



Planning Commission Staff Report

Meeting Date: August 4, 2020

Agenda item: 9B

DEVELOPMENT CODE AMENDMENT CASE NUMBER: WDCA20-0001 (110.406)

BRIEF SUMMARY OF REQUEST: Amending the Washoe Development Code to add a new section to the building placement standards regarding industrial parcels adjacent to residential parcels

STAFF PLANNER: Planner's Name: Julee Olander
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APPLICANT: Washoe County

CASE DESCRIPTION

Development Code Amendment Case Number WDCA20-0001 (110.406) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards, to add a new section addressing industrial uses on properties adjacent to residentially zoned property. New standards shall pertain to any uses within an industrial regulatory zone that is adjacent to residential regulatory zone parcels with specific requirements concerning setback, walls, lighting and loading and service areas; and other matters necessarily connected therewith and pertaining thereto. Proposed changes include but are not limited to an additional 50 foot setback required for any industrial use that is adjacent to residentially zoned property, 8 foot solid walls required along the property lines that are adjacent to residentially zoned property, limits of 25 feet on the height of lighting standards that are more than 100 feet from the shared property line of any residentially zoned property, and setback requirements for loading and service areas for parcels of one acre or more when adjacent to residentially zoned properties.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment will occur and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

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

STAFF RECOMMENDATION

INITIATE

INITIATE AND RECOMMEND APPROVAL

DO NOT
INITIATE

POSSIBLE 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 initiate Development Code Amendment WDCA20-0001, recommend approval, and authorize the Chair to sign the attached resolution.

(Motions with Findings on Page 5)

Staff Report Contents

Development Code Amendments	3
Amendment Evaluation	3
Proposed Amendment.....	3
Findings.....	4
Public Notice	5
Recommendation	5
Motions	5
Appeal Process	6

Exhibit Contents

Resolution.....	Exhibit A
Proposed Ordinance	Exhibit A-1

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.

Background

Washoe County Development Code Article 406, *Building Placement Standards*, provides the standards and requirements for building placement on a lot, that are determined by the regulatory zone of a parcel. The purpose of this amendment is to add requirements for industrial parcels that are adjacent to residential parcels. With more residential and industrial uses being constructed in Washoe County adjacency standards are needed to address issues between the differing uses and mitigate impacts.

Amendment Evaluation

The proposed code amendment will have following requirements to address the issues of industrial uses adjacent to residential uses:

1. Setbacks – an additional 50-foot setback will keep the uses separated beyond the regulatory zoning setbacks;
2. Screening – specific requirements to screen and assist in keeping the uses separated beyond the WCC 110.406.50 fence requirements ;
3. Lighting – specific requirements will address the height of lighting structures to assist in light spillover into residential areas; and
4. Load and service areas – specific setback requirements for one-acre parcels or more to minimize impacts on residential properties.

Proposed Amendment

In order to mitigate the potential impacts of industrial uses adjacent to residential use types, Washoe County staff is asking the Planning Commission to initiate and subsequently recommend approval of a code amendment to read as follows:

Section 110.406.12 Industrial Standards for Residential Adjacency. The following standards shall pertain to any uses within an industrial regulatory zone that is adjacent to residential regulatory zone parcels. These standards may be varied upon the approval of a director's modification of standards by the Director of Planning and Building.

- (a) **Setbacks.** A minimum fifty (50) foot buffer shall be maintained from the residential regulatory zone shared property lines to any structure, roadway, parking or other development on industrial regulatory zone parcels. The buffer area shall be maintained and meet Article 412, Landscaping requirements.
- (b) **Screening.** An eight (8) foot screening element shall be constructed in the setback area adjacent to any residential regulatory zone parcels. This screening element may consist of any of the following:
 - 1) solid decorative wall
 - 2) berm
 - 3) solid decorative fencing constructed of durable materials, such as stone, concrete, metal, synthetic or vinyl.
 - 4) combination of any of the following as long as the total height from top of wall/fence/berm to bottom of wall/fence/berm is at least eight (8) feet in height.
- (c) **Lighting.** Light standards that are within 100 feet from a residential zone parcel shall comply with Article 414. Lighting structures that are more than one hundred (100) feet from a residential regulatory zone parcel shall not exceed twenty-five (25) feet in height.
- (d) **Loading and service areas.** Loading docks and trash areas on parcels that are one (1) acre or more shall be located a minimum of 100 feet from the shared property line of residential zoned parcels.

Findings

WCC Section 110.818.15(e) requires that 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 Planning Commission 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 properties in Washoe County, which are then regulated through the development code. This amendment will provide to additional the standards for industrial regulatory zone parcels that are adjacent to residential uses. This update does not conflict with any of the policies or action programs of the 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 will add requirements for industrial parcel adjacent to residential parcels and this change will not adversely 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 will provide requirements for industrial parcels adjacent to residential parcels, which is need with more industrial uses being constructed that are adjacent to residential uses.

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 through Zoom on July 9, 2020 for this application and there were four attendees. The discussion included the following topics:

- The height of the walls and the types of materials
- The allowed height of lighting structures

Recommendation

It is recommended that the Planning Commission initiate and subsequently recommend approval of WDCA20-0001, to amend the development code within 406, *Building Placement Standards*, as described in this staff report. The following motions are provided for the Planning Commission's consideration:

Motions

Initiation

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 initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA20-0001.

Amendment

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 WDCA20-0001, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the 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



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), WITHIN ARTICLE 406, BUILDING PLACEMENT STANDARDS 110.406.12, GENERAL, TO ADD A NEW SECTION ADDRESSING INDUSTRIAL USES ON PROPERTIES ADJACENT TO RESIDENTIALLY ZONED PROPERTY. NEW STANDARDS SHALL PERTAIN TO ANY USES WITHIN AN INDUSTRIAL REGULATORY ZONE THAT IS ADJACENT TO RESIDENTIAL REGULATORY ZONE PARCELS WITH SPECIFIC REQUIREMENTS CONCERNING SETBACK, WALLS, LIGHTING AND LOADING AND SERVICE AREAS; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO. PROPOSED CHANGES INCLUDE BUT ARE NOT LIMITED TO AN ADDITIONAL 50 FOOT SETBACK REQUIRED FOR ANY INDUSTRIAL USE THAT IS ADJACENT TO RESIDENTIALLY ZONED PROPERTY, 8 FOOT SOLID WALLS REQUIRED ALONG THE PROPERTY LINES THAT ARE ADJACENT TO RESIDENTIALLY ZONED PROPERTY, LIMITS OF 25 FEET ON THE HEIGHT OF LIGHTING STANDARDS THAT ARE MORE THAN 100 FEET FROM THE SHARED PROPERTY LINE OF ANY RESIDENTIALLY ZONED PROPERTY, AND SETBACK REQUIREMENTS FOR LOADING AND SERVICE AREAS FOR PARCELS OF ONE ACRE OR MORE WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTIES; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO..

Resolution Number 20-17

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 amendments to the Washoe County Code Chapter 110 (Development Code) within Article 406, Building Placement Standards, on August 4, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA20-0001, came before the Washoe County Planning Commission for a duly noticed public hearing on August 4, 2020; 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 WDCA20-0001:
 - 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 Exhibit 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 August 4, 2020.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Trevor Lloyd, Secretary

Larry Chesney, Chair

DRAFT: July 9, 2020

EXHIBIT A-1

WORKING COPY
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, Chapter 110 (Development Code) adding to Section 110.406, regarding industrial parcels adjacent to residential parcels.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code, Chapter 110 (Development Code), Article 406, to add a new section addressing industrial uses on properties adjacent to residentially zoned property. New standards shall pertain to any uses within an industrial regulatory zone that is adjacent to residential regulatory zone parcels with specific requirements concerning setback, walls, lighting and loading and service areas; and other matters necessarily connected therewith and pertaining thereto. Proposed changes include but are not limited to an additional 50 foot setback required for any industrial use that is adjacent to residentially zoned property, 8 foot solid walls required along the property lines that are adjacent to residentially zoned property, limits of 25 feet on the height of lighting standards that are more than 100 feet from the shared property line of any residentially zoned property, and setback requirements for loading and service areas for parcels of one acre or more when adjacent to residentially zoned properties; and other matters necessarily connected therewith and pertaining thereto.

DRAFT: July 9, 2020

EXHIBIT A-1

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add language to Section 110.406 for adding standards for industrial parcels adjacent to residential regulatory zone parcels and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 20-17 on August 4, 2020; 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 WDCA20-0001 on August 4, 2020, and adopted Resolution Number 20-17 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. Article 406 of the Development Code, Chapter 110 of the Washoe County Code, is hereby amended by adding the following section there:

Section 110.406.12 Industrial Standards for Residential Adjacency. The following standards shall pertain to any uses within an industrial regulatory zone that is adjacent to residential regulatory zone parcels. These standards may be varied upon the approval of a director's modification of standards by the Director of Planning and Building.

- (a) **Setbacks.** A minimum fifty (50) foot buffer shall be maintained from the residential regulatory zone shared property lines to any structure, roadway, parking or other development on industrial regulatory zone parcels. The buffer area shall be maintained and meet Article 412, Landscaping requirements.

DRAFT: July 9, 2020

EXHIBIT A-1

- (b) Screening. An eight (8) foot screening element shall be constructed in the setback area adjacent to any residential regulatory zone parcels. This screening element may consist of any of the following:
 - 1) solid decorative wall
 - 2) berm
 - 3) solid decorative fencing constructed of durable materials, such as stone, concrete, metal, synthetic or vinyl.
 - 4) combination of any of the following as long as the total height from top of wall/fence/berm to bottom of wall/fence/berm is at least eight (8) feet in height.
- (c) Lighting. Light standards that are within 100 feet from a residential zone parcel shall comply with Article 414. Lighting structures that are more than one hundred (100) feet from a residential regulatory zone parcel shall not exceed twenty-five (25) feet in height.
- (d) Loading and service areas. Loading docks and trash areas on parcels that are one (1) acre or more shall be located a minimum of 100 feet from the shared property line of residential zoned parcels.

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.

Passage and Effective Date

DRAFT: July 9, 2020

EXHIBIT A-1

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

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