



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 24, 2018

DATE: March 27, 2018

TO: Board of County Commissioners

FROM: Eva Krause, AICP, Planner, Community Services Department
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THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
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SUBJECT: Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road. The Board introduced and conducted a first reading of the proposed ordinance on April 10, 2018. (All Commission Districts.)

SUMMARY

To conduct a second reading, and possibly adopt, an ordinance amending Washoe County Code Chapter 110 within Article 406 to:

1. Change the requirement for measuring a setback from an access easement 20 feet wide or more to measuring a setback from an access easement when the easement is more than 20 feet wide; and,
2. To require that when a County maintained road is located outside of an easement or right-of-way the setback shall be measured from the edge of the road.

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

AGENDA ITEM # _____

PREVIOUS ACTION

On April 10, 2018, the Board of County Commissioners (Board) introduced and conducted the first reading of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards.

On February 6, 2018, the Washoe County Planning Commission voted unanimously to initiate and recommended approval of proposed development code amendment DCA17-0007.

BACKGROUND

Washoe County Code (WCC) Chapter 110 (Development Code), Article 406, Building Placement Standards, determines when a setback is measured from the property line and when a setback is measured from the edge of an access easement.

- Currently, if an access easement is 20 feet wide, the setback is measured from the edge of the easement.
- A 20 foot wide easement is required by the Truckee Meadows Fire Protection District to provide access to private parcels, and is not intended to be used or developed as a public street.

Measuring a setback from the access easement increases the setback distance, thereby reducing the usable portion of a property, without providing any public benefit. The proposed amendment (see Attachment A) will change the code standard to require the setback to be measured from the edge of an easement when the easement is more than 20 feet wide.

In addition, the code amendment requires that when a road is located outside of a right-of-way or easement, but is maintained by Washoe County, the setback shall be measured from the edge of the road.

- There are limited situations where this applies. In most cases the road was developed as part of a subdivision created between 1930 and 1950 and was not recorded and/or where surveys were not required during creation of the lots.
- Requiring a setback from the road provides a safety buffer for both the property owner and the County.

PROPOSED AMENDMENT

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: **(1) when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet or more, the required yard setback is measured from the edge of the easement closest to the proposed structure; or is maintained by the County, (2) when a Washoe**

County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback is shall be measured from the easement edge closest to the proposed structure edge of the road.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board conduct a second reading and adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, to amend the standards within Section 110.406.05, General; and to address other matters necessarily connected therewith and pertaining thereto. The proposed amendment would require all yard setbacks to be measured from the property line with two exceptions: (1) when an access easement or right-of-way greater than 20 feet in width traverses the property, in which case the setback would be measured from the edge of the easement closest to the proposed structure, or (2) when a county-maintained road located outside a recorded easement or right-of-way traverses a property, regardless of width, in which case the setback would be measured from the edge of the road.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on February 6, 2018, as recorded within Resolution Number 18-06 (Attachment D).

If adopted, the Ordinance will be effective on May 4, 2108.

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) and to affirm the four findings of fact that the Washoe County Planning Commission made on February 6, 2018, as recorded within Resolution Number 18-06 and attached to the staff report for this item.”

Attachments: A- Proposed Ordinance
B –Planning Commission minutes
C – Planning Commission Staff Report
D – Planning Commission Signed Resolution