



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 810, SPECIAL USE PERMITS, SECTION 110.810.60(A)(3)-(4) MODIFICATIONS OF A SPECIAL USE PERMIT, TO UPDATE THE REFERENCE TO THE DEPARTMENT NAME IN THAT SECTION TO PLANNING AND BUILDING DIVISION; AND TO CHANGE TWO OF THE REQUIREMENTS FOR THE DIRECTOR TO APPROVE MODIFICATIONS OF APPROVED SPECIAL USE PERMITS THAT INVOLVE "MORE" THAN A 10% INCREASE IN THE FLOOR AREA COVERED BY EXISTING STRUCTURES ASSOCIATED WITH THE USE, AND "MORE" THAN A 10% INCREASE IN SITE AREA COVERED BY THE USE, BY REPLACING THE WORD "MORE" WITH THE WORD "LESS"; AND FOR OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-02

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated Development Code Amendment Case Number WDCA18-0006 to the Washoe County Code Chapter 110 (Development Code) Article 810, *Special Use Permits*, Section Modifications of a Special Use Permit 110.810.60(a)(3)(4), on January 2, 2019; and
- C. Development Code Amendment Case Number WDCA18-0006, came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2019; 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 WDCA18-0006:
 - 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

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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.

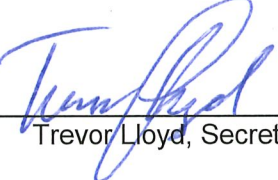
NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission initiates and recommends approval of the ordinance attached hereto as Attachment A-1.

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 January 2, 2019.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:



Trevor Lloyd, Secretary



Sarah Chvilicek, Chair

DRAFT: January 2, 2019

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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
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Summary: Amends the Washoe County Code at Chapter 110 (Development Code) within Article 810, Special Use Permits, by updating Section 110.810.60(a)(3)(4), by updating the department name to the Planning and Building Division and to replace the word "more" with the word "less."

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 810, Special Use Permits, Section 110.810.60(a)(3)-(4) Modifications of a Special Use Permit, to update the reference to the department name in that section to Planning and Building Division; and to change two of the requirements for the director to approve modifications of approved special use permits that involve "more" than a 10% increase in the floor area covered by existing structures associated with the use, and "more" than a 10% increase in site area covered by the use, by replacing the word "more" with the word "less"; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 810 of the Washoe County Code at Chapter 110 (Development Code) in order to update the department name to the Planning and Building

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Division and replace the word "more" with the word "less" and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-02 on January 2, 2019 creating Development Code Amendment Case Number WDCA18-0006; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0006 on January 2, 2019, and adopted Resolution Number 19-02 recommending adoption of this ordinance; 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 810.60(a) of the Washoe County Code is hereby amended to read as follows:

Section 110.810.60 Modification of a Special Use Permit. Proposed modifications of approved special use permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of ~~Community Development~~ **the Planning and Building Division** may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
 - (1) The building or use alteration is incidental to the existing use;
 - (2) The building or use alteration does not result in a change of use;
 - (3) The building alteration involves ~~more~~ **less** than ten (10) percent increase in floor area covered by existing structures associated with the use;

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- (4) The use alteration involves ~~more~~ **less** than ten (10) percent increase in the overall site area covered by the existing use;
- (5) The building or use alteration, in the opinion of the Director of ~~Community Development~~ **the Planning and Building Division**, would not have a substantial adverse effect on adjacent property; and
- (6) The building or use alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of ~~Community Development~~ **the Planning and Building Division**.

SECTION 2. General Terms.

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

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

ATTEST:

County Clerk

Marsha Berkbigler, Chair
Washoe County Commission

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