



Planning Commission Staff Report

Attachment C
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Meeting Date: July 3, 2018

Agenda Item: 8C

STAFF REPORT CASE NUMBER: WDCA18-0002 (Articles 302 & 304)

BRIEF SUMMARY OF REQUEST: Add Private and Public School Facilities to Table of Uses, Table 110.302.05.2 and to Use Classification System, Section 110.304.20

STAFF PLANNER: Planner's Name: Julee Olander
Phone Number: 775.328.3627
E-mail: jolander@washoecounty.us

APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA18-0002 (Private and Public School Facilities) – For possible action, hearing and discussion to amend Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private Education will be allowed with a board of adjustment special use permit in all regulatory zones except industrial and open space and that Public Education will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, *Use Classification System*, Section 110.304.20, Civic Use Types, to add to the definition of Education that home schooling of children who live on-site is not a part of this use type and to add sub-definitions of Private Education and Public Education; and for other matters necessarily connected therewith and pertaining thereto.

- ♦ Location: County wide
- ♦ Dev Code: Authorized in Article 818
- ♦ Comm. District: All Commissioners

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of amendment to Washoe County Code Chapter 110 within Article 302 & 304, *Allowed Uses* and *Use Classification System*, as described in the staff report for WDCA18-0002 and authorize the Chair to sign the attached resolution.

(Motion with Findings on Pages 5 and 6)

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AB87	Exhibit B

Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Review Update

On April 3, 2018 this development code amendment was presented to Washoe County Planning Commission and was initiated and approved. However, Section 110.304.20, which defines the Education use type was amended to include the following wording, "This use type does not refer to

home schooling of children who live on-site.” This information concerning home schooling was not included in the original noticing of the development code amendment and legal counsel recommended that the amendment be re-heard by the Planning Commission. The item was re-noticed, another public workshop was held and then scheduled to be heard by the Planning Commission for review again.

Background

In 2013 the Washoe County Board of Commissioners approved an update to the Development Code 110 to implement AB87 (Exhibit B), which created common standards for development of public schools. Article 440, Public School Facilities Design Standards, was created in conjunction with the cities and with the Washoe County School District to respond to the legislation with uniform requirements for public schools addressing height, building setbacks, landscaping and parking; in addition, Article 440 went even further by eliminating the need for a special use permit for a public education facility. However, Table of Uses 110.302.05.2, which regulates regulatory zones, was not updated and the Table of Uses currently requires a Special Use Permit for Education.

Staff is requesting an amendment to Table 110.302.05.2 and to Section 110.304.20 of the Washoe County Code in order to comply with statutory requirements identified in NRS 278.0211, which was established with the passing of AB87 of the 2013 legislative session. This amendment will differentiate between private and public schools and will fully implement Article 440. The amendment to Table 110.302.05.2 includes adding public education and private education under the education use type. By distinguishing between private and public school facilities, the discretionary review of a Special Use permit will be removed from public school facilities (in accordance with Article 440) while still requiring a Special Use Permit for private school facilities. Definitions of Private and Public School Facilities will be added to the Education definition in Section 304 to clarify the difference between facilities.

Amendment Evaluation

- The intent of WCC Table 110.302.05.2 is to show which uses are permitted or not and if there is a discretionary review required in each regulatory zone.
- The intent of WCC Section 304 is to classify the use types and explains the function and characteristics of each.
- Adding Private School Facilities and Public School Facilities to Table 110.302.05.2 and 110.304.20 provides specific requirements for education facilities and addresses the intent of AB87.

Proposed Amendment

Washoe County staff is asking the Planning Commission to recommend approval of a code amendment to read as follows:

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂

Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	S ₂
Education	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂
Private School Facilities	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂
Public School Facilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂
Major Services and Utilities																		
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	A	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	A	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	A
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	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

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (g) **Education.** Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges Curriculum must be approved by the State Department of Education. **This use type does not refer to home schooling of children who live on-site.**

- (1) **Private School Facilities.** Private School Facilities use type refers to educational services for the education of the children of the community that are funded primarily by means other than tax revenue.
- (2) **Public School Facilities.** Public School Facilities use type refers to educational services for the education of the children of the community that are funded primarily with tax revenue.

Findings

WCC Section 110.818.15(e) requires the Planning Commission make at least one of the following findings of fact for approval of the amendment. Staff provides the following evaluation for each of the findings and recommends that the PC make all four findings in support of the proposed amendment.

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.

Staff comment: The Master Plan establishes policies governing uses on properties in Washoe County, which are then regulated through the Development Code. This amendment will clarify school facilities uses and thus complies with the policies 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.

Staff comment: The proposed Development Code amendment clarifies the difference between private and public school facilities and will not adverse impact public health, safety or welfare.

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.

Staff comment: The proposed amendment responds to the requirements and regulations in Section 440 and updates other sections of the Code to be consistent with Section 440.

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.

Staff comment: The Conservation Element and the Population element are not impacted by this proposed amendment.

Public Notice

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chairs and membership of all Citizen Advisory Boards were likewise notified of the public hearing. A public workshop was held on March 15, 2018 and there were no attendees. Another public workshop was held on May 9, 2018 and there were two attendees; they had questions concerning the need to amend the code.

Recommendation

It is recommended that the Planning Commission recommend approval of WDCA18-0002, to amend Washoe County Chapter 110 (Development Code) Article 302 & 304, *Allowed Uses and Use Classification System*. The following motion is provided for your consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA18-0002, to amend Washoe County Code Chapter 110 within Articles 302 & 304, Allowed Uses and Use Classification System; and, to update these sections within Article 302 & 304. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four 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 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.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar days from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to WCC Sections 110.818.25 and 110.912.20.

xc: Dave Solaro, Assistant County Manager
Nate Edwards, Deputy District Attorney
Mojra Hauenstein, Planning and Building Director