



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 406, *BUILDING PLACEMENT STANDARDS*, TO AMEND THE STANDARDS WITHIN SECTION 110.406.05 GENERAL; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO. THE CODE CURRENTLY REQUIRES THAT THE SETBACK BE MEASURED FROM THE EDGE OF THE EASEMENT WHEN THE EASEMENT IS 20 FEET WIDE OR GREATER. THE PROPOSED AMENDMENT WOULD REQUIRE THE SETBACK BE MEASURED FROM THE EDGE OF AN EASEMENT WHEN THE EASEMENT IS MORE THAN 20 FEET.

IN ADDITION, THE CODE CURRENTLY REQUIRES THAT WHEN A ROAD IS MAINTAINED BY THE COUNTY, THE SETBACK IS MEASURED FROM THE EDGE OF AN ACCESS EASEMENT REGARDLESS OF THE EASEMENT WIDTH. THE PROPOSED AMENDMENT WOULD REQUIRE THAT IF A ROAD IS MAINTAINED BY THE COUNTY, BUT IS NOT LOCATED WITHIN A RECORDED RIGHT-OF-WAY OR EASEMENT, THE SETBACK SHALL BE MEASURED FROM THE EDGE OF THE ROAD REGARDLESS OF THE ROAD WIDTH.

Resolution Number 18-06

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to the Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of County Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to Washoe County Code Chapter 110 (Development Code) Article 406, *Building Placement Standards*, on February 6, 2018 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA17-0007, came before the Washoe County Planning Commission for a duly noticed public hearing on February 6, 2018; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code Amendment Case Number WDCA17-0007:

1. Consistency with Master Plan. The proposed 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.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Attachment A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on February 6, 2018.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Trevor Lloyd, Secretary



Sarah Chvilicek, Chair

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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: Amends the Development Code by updating the standards within Section 110.406.05, General, to change when a setback is measured from an access easement, or from a Washoe County maintained road not located in a recorded right-of-way or easement; and other related matters.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards, at Section 110.406.05, General, to modify the requirements applicable to measuring setbacks from certain easements by changing the requirement to measure setbacks from the edge of the easement when the easement is more than 20 feet wide; and, by clarifying that when a County maintained road is located outside of a recorded easement or right of way the setback is measured from the edge of the road; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 18-____ on February 6, 2018; and,

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- B. The amendments and this ordinance were drafted in concert with the District Attorney; and the Planning Commission held a duly noticed public hearing for WDCA17-0007 on February 6, 2018, and adopted Resolution Number 18-____ recommending adoption of this ordinance; and,
- C. This Commission desires to amend Article 406 of the Washoe County Code Chapter 110 (Development Code) in order to update the standards within Section 110.406.05, *General*; 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. Section 110.406.05 of the Washoe County Code is hereby amended to read as follows:

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.**

SECTION 2. General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not

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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), 2018.

Proposed by Commissioner _____.

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

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

ATTEST:

County Clerk

Chair of the Board

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

DRAFT