DRAFT: October 5, 2026

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT~~: DELETE LANGUAGE

BOLD TEXT: NEW LANGUAGE
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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amends Washoe County Code Chapter 110 (Development Code) to require members of the Planning Commission and Board of Adjustment to take a leave of absence when such member is a candidate or applicant to the Board of County Commissioners.

BILL NO. ____

ORDINANCE NO. ____

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 912 (ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINERS) TO REQUIRE MEMBERS OF THE PLANNING COMMISSION AND BOARD OF ADJUSTMENT TO TAKE A LEAVE OF ABSENCE DURING ANY PERIOD OF TIME IN WHICH SUCH MEMBER IS A CANDIDATE OR APPLICANT FOR THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS; TO UPDATE DIVISION NAMES; TO REMOVE AN OBSOLETE SUBSECTION; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

A. This Commission desires to amend the Washoe County Development Code (Chapter 110 of the Washoe County Code) in Article 912, in order to add provisions governing leaves of absence for Planning Commission and Board of Adjustment members; and

B. The Washoe County Planning Commission held a duly noticed pubic hearing for WDCA26-0006 and initiated the proposed

amendments to Washoe County Code Chapter 110, Article 912, by Resolution Number 26-18 on November 4, 2026; and

C. The amendments and this ordinance were drafted in concert with the District Attorney's Office; 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 NRS Chapter 278; and 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 110.912.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.912.05 Washoe County Planning Commission.

(a) Creation. The Washoe County Planning Commission is hereby created, pursuant to NRS 278.030, to perform all the duties and functions delegated to a County Planning Commission by the terms of NRS 278.010 to 278.630, inclusive.

(b) Membership and Terms of Office.

(1) The Washoe County Planning Commission shall consist of seven (7) members.

(2) The term of office of each member shall be four (4) years, or until his or her successor takes office, except that the terms of two (2) of the members first appointed shall be three (3) years, the terms of two (2) of the members first appointed shall be two (2) years and the term of one (1) of the members first appointed shall be one (1) year.

(c) Appointment and Qualifications.

(1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Planning Commission.

(2) No member shall be a member of the Washoe County Board of County Commissioners, and one (1) member may also be a member of the Board of Adjustment.

(3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.

(4) Members of the Planning Commission shall be appointed based on representation as described below. If qualified applicants are not available from a County Commission District at the time that a vacancy occurs in that district, appointments can be made on an At-Large basis.

(i) One (1) member from County Commission District One.

(ii) One (1) member from County Commission District Two.

(iii) One (1) member from County Commission District Three.

(iv) One (1) member from County Commission District Four.

(v) One (1) member from County Commission District Five.

(vi) Two (2) members appointed At-Large without respect to which County Commission District the member shall reside in, except that one (1) member shall reside north of the Truckee River and one (1) member shall reside south of the Truckee River.

(5) ~~In order to effectuate the representation of Planning Commission members as described in subsection (4), the following schedule shall be followed until each County Commission District has one (1) Planning Commission member appointed from each district and two (2) Planning Commissions have been appointed on an At-Large basis:~~

~~(i) One (1) member from County Commission District Two in 2003.~~

~~(ii) One (1) member from County Commission District Five in 2003.~~

~~(iii) One (1) member from County Commission District Three in 2004.~~

~~(iv) One (1) member appointed on an At-Large basis who resides south of the Truckee River in 2004.~~

~~(v) One (1) member from County Commission District Four in 2005.~~

~~(vi) One (1) member from County Commission District One in 2006.~~

~~(vii) One (1) member appointed on an At-Large basis who resides north of the Truckee River in 2006.~~

Leave of Absence. Any Planning Commission member who is a candidate for the Washoe County Commission or applicant for appointment to an open seat on the Washoe County Commission must take a leave of absence from service on the Planning Commission during any period of time in which they are such a candidate or applicant. Leave shall commence as of the date of the filing of a declaration of candidacy or application. Note: Election or appointment of a Planning Commission

member to the Washoe County Commission will automatically result in termination of that person's Planning Commission membership or service.

(d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.

(e) Compensation. All members of the Washoe County Planning Commission shall be compensated at a rate of $80.00 per meeting (up to $400.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.

(f) Removal from Office. Any member of the Washoe County Planning Commission may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.

(g) Meetings and Records.

(1) The Washoe County Planning Commission shall hold at least one (1) regular meeting in each month.

(2) The Washoe County Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.

(3) Complete records of official actions of the Washoe County Planning Commission shall be kept on file in the office of the ~~Department of Community Development~~ **Planning and Building Division of the Washoe County Community Services Department**.

(h) Chairman and Other Officers.

(1) The Washoe County Planning Commission shall elect its Chairman from among the appointed members.

(2) In addition to electing its Chairman, the Washoe County Planning Commission shall create and fill such other of its offices as it may determine.

(i) Employees.

(1) The Washoe County Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the County.

(2) The Washoe County Planning Commission may contract with County planners, engineers, architects and other consultants for such services as it may require.

(j) Funding. The expenditures of the Washoe County Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of County Commissioners, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

SECTION 2. Section 110.912.10 of the Washoe County Code is hereby amended to read as follows:

Section 110.912.10 Washoe County Board of Adjustment.

(a) Creation. The Washoe County Board of Adjustment is hereby created, pursuant to NRS 278.270, to perform all the duties and functions delegated to a County Board of Adjustment by the terms of NRS 278.010 to 278.630, inclusive.

(b) Membership and Terms of Office.

(1) The Washoe County Board of Adjustment shall consist of five members.

(2) The term of office of each member shall be four years, or until his or her successor takes office.

(c) Appointment and Qualifications.

(1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Board of Adjustment.

(2) The members shall hold no other public office, with the exception that one member may also be a member of the Planning Commission.

(3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.

(4) Members of the Board of Adjustment shall be appointed based on representation of the County Commission Districts as described below. If qualified applicants are not available from the following County Commission Districts, appointments can be made from the County Commission District which would experience the next vacancy.

(i) One member from County Commission District One.

(ii) One member from County Commission District Two.

(iii) One member from County Commission District Three.

(iv) One member from County Commission District Four.

(v) One member from County Commission District Five.

(5) Leave of Absence. Any Board of Adjustment member who is a candidate for the Washoe County Commission or applicant for appointment to an open seat on the Washoe County Commission must take a leave of absence from service on the Board of Adjustment during any period of time in which they are such a candidate or applicant. Leave shall commence as of the date of the filing of a declaration of candidacy or application. Note: Election or appointment of a Board of Adjustment member to the Washoe

County Commission will automatically result in termination of that person's Board of Adjustment membership or service.

(d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.

(e) Removal from Office. Any member of the Washoe County Board of Adjustment may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.

(f) Powers of Board.

(1) The Washoe County Board of Adjustment shall hear and decide appeals under NRS 278.300(1)(a) and 278.310(1) as provided in subsection (j) of this section.

(2) The Washoe County Board of Adjustment shall also have all the powers pursuant to NRS 278.290 to 278.310, inclusive.

(g) Meetings and Records.

(1) The Washoe County Board of Adjustment may hold at least one regular meeting each month, but may meet less frequently if the Board so decides. The Board may also schedule special meetings as warranted.

(2) The Washoe County Board of Adjustment shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.

(3) Complete records of official actions of the Washoe County Board of Adjustment shall be kept on file in the office of the Planning and ~~Development~~ **Building** Division of the Washoe County Community Services Department.

(h) Chairman and Other Officers.

(1) The Washoe County Board of Adjustment shall elect its Chairman from among the appointed members.

(2) In addition to electing its Chairman, the Washoe County Board of Adjustment shall create and fill such other of its offices as it may determine.

(i) Compensation. All members of the Washoe County Board of Adjustment shall be compensated at a rate of $80.00 per meeting (up to $200.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.

(j) Appeals to the Board of Adjustment

(1) Preface and Definitions. This subsection establishes general rules governing appeals to the Board of Adjustment as required by NRS 278.310 (2). The Board of Adjustment may adopt supplemental rules not inconsistent with these rules. For the purpose of this subsection, "Board" means the Washoe County Board of Adjustment.

(2) Matters that May be Appealed. A person aggrieved (as defined in Section 110.910.02) by any of the following decisions may appeal the decision to the Board of Adjustment:

(i) Decisions of Building Official. Decisions of the Building Official made in the course of enforcing the County Code may be appealed to a hearing officer and the decisions of the hearing officer may be appealed to the Board as provided in WCC 110.910.15. Otherwise, a person aggrieved by his/her inability to obtain a building permit or by the decision of the Building Official made in the course of administration or enforcement of any regulation relating to the soundness of structures may appeal the decision to the Technical Review Board subject to and in accordance with Chapter 100 of this Code (Building Code), and if so appealed, the decision of the Technical Review Board may be appealed to the Board in accordance with this Article. If a decision of the Building Official is not heard by a hearing officer or the Technical Review Board, then a person aggrieved by the decision may appeal it directly to the Board under this Article; or,

(ii) Decisions of Fire Code Official. Decisions of the Fire Code Official made in the course of enforcing the County Code may be appealed to a hearing officer and the decisions of the hearing officer may be appealed to the Board as provided in WCC 110.910.15. Otherwise, a person aggrieved by his/her inability to obtain a building permit or by the decision of the Fire Code Official made in the course of administration or enforcement of any regulation relating to the soundness of structures may appeal the decision to the Technical Review Board in accordance with Chapter 60 of this Code (Fire Code), and if so appealed, the decision of the Technical Review Board may be appealed to the Board in accordance with this Article. If a decision of the Fire Code Official is not appealed to a hearing officer or the Technical Review Board, then a person aggrieved by that decision may appeal it directly to the Board but only if the decision results in denial of a building permit or is related to the soundness of structures. Decisions relating to public safety or fire code administration or enforcement are not subject to appeal to the Board unless they directly relate to the soundness of a structure or result in denial of a building permit; or,

(iii) A decision of an administrative hearing officer if an administrative enforcement proceeding is completed in accordance with Article 910 of the Development Code; or,

(iv) A decision of the Director the Planning and ~~Development~~ **Building** Division made in the course of administration of any zoning regulation or any regulation relating to the location or soundness of structures if the decision cannot be appealed to an administrative hearing officer.

(3) Form and Time for Appeal. Appeals must be in writing on forms or in the format prescribed by, and must delivered to, the Planning and ~~Development~~ **Building** Division of the ~~Department of~~ Community Services **Department** within 10 calendar days from the date that the decision is communicated in writing to the appellant.

(4) Scheduling of Hearing on Appeal. The Chairman of the Board shall schedule the appeal for a hearing to occur not later than the date of the next regular meeting of the Board but no more than 60 days from the date the appeal was filed in accordance with paragraph (3) unless otherwise agreed with the appellant. Within that timeline, the Chairman of the Board may also schedule a special meeting to hear the appeal. If the appellant fails to observe any prehearing schedule, the Chairman may extend the hearing date for a reasonable period of time.

(5) Prehearing Procedures. The Chairman of the Board of Adjustment may:

(i) Require and oversee ministerial prehearing procedural matters, including prehearing conferences, discovery proceedings, briefing schedules, evidence assembly and marking; however, matters involving jurisdiction or issues to be heard by the Board, or admissibility of evidence are to be heard by the Board;

(ii) Issue subpoenas compelling witnesses to appear before the Board; and

(iii) Schedule the hearing before the Board.

(6) Record on Appeal; Additional Evidence. A record on appeal shall be prepared by the County (including either a transcript of or a copy of the recording of the proceeding, at the discretion of the Chairman of the Board) and the Board:

(i) Shall review the record on appeal and all evidence, testimony, documents, information and arguments introduced and the decision in the proceedings being appealed;

(ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal even if it is new evidence;

(iii) Shall conduct a public hearing, and hear and consider relevant information and comments by members of the public, even if they did not appear in the proceeding under appeal;

(iv) May consider, upon disclosure, information and comments communicated to Board members before the hearing; and

(v) May consider maps, adopted master plans to include area plans, and its own knowledge of conditions that exist.

(7) Burden of Proof and Persuasion; Reasons for Reversal of Underlying Decisions; Limitations on Awards.

(i) Decisions of administrative officials, hearing officers, and the technical review boards for building code and fire codes are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board otherwise.

(ii) On an affirmative vote of a majority of the members present at the hearing, the Board may affirm the decision being appealed,

(iii) On a majority vote of all its members [as required by NRS 278.300 (2)], the Board may reverse, modify or remand a decision if the decision:

(A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;

(B) Exceeds the jurisdiction or statutory authority of the deciding official or body;

(C) Was made on unlawful procedure;

(D) Is affected by an erroneous interpretation or other error of law;

(E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or

(F) Is arbitrary or capricious or characterized by abuse of discretion.

(iv) The Board may not award, allocate or direct the payment of money damages, attorney's fees or costs of the proceeding to any party.

(8) Decision; Communication.

(i) The Board may take a matter under advisement and continue the hearing until its next regularly scheduled meeting, or may set a special public hearing to conclude the matter, and may require briefings or seek opinions of counsel. The Board may render a decision and instruct counsel to prepare a written decision either to be signed by the Chairman of the Board or reviewed at a subsequent meeting by the Board (provided, however, that the outcome shall not be changed at the subsequent meeting).

(ii) The Board must render a written decision within 60 days after the hearing unless otherwise agreed with the appellant.

(iii) When a decision is signed by the Chairman of the Board, a copy shall be delivered to all parties of record, and a copy shall be filed with the secretary to the Board as an official record. When a decision is so served and filed, it is final for purposes of judicial review or appeal. A petition for reconsideration or rehearing is not required as a condition to judicial review or appeal to the Board of County Commissioners.

(9) Appeals of Board of Adjustment Decisions. A party of record who is aggrieved by a decision of the Board of Adjustment may:

(i) Seek judicial review of the decision by filing a petition in the Second Judicial District Court for the State of Nevada within 25 days from the date that the decision becomes final as specified under paragraph (8) above, and pursuant to the rules and rulings of the Court; or,

(ii) Appeal the decision to the Board of County Commissioners in accordance with Section 110.912.20 of this Article.

SECTION 3. 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 Chair 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's Office 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

Proposed on _____ (month) _____ (day), 2026.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2027.

Vote:

Ayes:

Nays:

Absent:

_____
Clara Andriola, Chair
County Commission

ATTEST:

_____
Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the 22nd day of the month of January of the year 2026.