



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: July 8, 2025

DATE: June 6, 2025

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Planning & Building Division, Community Services Department, (775) 328-3627, jolander@washoecounty.gov

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

SUBJECT: Public Hearing: Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 904 Nonconformance, to revise the timeframe to obtain building permits for nonconforming uses of a structure and nonconforming structures that have been partially or totally destroyed; and to clarify the requirement for bringing a nonconforming use of land or nonconforming use of a structure into compliance with current development code provisions; and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.) FOR POSSIBLE ACTION

SUMMARY

The Washoe County Commission is asked to hold a second reading and possibly adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) in Article 904 Nonconformance. This ordinance updates the following:

1. Increases the time allowed for nonconforming uses of a structure and nonconforming structures that have been partially or totally destroyed to obtain a building permit; and
2. Clarifies the requirement for bringing a nonconforming use of land or nonconforming use of a structure into compliance with current code.

Washoe County Strategic Objective supported by this item:

Economic Impacts: Meeting the Needs of Our Growing Community and Support a thriving community.

PREVIOUS ACTION

On June 24, 2025, the Washoe County Board of County Commissioners (Board) introduced and conducted a first reading of the proposed ordinance amending Article 904 of the Washoe County Development Code (WDCA25-0002).

AGENDA ITEM # _____

On May 6, 2025, the Washoe County Planning Commission reviewed the proposed amendments to Washoe County Code Chapter 110, initiated the code amendments, and voted (6:1) to recommend approval of Development Code Amendment WDCA25-0002 to the Board of County Commissioners (*see* Attachment B). In doing so, the Planning Commission made the following 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 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.

On February 26, 2025, a public workshop was held in-person and by Zoom. There were 7 in-person attendees and 6-8 attendees by Zoom. There were various questions about the proposed changes, primarily including the following:

- What are the main changes;
- When would the changes be finalized and approved; and
- Would the changes be for parcels in the City of Reno or Sparks.

BACKGROUND

The proposed amendments would update Article 904 Nonconformance, in the following sections:

1. 110.904.10(e), Types of Nonconformance, Nonconforming Development. The proposed amendment is to swap the word “property” for “regulatory zone” in the definition of a nonconforming development. Changing this word will provide clarity in determining whether or not an existing development is in conformance with the current requirements for a property within a specified regulatory zone. This addition will also allow all requirements to be recognized and reviewed.
2. 110.904.25(a)(4) & (5), Nonconforming Use of a Structure. The amendment would extend the allowed time to continue a nonconforming use when the use is/was located within a structure that has been partially or totally destroyed in order to enable property owners more time to rebuild or replace the structure(s) in

which the nonconforming use was occurring. There have been situations when structures have been destroyed, and it has been difficult to acquire a building permit within the required 6-month timeframe. The proposed change to 24 months will allow the owners more time to complete the permitting and construction process without having their nonconforming use expire at 12 months.

3. 110.904.30(a)(3) & (7), Nonconforming Structure. Similar to the proposed changes to 110.904.25, this request is to extend from 6 months to 24 months the allowed time to obtain the required building permit(s) for the purpose of rebuilding a nonconforming structure that has been partially or totally destroyed. There have been situations when structures have been destroyed, and it has been difficult to acquire a building permit within the required 6-month timeframe. The proposed change to 24 months will allow the owners more time to complete the process of acquiring a building permit.
4. 110.904.60, Requirements for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with Current Development Code Provisions. The purpose of this proposed amendment is to clarify the section's language in order to clarify the requirements for bringing a nonconforming use of land or a nonconforming use of a structure into compliance with the development code. This includes adding language that specifies that this code provision only applies when the expansion of the nonconforming use of land or use of a structure is greater than 10%, and that the trigger for conformance is at the time a building permit is issued or a discretionary use permit for expansion of the nonconforming use (such as a special use permit) becomes effective.

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) in Article 904 Nonconformance.

It is further recommended that the Board affirm the following four findings of fact that the Washoe County Planning Commission made on May 6, 2025, as recorded within Resolution Number 25-04 (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 July 18, 2025.

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 Washoe County Code Chapter 110 (Development Code), Article 904 Nonconformance, as reflected in the proposed ordinance contained in Attachment E; and all matters necessarily connected therewith and pertaining thereto."

Attachments: A - BCC Ordinance (Working Copy)
B - Planning Commission Signed Resolution 25-04
C - Planning Commission Staff Report for WDCA25-0002 for 5/6/25
D - Planning Commission Meeting Minutes for 5/6/25
E - BCC Ordinance (Clean Copy)