



Planning Commission Staff Report

Meeting Date: June 16, 2026

Agenda Item: 8C

DEVELOPMENT CODE AMENDMENT
CASE NUMBER:

WDCA26-0002 (Article 408 Findings)

BRIEF SUMMARY OF REQUEST:

Development Code Amendment to Article 408, Common Open Space Development, to require certain findings only when the referenced conditions are present on the land.

STAFF PLANNER:

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CASE DESCRIPTION

For hearing, discussion and possible action to initiate an amendment and approve a resolution to amend Washoe County Code Chapter 110 (Development Code) within Article 408, Common Open Space Development, to require the findings that reference site specific characteristics only when those characteristics are present on the parcels in question, in order to ensure the design flexibility and associated public benefits inherent to Common Open Space developments is potentially available to all subdividable parcels.

If the proposed amendments are initiated, the Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

STAFF RECOMMENDATION

**INITIATE AND
APPROVE**

DENY

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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 deny 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 and Proposed Amendments

BACKGROUND

The subdivision option described in Article 408, Common Open Space Development, has historically represented an important option for developers in Washoe County. It is clear there is a strong recent trend for developers to utilize Common Open Space provisions.

There are several factors contributing to this trend of utilizing common open space developments, including the high cost of lot development which drives developers to seek a more efficient utilization of land. A more compact use of road, water, and wastewater infrastructure is necessary to lower the overall cost of a finished lot. Other factors likely include a market demand for smaller units, more open space, community styled developments, and more parcels coming forward with development constraints or natural features requiring conservation. The purpose of the Article 408 provisions, as shown below, includes all these as valid reasons for pursuing a common open space development.

- **Section 110.408.00 Purpose.** The purpose of this article, Article 408, Common Open Space Development, is to set forth regulations to permit variation of lot size, including density transfer subdivisions, in order to preserve or provide open space,

protect natural and scenic resources, achieve a more efficient use of land, minimize road building, and encourage a sense of community.

When staff reviews a proposed common open space subdivision, ensuring this overall purpose is transparently evident in the development plan is a standard practice. Applying the restrictions found in Article 408 regarding how the preserved common open space can be used is a component of this review. These important restrictions help to ensure the preserved open space is consistent with the stated purpose.

Common Open Space Restrictions. Designated common open space shall not include areas devoted to public or private vehicular streets, detention and retention ponds/basins, drainage facilities, or any land which has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.

Prior to April of 2025, staff reviewing Article 408 projects considered the overall provisions of the article, including the purpose and restrictions, but did not have a series of findings articulated in code to directly review and discuss. The other discretionary permits that the Planning Commission considers include findings. These findings are considered a valuable tool for three reasons. First, findings help a landowner/developer understand the standards by which a project will be considered. Second, findings help staff ensure their review and recommendations are focused on the issues that impact the approvability of a project. Third, findings give a discretionary body (planning commission, board of adjustment, board of commissioners) a way to focus questions and build a record that will support an eventual decision. Given these clear advantages to utilizing findings as part of the review and approval process, staff brought forward a development code amendment to incorporate five (5) findings into Article 408. The amendment was approved in April of 2025. All five findings are provided further below.

One of the provisions of the newly adopted code language is a requirement that *all five* findings must be met to approve a common open space subdivision. However, two of the findings refer to a set of very specific conditions that do not exist on every subdividable parcel that may benefit from applying the common open space provisions of Article 408. Specifically, findings (a) and (b) state:

- (a) Preserve or Provide Open Space. The development preserves existing steep slope areas, developmentally constrained areas, and heavily treed areas from development and provides future residents an option for open space above and beyond any applicable minimum requirements of Article 432.
- (b) Protect Natural and Scenic Resources. The development identifies and protects natural and scenic resources, including but not limited to ridgelines, waterways, large diameter trees, and habitat for special status species.

The consequence of requiring these two findings to always be met is the unintended exclusion of parcels without these characteristics. Staff now recognizes this requirement not only excluded many subdividable parcels, but these two findings are not necessary to achieve the original goal of including findings in 2025 and should be adjusted to apply the two parcel specific findings only when the characteristics they refer to are present. The original goal of including the findings was to help landowners, staff and the Planning Commission “ensure the benefits provided by the proposed common open space

development are commensurate with the flexibility afforded by common open space development.”

To remedy the oversight in the original 2025 amendment, staff is proposing to require three general findings in every instance, and to require the two parcel specific findings only when they are relevant. Staff also propose reordering the findings simply as a preferred editorial choice. Please see the proposed amendments below. The full draft ordinance is included with the resolution found in attachment A.

PROPOSED AMENDMENTS

Section 110.408.28 Findings Required for Common Open Space Developments.

Prior to approving an application for a common open space development, the Planning Commission or Parcel Map Review Committee, as applicable, **shall find a-c below have been satisfied, and that findings d and e have been satisfied when they can reasonably be applied to the parcels in question.** This is to ensure that the benefits provided by the proposed common open space development are commensurate with the flexibility afforded by common open space development.

- (a) Achieve a More Efficient Use of Land. The development utilizes density clustering to further protect and preserve open spaces.
- (b) Minimize Road Building. The development is designed in a manner that reduces the overall linear distance of roadways (e.g. cul-de-sacs).
- (c) Encourage a Sense of Community. The development provides community amenities such as trail connectivity, bike trails/walking trails, dog parks, playgrounds, pocket parks, etc.
- (d) Preserve or Provide Open Space. The development preserves existing steep slope areas, developmentally constrained areas, and heavily treed areas from development and provides future residents an option for open space above and beyond any applicable minimum requirements of Article 432.
- (e) Protect Natural and Scenic Resources. The development identifies and protects natural and scenic resources, including but not limited to ridgelines, waterways, large diameter trees, and habitat for special status species.

Staff is confident that this change will retain the overall value of including findings and will remove an unintended obstacle to achieving the benefits of common open space development.

The findings required to be considered for this proposed development code amendment are as follows.

Neighborhood Meeting

A public workshop to discuss the amendments took place on April 27, 2026. Citizen Advisory Board chairs and members were provided notice. The workshop was held via Zoom and 23 people attended. Planning representatives described the overall intent of the amendments and discussed potential draft language. There was an opportunity for questions and discussion.

Questions and comments were related to how to ensure findings are still utilized. The concept of always requiring the three general findings and always requiring the site-

specific findings whenever applicable originated with public comment. The public preferred this option over simply requiring any three findings for approval.

Findings

Washoe County Code Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provide the following evaluation for each of the findings of fact and recommend that the Planning Commission make all four findings in support of the proposed Development Code 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: This proposed code amendment contributes to the implementation of the Washoe County master plan by ensuring the development code, and Article 408 specifically, promotes efficient development that seeks to conserve natural resources whenever possible.

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: As described in the staff report this amendment directly supports the original purposes of the development code by supporting the efficient division of land.

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: This amendment responds to an unintended consequence of a previous amendment to the same section of code. This amendment removes that unintended consequence while maintaining the intent of the original code amendment.

4. No Adverse Effects. 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: This amendment will not impact on the population element. This amendment facilitates the conservation element by making one of the county's most valuable conservation tools (Article 408) work more effectively.

Public Notice

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of WDCA26-0002, to amend Washoe County Chapter 110 (Development Code) within Article 408. 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 WDCA26-0002, to amend Washoe County Chapter 110 (Development Code) within Article 408; and, to update these sections within Article 408. I further move to authorize the Chair to sign the resolution contained in Attachment 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 allows 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 Washoe County Code Section 110.818.26 and Washoe County Code Section 110.912.20.