Industrial																				
Limited	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	SP	
Intermediate	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	SP	
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-	-	
High Technology Industry	-	-	-	-	-	-	-	-	-	S ₂	S ₂	-	A	-	-	-	S ₂	-	SP	
Inoperable Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-	SP	
Laundry Services	-	-	-	-	-	-	-	-	-	P	-	-	A	-	-	-	-	-	SP	
Mining Operations	S ₂	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	S ₂	-	-	
Petroleum Gas Extraction	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	S ₂	-	-	
Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-	-	
Wholesaling, Storage and Distribution																				
Light	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	SP	
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	S ₂	-	-	

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Note: * If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 4. 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 _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes: Commissioners _____

Nayes: Commissioners _____

Absent: Commissioners _____

Bob Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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

DRAFT



Planning Commission Staff Report

Meeting Date: April 4, 2017

Subject: Development Code Amendment Case Number WDCA16-0001

Applicant: Gail Willey

Agenda Item Number: 9C

Summary: To amend Washoe County Code, Chapter 110, Table 110.302.05.4 Table of Uses (Industrial use-types) to allow Wholesaling, Storage, and Distribution (Heavy) in the General Rural (GR) regulatory zone with a minimum lot size of 40 acres and a Special Use Permit approved by the Washoe County Board of Adjustment.

Recommendation: **Recommend approval and authorize the Chair to sign the attached resolution**

Prepared by: Eric Young, Senior Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3613
E-Mail: eyoung@washoecounty.us

**Washoe County
Commission District:** All Commission Districts

Description

Development Code Amendment Case Number WDCA16-0001 (Wholesaling, Storage and Distribution - Heavy) – For possible hearing, action and discussion to recommend approval of an amendment to the Washoe County Code at Chapter 110 (Development Code), Article 302, Table of Uses 110.302.05.4 (Industrial Use Types) to allow the Wholesaling, Storage and Distribution (Heavy) Industrial Use Type from WCC Section 110.304.30 in the General Rural (GR) regulatory zone, with a Board of Adjustment approved Special Use Permit. The discussion may include a determination whether to require a minimum lot size; and, if approved, to authorize the chair to sign an updated resolution reflecting these amendments. This case was originally heard and approved by the Planning Commission on March 7, 2017; however, the adopting resolution and draft ordinance did not accurately reflect the proposed amendments as recommended for approval by the Planning Commission. Those issues have been corrected for this second appearance before the Planning Commission. The Wholesaling, Storage and Distribution (Heavy) industrial use type is defined in WCC Section 110.304.30(I) and generally refers to businesses or establishments primarily engaged in wholesaling, storage, and bulk sale distribution including but not limited to open-air handling of material and equipment other than live animals and plants; Heavy refers to distribution and handling of materials and equipment and typical uses include monument sales, stone yards, and open storage yards.

- Applicant: Gail Willey
- Location: All of unincorporated Washoe County