



# WASHOE COUNTY

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## STAFF REPORT

**BOARD MEETING DATE: December 12, 2023**

**DATE:** November 9, 2023

**TO:** Board of County Commissioners

**FROM:** Eric Young, Senior Planner, Community Services Dept., (775) 328-3613, [eyoung@washoecounty.gov](mailto:eyoung@washoecounty.gov); Kat Oakley, Planner, Community Services Dept., (775) 328-3628, [koakley@washoecounty.gov](mailto:koakley@washoecounty.gov)

**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division, Community Services Department, (775) 328-3619, [kmullin@washoecounty.gov](mailto:kmullin@washoecounty.gov)

**SUBJECT:** Public Hearing: Second reading and possible adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) by adding various sections and maps to multiple articles within Divisions Two, Three, Four and Eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the Development Code as part of a comprehensive update to the Master Plan (Envision Washoe 2040). The following articles have been amended by adding new sections thereto: Article 204 Forest Area to add sections related to Matera Ridge Community Modifiers, Mt. Rose Scenic Highway Commercial Modifiers, Mt. Rose Resort Services Area, and specific plans; Article 206 High Desert Area to add sections related to temporary residential development, Squaw Valley Reservoir Community Modifiers, Downtown Gerlach Community Modifiers, and specific plans; Article 208 North Valleys Area to add sections related to avigation easements, Golden Valley Community Modifiers, Lemmon Valley Community Modifiers, and specific plans; Article 210 South Valleys Area to add sections related to Old Washoe City Community Modifiers, development standards and allowed uses, and Steamboat Valley Community Modifiers, development standards and allowed uses; Article 212 Southeast Truckee Meadows Area to add a section related to public access easements in the Virginia range; Article 216 Spanish Springs Area to add sections related to western theme design standards, business park design standards, specific plans, the Spanish Springs Airport, and allowable uses in the Spanish Springs planning area; Article 218 Sun Valley Area to add sections related to Downtown Sun Valley Design and Development Standards, and specific plans; Article 226 Warm Springs Area to add sections related to export of native water resources and Palomino Valley Community Modifiers; Article 302 Allowed Uses to add a section related to diesel power generation; Article 340 Industrial Performance Standards to add sections related to building design and air quality; Article 406 Building Placement Standards to add a section

**AGENDA ITEM # \_\_\_\_\_**

related to common open space fences; Article 820 Amendment of Master Plan to add a section related to administrative amendments; and Articles 204, 206, 208, 210, 216, 218 and 226 for the addition of planning area community maps; and all matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

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## **SUMMARY**

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110 (Development Code), by adding various sections and maps to multiple articles within Divisions two, three, four and eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the development code as part of a comprehensive update to the master plan (Envision Washoe 2040). The requested code amendments are described in detail beginning on page 3 of this staff report. Additional analysis can be found in Attachment C, Planning Commission staff report.

### **Washoe County Strategic Objective supported by this item:**

Economic Impacts: Meet the needs of our growing community.

## **PREVIOUS ACTION**

November 14, 2023. The Washoe County Board of County Commissioners (Board) introduced and conducted a first reading for Ordinance Number [insert ordinance number provided by County Clerk], an ordinance amending Washoe County Code Chapter 110 (Development Code) by adding various sections and maps to multiple articles within Divisions two, three, four and eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the development code as part of a comprehensive update to the master plan (Envision Washoe 2040).

October 16, 2023. The Washoe County Planning Commission (PC) reviewed the proposed amendments to Washoe County Code Chapter 110 (Development Code) and voted unanimously to recommend approval of Development Code Amendment WDCA23-0002 to the Board. In doing so, the Planning Commission made the following 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.

## **BACKGROUND**

In 2020, Washoe County began a comprehensive update to the Master Plan. Near the beginning of the process, the project team conducted an audit of every policy in the current master plan, including the elements and area plans. The most significant finding of this audit was that large parts of the master plan contained language that was actually regulatory in nature and would be more appropriately located in the Washoe County Development Code. A goal of Envision Washoe 2040 is to streamline the Master Plan into one concise and clear document that is accessible to all. This will be achieved by restructuring the plan to: (a) move language that contains specific development standards into the development code, and (b) incorporate the plans into a single document that contextualizes them in relation to each other (WMPA23-0007).

WDCA23-0002 is intended to simply transfer existing regulatory language from the master plan into the development code where it more appropriately belongs. The requirements therein are already implemented by staff during the development review process. No material changes are proposed to the content of the code language transferred. Some of the language that was initially marked as code language was, in fact, not specific enough to be implemented and is more appropriately considered as a future development code amendment. These items have been incorporated into Chapter 3 of the new Master Plan as implementation items (WMPA23-0007). The purpose of this development code amendment is to put all code language where it belongs in the development code, as part of the larger process of updating the Washoe County Master Plan. The result will be a more concise master plan and easier to navigate development code standards.

## **PROPOSED AMENDMENTS**

The Master Plan audit found code language in all Area Plans and Elements. Generally speaking, regulatory language from the Area Plans is incorporated into the corresponding modifier (Division 2 of WCC Chapter 110). However, in the case where code language was found throughout the majority of Area Plans, the code language was instead added to an appropriate location of the development code that applies to all planning areas (Division 3 or Division 4). It bears noting that in several instances, language in the Master Plan already existed in the Development Code. In those cases, no updates were made. All code language that was applied under the Master Plan was transferred to an appropriate location in the development code if it did not already exist as such.

A similar process was undertaken for the Elements. Code language found in the Master Plan was moved to the appropriate place in the development code. If such language already existed in the development code, no changes were made. Any items that were marked as code language but were not detailed enough to be implemented were added to Chapter 3 of the new Master Plan as action items.

Below is a list of all articles of development code which are proposed to be modified:

- Article 204 Forest Area
- Article 206 High Desert Area
- Article 208 North Valleys Area
- Article 210 South Valleys Area
- Article 212 Southeast Truckee Meadows Area
- Article 216 Spanish Springs Area
- Article 218 Sun Valley Area
- Article 226 Warm Springs Area
- Article 302 Allowed Uses
- Article 340 Industrial Performance Standards
- Article 406 Building Placement Standards
- Article 820 Amendment of Master Plan

A redline showing all code amendments is attached as Attachment A. No development standards will materially change as a result of this DCA. Instead, existing development standards will all be located in the development code rather than in the master plan.

#### **FISCAL IMPACT**

No fiscal impact.

#### **RECOMMENDATION**

It is recommended that the Board of County Commissioners hold a second reading and adopt the attached ordinance amending Washoe County Code Chapter 110 (Development Code) within divisions two, three, four and eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the development code as part of a comprehensive update to the master plan (Envision Washoe 2040).

It is further recommended that the Board affirm the following four findings of fact that the Washoe County Planning Commission made on October 16, 2023, as recorded within Resolution Number 23-15 (Attachment B):

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.

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.

### **POSSIBLE MOTION**

Should the Board agree with Planning Commission's recommendation, a possible motion would be:

"Move to adopt Ordinance Number [insert Ordinance number provided by County Clerk], which is an ordinance amending Washoe County Code Chapter 110 (Development Code) by adding various sections and maps to multiple articles within Divisions two, three, four and eight, in order to transfer existing regulatory language found in the 2010 Washoe County Master Plan to the development code as part of a comprehensive update to the master plan (Envision Washoe 2040); and all matters necessarily connected therewith and pertaining thereto; and to affirm the four findings of fact that the Washoe County Planning Commission made on October 16, 2023, as recorded with Resolution Number 23-15 and attached to the staff report for this item."

#### **Attachments:**

- A. Working Copy of Proposed Ordinance
- B. Planning Commission Resolution No. 23-15
- C. Planning Commission Staff Report for WDCA22-0002
- D. [Recording of October 16, 2023 Planning Commission public hearing](#) (from time stamp 1:21:03 to 1:51:05).
- E. Minutes of October 16, 2023 Planning Commission public hearing
- F. Clean Copy of Proposed Ordinance