



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.gov

STAFF REPORT

BOARD MEETING DATE: July 14, 2026

DATE: June 23, 2026

TO: Board of County Commissioners

FROM: Eric Young, Senior Planner, Community Services Dept., 775-328-3613, eyoung@washoecounty.gov

THROUGH: Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, 775-328-3619, kmullin@washoecounty.gov

SUBJECT: Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) in Division Four, Article 408, Common Open Space Development to require the findings that reference site specific characteristics, including but not limited to the preservation of steep slopes and heavily treed areas and protection of natural and scenic resources including ridgelines and waterways, only when those characteristics are present on the parcels in question, in order to ensure the design flexibility and associated public benefits inherent to common open space developments is potentially available to all subdividable parcels; and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.) FOR POSSIBLE ACTION

SUMMARY

The Board is asked to introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 408, Common Open Space Development, by requiring the site-specific findings relating to the preservation of existing steep slope areas, developmentally constrained areas and heavily treed areas and the protection of ridgelines, waterways, large diameter trees and habitat for special status species to be made only when the referenced conditions are present on the parcels in question. The proposed code amendments are described in detail beginning on page 3 of this staff report. Additional analysis can be found in Attachment C, Planning Commission staff report.

Washoe County Strategic Objective supported by this item:

Vulnerable Populations: Expand appropriate housing options across our community.

PREVIOUS ACTION

AGENDA ITEM # _____

June 23, 2026. The Washoe County Board of County Commissioners (“BCC” or “Board”) conducted an introduction and first reading of the proposed ordinance for Development Code Amendment WDCA26-0002 (Article 408 Findings).

June 16, 2026. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code) and voted 7-0 to recommend approval of Development Code Amendment WDCA26-0002 to the Board. In doing so, the Planning Commission made all four possible findings (only one is required) set forth in Washoe County Code Section 110.818.15(e), which are set forth 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;
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 allows 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.

BACKGROUND

Prior to April 2025, staff reviewing Article 408 projects considered the overall provisions of the article, including the purpose and restrictions, but did not have a series of findings articulated in code that had to be satisfied to approve an application. The other discretionary permits that the Planning Commission considers include findings. In 2025, staff brought forward a development code amendment to incorporate five findings into Article 408. The amendment was approved in April 2025.

One of the provisions of the newly adopted code language is a requirement that *all five* findings must be met to approve a common open space subdivision. However, two of the findings refer to sets of very specific conditions that do not exist on every subdividable parcel that may benefit from applying the common open space provisions of Article 408. Specifically, findings (a) and (b) state:

- (a) Preserve or Provide Open Space. The development preserves existing steep slope areas, developmentally constrained areas, and heavily treed areas from development and provides future residents an option for open space above and beyond any applicable minimum requirements of Article 432.

- (b) Protect Natural and Scenic Resources. The development identifies and protects natural and scenic resources, including but not limited to ridgelines, waterways, large diameter trees, and habitat for special status species.

The consequence of requiring these two findings to always be met is the unintended exclusion of parcels without these characteristics. To remedy this oversight in the original 2025 amendment, staff is proposing to require three general findings in every instance, and to require the two parcel specific findings only when they are relevant. Staff also propose reordering the findings such that the two site specific findings are listed last, simply as a preferred editorial choice. Please see the proposed amendments below.

PROPOSED AMENDMENTS

Proposed changes occur in Division Four, Article 408, Common Open Space Development. The changes are summarized below. Bold text is added language. A draft ordinance showing all code amendments is attached as Attachment A.

Section 110.408.28 Findings Required for Common Open Space Developments. Prior to approving an application for a common open space development, the Planning Commission or Parcel Map Review Committee, as applicable, **shall find a-c below have been satisfied, and that findings d and e have been satisfied when they can reasonably be applied to the parcels in question.** This is to ensure that the benefits provided by the proposed common open space development are commensurate with the flexibility afforded by common open space development.

- (a) Achieve a More Efficient Use of Land. The development utilizes density clustering to further protect and preserve open spaces.
- (b) Minimize Road Building. The development is designed in a manner that reduces the overall linear distance of roadways (e.g. cul-de-sacs).
- (c) Encourage a Sense of Community. The development provides community amenities such as trail connectivity, bike trails/walking trails, dog parks, playgrounds, pocket parks, etc.
- (d) Preserve or Provide Open Space. The development preserves existing steep slope areas, developmentally constrained areas, and heavily treed areas from development and provides future residents an option for open space above and beyond any applicable minimum requirements of Article 432.
- (e) Protect Natural and Scenic Resources. The development identifies and protects natural and scenic resources, including but not limited to ridgelines, waterways, large diameter trees, and habitat for special status species.

FISCAL IMPACT

No fiscal impact.

PUBLIC WORKSHOP

A public workshop to discuss the amendments took place on April 27, 2026. The workshop was held via Zoom and 23 people attended. Planning representatives described the overall intent of the amendments and discussed potential draft language. There was an opportunity for questions and discussion.

Questions and comments were related to how to ensure findings are still utilized. The concept of always requiring the three general findings and always requiring the site-specific findings whenever applicable originated with public comment. The public preferred this option over simply requiring any three findings for approval.

RECOMMENDATION

It is recommended that the Board of County Commissioners conduct a second reading and possibly adopt the attached ordinance amending Washoe County Code Chapter 110 (Development Code) in Division Four, Article 408 as set forth in WDCA26-0002. In making its determination, the Board shall either affirm, modify or reject the findings of fact included in the Planning Commission's recommendation.

POSSIBLE MOTION

"Move to adopt Bill Number 1955, an ordinance amending Washoe County Code Chapter 110 (Development Code) in Division Four, Article 408, Common Open Space Development to require the findings that reference site specific characteristics, including but not limited to the preservation of steep slopes and heavily treed areas and protection of natural and scenic resources including ridgelines and waterways, only when those characteristics are present on the parcels in question, in order to ensure the design flexibility and associated public benefits inherent to common open space developments is potentially available to all subdividable parcels; and all matters necessarily connected therewith and pertaining thereto.

In making this motion, the Board is affirming the Planning Commission's findings of fact included in the Planning Commission's recommendation and included in Washoe County Code Section 110.818.15(e)."

Attachments:

- A. Working Copy of Proposed Ordinance
- B. Clean Copy of Proposed Ordinance
- C. Planning Commission Resolution No. 26-09
- D. Planning Commission Staff Report for WDCA26-0002
- E. Planning Commission Staff Presentation
- F. Recording of June 16, 2025 Planning Commission Public Hearing