AGENDA

Regular Meeting

Reno City Planning Commission

Wednesday, July 1, 2020 ● 6:00 PM

Reno City Council Chamber, One East First St, Reno, NV 89501

Meeting via teleconference only pursuant to NRS 241.023

<table>
<thead>
<tr>
<th>Commissioners</th>
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<tbody>
<tr>
<td>Mark Johnson, Chair</td>
<td>326-8864</td>
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<td>Kathleen Taylor, Vice Chair</td>
<td>326-8859</td>
<td>John Marshall</td>
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<td>Peter Gower</td>
<td>326-8860</td>
<td>Paul Olivas</td>
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<tr>
<td>Vacant</td>
<td>326-8862</td>
<td>Alex Veltol</td>
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Public Notice: Pursuant to Section 3 of the Declaration of Emergency Directive 006 (“Directive 006”), the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate has been suspended until April 16, 2020. Moreover, pursuant to Section 3 of Directive 006, the requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada has likewise been suspended. See, http://gov.nv.gov/uploadedFiles/govnewnygov/Content/News/Emergency_Orders/2020/DeclarationofEmergencyDirective006reOML_3-21-20.pdf

This agenda has been electronically posted in compliance with NRS 241.020(3) at http://www.reno.gov, and NRS 232.2175 at https://notice.nv.gov/.

Accommodation: Reasonable efforts will be made to assist and accommodate physically disabled persons attending the meeting. Please contact the Community Development Department at (775) 334-2042 in advance so that arrangements can be made.

Supporting Materials: Pursuant to Section 5 of Directive 006, the requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings has been suspended. Staff reports and supporting materials are available on the City's website at http://www.reno.gov/meetings. Pursuant to NRS 241.020(6), supporting material is made available to the general public at the same time it is provided to the Planning Commission.

Order of Agenda: A time listed next to a specific agenda item indicates that the specific item will not be heard before that time – it does not indicate the time schedule of any other items. Items on the agenda may be taken out of order and the public body may combine two or more agenda items for consideration. The Planning Commission may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Public Comment: Due to Governor Sisolak's executive orders, attendance at public meetings is limited. If you wish to submit public comment, you may do so by submitting written comments to the City of Reno Planning Division, Attn. Angela Fuss, P.O. Box 1900 Reno, NV 89505, or by email to RenoPlanningCommission@reno.gov. You may also submit your comments through the online public comment form found at www.Reno.Gov/PCPublicComment, or you may leave a voicemail at (775) 393-1776. Messages received by 6:00 p.m. on the day prior to the hearing will be transcribed, provided to the Planning Commission, and entered into the record. Please note, all comments received are considered part of the public record and will be on file with the Community Development Department. Members of the public wishing to give public comment virtually during the meeting may do so by pre-registering using the following link: https://zoom.us/webinar/register/WN_4bpLLyRXSqe5Uthi_9-WIA.
Appeal Process: Any final action (not including recommendations) or failure to take action by the Planning Commission may be appealed to the Reno City Council by the applicant, the Mayor or a City Council Member, or any person who is "aggrieved" by the action or inaction. An appeal (together with fees) must be filed with the City Clerk within ten calendar days starting on the day after written notice of the action is filed with the City Clerk, and if the tenth calendar day falls on a weekend or holiday when the Clerk’s office is not open, the appeal may be filed on the next business day.

Watch Meetings: Planning Commission meetings are streamed online when the Commission is in session in Council Chamber at [http://www.reno.gov/meetings](http://www.reno.gov/meetings) and broadcast on Charter Channel 194.

1 Pledge of Allegiance

2 Roll Call

3 Public Comment (This item is for either public comment on any action item or for any general public comment.)

4 Election of Officers (For Possible Action)

5 Public Hearings Any person who has chosen to provide his or her public comment when a Public Hearing is heard will need to so indicate on the Request to Speak form provided to the Secretary. Alternatively, you may provide your comment when Item 3, Public Comment, is heard at the beginning of this meeting.

5.1 WITHDRAWN - Staff Report (For Possible Action): Case No. LDC20-00058 (Regency Park II Phase B2 Time Extension) - A request has been made for a two year time extension of the tentative map associated with LDC16-00036 (Regency Park II). The ±15.5 acre site is located on the south side of Echo Avenue between Stead Boulevard and Military Road. The site is located within the Multifamily – 30 units per acre (MF30) and Public Facility (PF) zoning districts and has Master Plan land use designations of Mixed Neighborhood (MX) and Public/Quasi-Public (PQP). [Ward 4]

5.2 ITEM PULLED - Staff Report (For Possible Action - Recommendation to City Council): Case No. LDC20-00059 (Sharlands PUD - Planning Unit 9 Amendment) – A request has been made for an amendment to the Sharlands Planned Unit Development (PUD) handbook to allow indoor storage and associated development standards within the ±2.17 acre Planning Unit 9 area. The site is located on the northwest corner of the intersection of Robb Drive and Sharlands Avenue and is assigned the Sharlands PUD zoning district and Suburban Mixed-Use (SMU) Master Plan land use designation. [Ward 1]
5.3 Staff Report (For Possible Action - Recommendation to City Council): Case No. LDC20-00055 (Cordova Master Plan and Zoning Map Amendment) - A request has been made for an amendment to the Master Plan land use designation from Suburban Mixed-Use (SMU) to Large Lot Neighborhood (LL) and an amendment of the zoning district from Community Commercial (CC) to Large Lot one acre per dwelling unit (LLR-1). The ±11.23 acre site is located on the west side of the canal, approximately 2,000 feet south on Quilici Ranch Road from its intersection with South Verdi Road. [Ward 5]

5.4 Staff Report (For Possible Action - Recommendation to City Council): Case No. TXT20-00006 (Development Agreement) – A request has been made to amend Reno Municipal Code Title 18, specifically Chapter 18.20 (Development Agreements) - This request is associated with the Title 18 Code Update “Renovation” and will propose revised text intended to facilitate the use of voluntary agreements as allowed pursuant to NRS 278.0201 through 278.0207, inclusive.

6 Truckee Meadows Regional Planning Liaison Report

7 Staff Announcements

7.1 Report on status of Planning Division projects.

7.2 Announcement of upcoming training opportunities.

7.3 Report on status of responses to staff direction received at previous meetings.

7.4 Report on actions taken by City Council on previous Planning Commission items.

8 Commissioner's Suggestions for Future Agenda Items (For Possible Action)

9 Public Comment (This item is for either public comment on any action item or for any general public comment.)

10 Adjournment (For Possible Action)

IF THE MEETING GOES BEYOND 11:00 PM, THE PLANNING COMMISSION MAY POSTPONE REMAINING ITEMS.
Date: July 1, 2020

To: Reno City Planning Commission

Subject: 5.1. Staff Report (For Possible Action): Case No. LDC20-00058 (Regency Park II Phase B2 Time Extension) - A request has been made for a two year time extension of the tentative map associated with LDC16-00036 (Regency Park II). The ±15.5 acre site is located on the south side of Echo Avenue between Stead Boulevard and Military Road. The site is located within the Multifamily – 30 units per acre (MF30) and Public Facility (PF) zoning districts and has Master Plan land use designations of Mixed Neighborhood (MX) and Public/Quasi-Public (PQP).

From: Kyle Chisholm, Assistant Planner

The applicant has withdrawn their request.
Date: July 1, 2020

To: Reno City Planning Commission

Subject: 5.2. Staff Report (For Possible Action - Recommendation to City Council): Case No. LDC20-00059 (Sharlands PUD - Planning Unit 9 Amendment) – A request has been made for an amendment to the Sharlands Planned Unit Development (PUD) handbook to allow indoor storage and associated development standards within the ±2.17 acre Planning Unit 9 area. The site is located on the northwest corner of the intersection of Robb Drive and Sharlands Avenue and is assigned the Sharlands PUD zoning district and Suburban Mixed-Use (SMU) Master Plan land use designation.

From: Nathan Gilbert, Associate Planner

This item was pulled due to a noticing error and will be renoticed for a later date.
Date: July 1, 2020

To: Reno City Planning Commission

Subject: 5.3. Staff Report (For Possible Action - Recommendation to City Council): Case No. LDC20-00055 (Cordova Master Plan and Zoning Map Amendment) - A request has been made for an amendment to the Master Plan land use designation from Suburban Mixed-Use (SMU) to Large Lot Neighborhood (LL) and an amendment of the zoning district from Community Commercial (CC) to Large Lot one acre per dwelling unit (LLR-1). The ±11.23 acre site is located on the west side of the canal, approximately 2,000 feet south on Quilici Ranch Road from its intersection with South Verdi Road.

From: Brook Oswald, Associate Planner

Ward #: 5
Case No.: LDC20-00055 (Cordova Master Plan and Zoning Map Amendment)
Applicant: Brett Cordova
APN Number: 038-230-32
Request: This is a request for a:

(1) Master Plan land use designation amendment from ±11.23 acres Suburban Mixed-Use (SMU) to ±11.23 acre Large Lot Neighborhood (LL); and

(2) Zoning map amendment from ±11.23 acres Community Commercial (CC) to ±11.23 acres Large Lot one acre per dwelling unit (LLR-1).

Location: The ±11.23 acre site is located on the west side of the canal, approximately 2,000 feet south on Quilici Ranch Road from its intersection with South Verdi Road.

Proposed Motion: Based upon compliance with the applicable Master Plan evaluation criteria and zoning map amendment findings, I move to adopt the amendment to the Master Plan by resolution and recommend that City Council approve the Master Plan and zoning map amendments as they meet all applicable statutory and code requirements, subject to conformance review by the Regional Planning Agency.

Background: The ±11.23 acre subject site consists of one parcel that is currently vacant, contains natural areas and areas of disturbance. As proposed, the Master Plan and zoning
amendment would allow for a maximum of 11 single-family detached homes on the subject site. Application materials indicate the request is intended to accommodate a single-family home.

**Exhibit A** illustrates the proposed change to the Master Plan land use designation. The Large Lot Master Plan (LL) land use provides appropriate development where public services and infrastructure are limited and are appropriate at the city edge to assure compatibility with unincorporated land. LL provides opportunities to preserve the rural character of existing neighborhoods in the city.

**Exhibit B** illustrates the proposed change of the zoning district. Per Reno Municipal Code (RMC) 18.08.101 (Establishment of Base and Overlay Zoning Districts), the requested Large Lot Residential one acre per dwelling unit (LLR-1) zoning district is intended to provide for large lot single-family uses that may include agricultural uses. This zoning district is also intended to preclude premature development of rural land on the fringes of the urban area and protect environmental resources.

The Planning Commission will make a recommendation to the Reno City Council for Master Plan and zoning map amendments. If the Reno City Council approves the Master Plan amendment by resolution and the zoning map amendment by ordinance, the Master Plan amendment must be found in conformance with the Truckee Meadows Regional Plan before the map amendments may take effect.

**Analysis:**

**Master Plan Amendment Evaluation Criteria:** This Master Plan amendment analysis evaluates the proposed mix of LL Master Plan land use designations of the subject site in relation to Master Plan amendment evaluation criteria.

In order to make the determination required by NRS 278.150 (Master Plan Preparation and Adoption), NRS 278.220 (Master Plan Adoption by Governing Body), and NRS 278.230 (Master Plan Effectuation by Governing Body) for amendments to the Master Plan, the Planning Commission should consider the following Master Plan evaluation criteria:

**Evaluation Criteria 1: Proposed amendment is consistent with the overall intent of the Master Plan**

As proposed, the requested Master Plan amendment will help to further a fiscally and environmentally responsible growth pattern and is consistent with the overall intent of the Master Plan.

**Evaluation Criteria 2: Proposed amendment is required based on changed conditions or further studies**
The adoption of the Reimagine Reno Master Plan in the spring of 2019, contains policy and direction that support lower intensity land uses in areas with the characteristics of the subject site. The proposed amendments are consistent with the limited utilities and access currently available.

**Evaluation Criteria 3: Proposed amendment is compatible with the surrounding area**

Land uses, Master Plan land use designations, and zoning districts surrounding the site are shown in the table below.

<table>
<thead>
<tr>
<th>AREA DESCRIPTION</th>
<th>LAND USE</th>
<th>MASTER PLAN DESIGNATION</th>
<th>ZONING</th>
</tr>
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<tbody>
<tr>
<td>NORTH</td>
<td>Single-family home</td>
<td>Suburban Mixed-Use (SMU)</td>
<td>CC</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Vacant land and Single-family homes</td>
<td>Large Lot Neighborhood</td>
<td>LLR-1</td>
</tr>
<tr>
<td>EAST</td>
<td>Canal and vacant land</td>
<td>Parks, Greenways, and Open Space (PGOS)</td>
<td>PF</td>
</tr>
<tr>
<td>WEST</td>
<td>Truckee River, open space commercial, and residential uses</td>
<td>Suburban Mixed-Use (SMU), Parks, Greenways, and Open Space (PGOS)</td>
<td>CC and OS</td>
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Less intense development established by the LLR-1 zoning is appropriate to protect and preserve natural resources due to the proximity to the Truckee River, greenway corridor and publicly owned open space. Large lot residential development is comparable to surrounding residential development.

The subject site is located on the border of the Employment Area and a Foothill Neighborhood per the Structure Plan Framework. Due to the constraints of the site, the Foothill Neighborhoods structure is the most appropriate designation. Foothill Neighborhoods are located on the fringe of the city and have unique considerations based on their context. Steep slopes, drainages, and vegetation and may have increase risks associated with natural hazards.

The request specifically supports the following goals and policies related to compatibility with the surrounding area:

- **SD.1: Natural Features** – Natural features should be preserved and incorporated into overall design of a site so long doing so does not degrade or impair the natural functioning of the resource. This includes natural resources such as creeks, trees, natural slopes, rocks, views, wetlands, aquifer recharge areas, and irrigation ditches.
Evaluation Criteria 4: Strict adherence to the current goals and policies of the Master Plan would result in a situation neither intended by nor in keeping with the other guiding principles, goals and policies

The Master Plan identifies Growth Tier areas within the city and the SOI in which supporting development, infrastructure improvements, and other public investments are priorities for the City. Although the site has a Suburban Mixed Use Master Plan land use designation, the project site would be classified as a Growth Tier 4 (Reimagine Reno Master Plan), due to its location within the City and having limited infrastructure and services in place.

Evaluation Criteria 5: Proposed amendment will not have a negative effect on adjacent properties or on transportation services and facilities

Traffic generation for the project site is anticipated to be minimal. The site is accessible from Crystal Park Road and sidewalks do not exist in the surrounding area. Future development is anticipated to improve the access.

Evaluation Criteria 6: Proposed amendment will have a minimal effect on service provision and/or is compatible with existing and planned service provision and future development of the area

Public infrastructure required to serve the site (sewer and water) is currently not in place nor in close proximity.

The Reno Police Department did not provide review of the proposed amendments. The closest fire station to this project would be Station 11 located at 7105 Mae Anne Ave. The current response time from Station 11 would be 11 minutes. The second closest fire station is Station 19 located at 2015 Hawk Meadow Trail. The response time would be 13 minutes.

The requested Master Plan amendment supports goals and policies that support fiscally responsible provision of public facilities and services including:

- 2.3D: Public Safety Services – Ensure the City’s capacity to provide public safety and emergency services expands in line with level of service targets…To the extent possible, development patterns and intensities that allow for efficient and cost-effective expansion should be given preference over others that are less efficient and/or more costly to serve.

Evaluation Criteria 7: Proposed amendment will not cause detriment to the public health, safety and general welfare of the people of Reno

Application of the proposed Master Plan land uses would promote public health, safety, and general welfare by allowing for lower density residential development that reduces overall
potential impacts to surrounding properties and supports the protection of environmentally sensitive areas.

**Zoning Map Amendment Findings:** As set forth in NRS Section 278.250(2) (Zoning Districts and Regulations), the Planning Commission and City Council are required to find that the zoning map amendment is in accordance with the Master Plan and meets the following requirements as applicable.

a. **To preserve the quality of air and water resources.**
   Proposals for future development will be required to comply with established air and water quality standards in place at the time of development. The site is within the Truckee River Watershed and is subject to review and permitting by:
   - U.S. Army Corps of Engineers
   - U.S. Fish and Wildlife Service
   - Carson-Truckee Water Conservancy District
   - City of Reno
   - Nevada Department of Wildlife
   - Nevada Division of Environmental Protection
   - Nevada Division of State Lands
   - Washoe County

   It is anticipated that with the proposed limited development and permitting oversight air and water resources will be protected and improved.

b. **To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.**
   A wetland analysis will be required to be performed by a qualified consultant to support development. Compliance with the Army Corps of Engineer permitting would be required if regulated wetlands are found.

   Overall visual impacts, along the Truckee River Corridor, are anticipated to be minimal by the development of large lot residences versus the potential impacts of commercial or multifamily development, on the property, as allowed by the current CC zoning.

c. **To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.**
The overall density and maximum building height of 45 feet allowed in the proposed LLR-1 zone will limit impacts to views and shadowing while also preserving access to solar resources.

d. To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

Energy consumption and the use of energy efficient products are addressed through code compliance when new construction is proposed.

e. To provide for recreational needs.

The property is within close proximity to open space and recreational opportunities. Residential development will be subject to the Residential Construction Tax (RCT) to support City parks and open space.

f. To protect life and property in areas subject to floods, landslides and other natural disasters.

The proposed project is in a High Hazard Fire Wildland-Urban Interface Area. Development will have to follow requirements set forth in the States adoption of the Wildland-Urban Interface Code under NRS 477 and NAC 477.281. A vegetation management plan must be submitted to the Reno Fire Department and the State Forester Fire Warden for review and approval as part of the plans required for a permit.

Per FEMA, mapping portions of the site along the Truckee River are located in Flood Zone A. Future development permitting will address potential flooding and storm water discharge concerns.

g. To conform to the adopted population plan, if required by NRS 278.170 (Coordination of master plans; Adoption of all or parts).

The project was preliminarily reviewed by the Truckee Meadows Regional Planning Agency (Exhibit C) and no potential conformance issues were identified. The proposal of lower development intensity in this area is supportive of higher density development in the areas were services and infrastructure are available.

h. To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

Public Improvements: Public infrastructure required to serve the site (roadways and power) are currently in place or in close proximity. It is anticipated that future residential development will use septic and well water systems to accommodate development.

Public Safety: The provision of public safety services is discussed under Evaluation Criteria 6 under the Master Plan Amendment section of this staff report.

i. To ensure that the development on land is commensurate with the character of and the physical limitations of the land.

See discussion under Master Plan Evaluation Criteria 3.

j. To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

As discussed in the Master Plan findings, the lower density and lower intensity development proposed by the zoning amendment is appropriate and suitable to support City immediate and long range financial considerations.

k. To promote health and the general welfare.

See discussion under Master Plan Evaluation Criteria 7.

l. To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

The proposed zoning will provide the opportunity for single-family residential development on parcels that are currently vacant and not likely to develop under the current zoning in the near future. Due to the lack of available infrastructure and limited availability of services currently at the site, affordable housing may not be financially feasible or desirable.

m. To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

A comparison of uses allowed within the existing CC zoning district and the proposed LLR-1 zoning districts support the protection of the existing rural large lot residential uses surrounding the project site.

n. To promote systems which use solar or wind energy.

If new development is proposed in the future, it would be reviewed through the tentative map, parcel map, special use permit, site plan review or/and building permit process. The incorporation of solar and/or wind systems could be addressed as new construction is proposed.
0. To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

   Military base commanders are notified of all zoning map amendments and no comments were received.

Neighborhood Meeting: NRS 278.210 requires applicants hold a neighborhood meeting prior to adoption of an amendment to the Master Plan. The applicant properly noticed and held a neighborhood meeting on June 2, 2020 through an online format. The meeting was attended by City staff, the applicant’s representative and two members of the public. No concerns from attendees were noted.

Agency Comments: Comments were received from Union Pacific and TMRPA (Exhibit C).

Public Input: At the time this report was prepared, no comments from the public had been received regarding this request. Upon receipt, comments will be forwarded to the Planning Commission for review.

Neighborhood Advisory Board (NAB): Due to Covid-19 related impacts this project was not scheduled to be heard at a NAB. No written comments were received by staff at the time this report was completed. Any future comments will be forwarded to the Planning Commission upon receipt.

Legal Requirements:

NRS 278.150   Master Plan – Preparation and Adoption
NRS 278.220   Master Plan - Adoption by Governing Body
NRS 278.230   Master Plan – Effectuation by Governing Body
RMC 18.05     Master Plan Amendments
NRS 278.250(2) Zoning Districts and Regulations

Attachments:
Display Map (PDF)
Exhibit A- Master Plan Amendment (PDF)
Exhibit B - Zoning Map Amendment (PDF)
Exhibit C- Agency Comments (PDF)
EXPLANATION: Matter underlined is new; matter in brackets and stricken [--] is material to be repealed.

BILL NO.

ORDINANCE NO.

Resolution No.

RESOLUTION ADOPTING AMENDMENT TO MASTER PLAN, PLANNING CASE NO. LDC20-00055 (CORDOVA MASTER PLAN AND ZONING MAP AMENDMENT), ±11.23 ACRES OF PROPERTY, FROM ±11.23 ACRES OF SUBURBAN MIXED-USE (SMU) TO ±11.23 ACRES OF LARGE LOT NEIGHBORHOOD (LL) LOCATED ON THE WEST SIDE OF THE CANAL, APPROXIMATELY 2,000 FEET SOUTH ON QUILICI RANCH ROAD FROM ITS INTERSECTION WITH SOUTH VERDI ROAD AND FURTHER DESCRIBED IN PLANNING CASE NO. LDC20-00055, AS A PART OF THE LAND USE PLAN, AND RECOMMENDING THE SAME TO THE RENO CITY COUNCIL.

WHEREAS,

A. In accordance with NRS 278.150, the City of Reno Master Plan was adopted by the Reno City Planning Commission and the Reno City Council as a long-term general plan for the physical development of the City;

B. In accordance with NRS 278.210 through 278.320 amendments to that plan are to be adopted by the Planning Commission who also makes certain recommendations to the City Council, and based on the recommendations of the Planning Commission, the City Council makes certain determinations (set out in NRS 278.320) and adopts such parts of the Master Plan as may practically be applied to the development of the city for a reasonable period of time next ensuing (NRS 278.220);

C. In the above referenced Planning Case, the Planning Commission has been asked to consider a change to the Land Use Plan of the City Master Plan as described above;
D. Following a public hearing on July 1, 2020, in compliance with NRS 278.210 through 278.230, the Planning Commission has considered all evidence before it, including documents and testimony;

NOW, THEREFORE, BE IT RESOLVED BY THE RENO CITY PLANNING COMMISSION:

1. That based on the following determinations, this Commission **ADOPTS** the maps attached hereto as Exhibit A and the maps, documents, and descriptive material in described in Planning Case No. LDC20-00055 (the “Amendments”) as Amendments to the Reno Master Plan.

2. That this Commission determines and recommends that the City Council determine:

   a. That the Amendments are consistent with the Master Plan evaluation criteria as they (i) are consistent with the overall intent of the Master Plan; (ii) are required based on changed conditions or further studies; (iii) are compatible with the surrounding areas; (iv) will not have a negative effect on adjacent properties or on transportation services and facilities; (v) will have minimal effect on service provision and/or are compatible with existing and planned service provision and future development of the area; (vi) will not cause detriment to the public health, safety, and general welfare of the people of Reno; and (vii) that strict adherence to the current goals and policies of the Master Plan would result in a situation neither intended by nor in keeping with other guiding principles, goals, and policies.

   b. That consistency of the Amendments with the above Master Plan evaluation criteria will ensure the Master Plan continues to serve as a pattern and guide for orderly physical growth and development of the City which will cause the least amount of natural resource impairment, conform to the adopted population plan, and ensure an adequate supply of housing, including affordable housing; and forms a basis for the efficient expenditure of funds relating to the subjects of the City of Reno Master Plan.

3. That this Commission recommends that the City Council adopt such parts of the Amendments as may practicably be applied to the development of the city for a reasonable period of time next ensuing, subject to conformance review of the Regional Planning Commission.

Upon motion of Commissioner _____________________________, seconded by Commissioner _____________________________, the foregoing Resolution was passed and adopted this ____ day of ________, 20__, by the following vote of the Commission:
AYES: ____________________________  NAYS: ____________________________
ABSTAIN: ____________________________  ABSENT: ____________________________

APPROVED this ___ day of ________, 20__.

____________________________________
CHAIRPERSON

ATTEST:

PLANNING MANAGER
RECORDING SECRETARY
The information here is approximate and is intended for display purposes only.
INITIAL REVIEW MEMORANDUM

TO: Brook Oswald, City of Reno
FROM: Chris Tolley, TMRPA
DATE: April 29, 2020
SUBJECT: TMRPA initial review of the City of Reno case LDC20-00055 (Cordova Master Plan and Zoning Map Amendment)

This memorandum provides the Truckee Meadows Regional Planning Agency’s (TMRPA) initial review comments regarding the subject case (LDC20-00055), as stated in the 2019 Truckee Meadows Regional Plan (Policy RC 5).

The following constitutes an initial review based on the limited submittal information provided through the April 16, 2020 City of Reno Development Review Memorandum. TMRPA recognizes that the proposal may change through the jurisdictional review of the case. Should the case be approved through the City of Reno, the proposal will need to be formally submitted to TMRPA for a review of conformance with the 2019 Truckee Meadows Regional Plan in its entirety.

The request, as identified by the City of Reno, is the following:

A request has been made for a Master Plan amendment from Suburban Mixed-Use (SMU) to Large-Lot Neighborhood (LL) and a zoning map amendment from Community Commercial (CC) to Large Lot Residential – 1 Acre (LLR-1). The ±11.23 acre site is located on the west side of the canal, approximately 2,000 feet south on Quilici Ranch Road from its intersection with South Verdi Road.

[TMRPA notes: bolded text identify the portion of the request that is subject to review under the Regional Plan]

Regional Perspective

The existing SMU land use on the subject site appears to be a holdover from the previous configuration of Regional Centers and Transit Oriented Development Corridors as described in the 2012 Regional Plan. Given recent changes in policy direction at both TMRPA and the City of Reno toward more intensification and prioritization of services to the Mixed-Use Core and Tier 1 Regional Land Designations, it does not seem inappropriate to reduce potential density at this site as it currently resides in Tier 2 near the edge of the Truckee Meadows Service Area. This relaxation in potential density is further supported by a general lack of municipal service provision in the surrounding area. Adjacent parcels either have no water and wastewater service (i.e. they are vacant, undeveloped) or they are served by domestic wells and septic.
The feasibility and attractiveness of providing the necessary service to support suburban mixed-use development (e.g. municipal sewer, multi-modal connectivity to transit) in this area seem unlikely given the geographic position of the subject site, bounded on two sides by water and surrounded by lower-density residential development near the edge of our community.

**Potential conformance issues**

No potential conformance issues identified at this time.

Regional Planning note regarding the proposal: the provision of water and wastewater must be done according to Regional Plan Policy PF 1 – List of Facilities and Service Standards and with consideration of Policy PF 7 – Water/Wastewater Requirements for Master Plans. Further, given proximity to the Truckee River, the Natural Resource section policies NR 12 and NR 13 may apply, and should be reviewed for applicability to the proposal.

**Relative Regional Plan policies**

PF 1 – List of Facilities and Service Standards

PF 7 – Water/Wastewater Requirements for Master Plans

NR 12 – Regional Water Management Plan

NR 13 – Significant Waterways

**Data and information related to Regional Plan implementation**

Regional Land Designation: Tier 2

Development Constraint Areas (DCA): none identified during the initial review timeframe

Regional Utility Corridors: not located on the subject site, or proposed in the subject case

**Request for comment from other local government and/or affected entities**

Please obtain comments from the Western Regional Water Commission (Jim Smitherman, Water Resources Program Manager: jsmitherman@washoecounty.us) regarding the provision of water and wastewater, as well as an evaluation of flood risk and any possible effects to the Truckee River resultant from the designation of this land use on the subject site.

**Other information for review**

None at this time

Please do not hesitate to contact TMRPA staff at 775-321-8385 if you have any questions or comments on this initial review memorandum. For more information, you can access the [2019 Truckee Meadows Regional Plan](http://www.tmrpa.org) and the [Regional Data Viewer](http://www.tmrpa.org).
June 1, 2020

Mike Railey
Planning Manager
Christy Corporation
1000 Kiley Parkway
Sparks, NV 89436

Re: Comments regarding application for a change in zoning at the 11.23 acre property known as Parcel APN 038-230-32 from Community Commercial to Large Lot Residential (the “Application”)

Dear Mr. Railey:

Thank you for allowing Union Pacific Railroad Company (“UP”) the opportunity to submit the following comments in response to the notice on the above-referenced Application. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of Nevada. UP’s rail network is vital to the economic health of Nevada and the nation as a whole and its rail service to customers in the Dallas area is crucial to the future success and growth of those customers.

The proposed location that is the subject of the Application, namely 11.23 acres generally located South of Crystal Park Road, East of the Truckee River, West of Quilici Ranch Road (“Location”), is adjacent to UP’s operating property. Any land planning decisions should consider that train volumes near the Location may increase in the future. UP also asks that the City and the applicant keep in mind that this is a vital rail corridor and nearby land uses should be compatible with this continuing rail use.

Increased Traffic Impact and Safety Concerns

The safety of UP’s employees, customers, adjoining land owners, and the communities we operate through is our top priority. Any increase in traffic from the proposed change may render inadequate the current safety devices in place on any nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the area, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Application be approved, UP requests that the applicant, developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on any nearby at-grade road crossings to see if any additional mitigation measures should be included.
Use of UP Right-of-Way

UP is concerned that any construction equipment used in this project at this Location will impede its right-of-way. UP objects to any use of its right-of-way that is not separately approved by the UP real estate department. UP must maintain sufficient right-of-way for future railroad expansion or connection track. UP also requires its land be retained for maintenance purposes.

Trespassing

Any increase in pedestrian traffic may increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the impacts associated with the increased likelihood of trespassing in this Location and consider appropriate mitigation measures. For example, vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and “no trespassing” signs designed to prevent individuals from trespassing onto the railroad tracks should be considered. Buffers and setbacks should also be required adjacent to the right-of-way.

Noise and Vibration Impact

UP’s 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic may result in additional horn use by railroad employees. As a mitigation measure, the City should consider and make the public aware of the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. The Application’s development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP’s property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the City require the developer to mitigate all safety risks and the impacts of the railroad’s 24-hour operations during the construction of the Project, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25’) of the nearest track.
UP appreciates the applicant and the City giving due consideration to the above concerns, as this proposed Application may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Application as follows:

Rick Harris – Manager I Real Estate - Sales
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690
Omaha, NE 68179
(402) 544-8588
rharris@up.com

Please do not hesitate to contact Rick Harris if you have any questions or concerns.

Sincerely,

Madeline E. Roebke
Senior General Attorney
Union Pacific Railroad Company

cc: Rick Harris
Francisco Castillo, Jr.
Date: July 1, 2020

To: Reno City Planning Commission

Subject: 5.4. Staff Report (For Possible Action - Recommendation to City Council): Case No. TXT20-00006 (Development Agreement) – A request has been made to amend Reno Municipal Code Title 18, specifically Chapter 18.20 (Development Agreements) - This request is associated with the Title 18 Code Update “Renovation” and will propose revised text intended to facilitate the use of voluntary agreements as allowed pursuant to NRS 278.0201 through 278.0207, inclusive.

From: Brook Oswald, Associate Planner

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<th>Ward #:</th>
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<tbody>
<tr>
<td>Case No.:</td>
<td>TXT20-00006 (Development Agreements)</td>
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<td>Applicant:</td>
<td>City of Reno</td>
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<td>APN Number:</td>
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Request: A request has been made to amend Reno Municipal Code Title 18, specifically Chapter 18.20 (Development Agreements). This request is associated with the Title 18 Code Update “Renovation” and will propose revised text intended to facilitate the use of voluntary agreements as allowed pursuant to NRS 278.0201 through 278.0207, inclusive.

Location: City-wide

Proposed Motion: Based upon compliance with the applicable findings, I move to recommend that City Council approve the text amendment by ordinance.

Summary: On May 27, 2020 the Reno City Council initiated a text amendment to Reno Municipal Code (RMC) Title 18 in order to modify current regulations related to the use of development agreements. Item H.2 of the agenda details the initiation and the draft meeting minutes are included (Exhibit A).

A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction that details the obligations of both parties and specifies the standards and conditions that will govern development of the property. Voluntary agreements are allowed per Nevada Revised Statute (NRS) 278.0201 through 278.0207.
Renovation (Title 18 Code Update), anticipated to be fully adopted in the fall of 2020, proposes modifications to text related to development agreements. The proposed text amendment expedites this process to facilitate potential development opportunities in the interim.

**Background:** Development agreements are used throughout the State of Nevada, by municipalities to facilitate development and provide terms of assurance. The City of Sparks and Las Vegas have successfully used development agreements to stimulate development and provide clear development objectives and understanding for both the developer and the municipality.

Reno Municipal Code Title 18, specifically Chapter 18.20 (Development Agreements), currently requires that a development agreement can only be used if the proposal is a Project of Regional Significance (PRS), as determined by Nevada Revised Statutes NRS 278.0277. In addition, RMC states that the use of a development agreement requires a project be associated with a Special Use Permit (SUP), Planned Unit Development (PUD) or a Special Planning District (SPD). Nevada Revised Statutes do not require that a development agreement be linked to a PRS, SUP, PUD or SPD and this requirement within the RMC Title 18 limits the ability and the versatility to use this development tool effectively.

Enabling legislation for development agreements was adopted by the State of Nevada in 1985. City records indicate that in the late 1990’s the developer of the Meadowwoods Mall desired a development agreement. In April of 1998, the Planning Commission directed City staff to prepare a development agreement ordinance. A private consultant was hired, at the developer’s expense, to assist city staff in preparation of the text for the ordinance. On January 26, 2020, City Council approved Ordinance 4969 (Bill 5489) that amended Title 18 to add a Development Agreement Chapter and related sections. Identified concerns at the time included:

- Staff demands and associated costs in preparation of a development agreement.
- A legal opinion that a project could not be subject to a development agreement unless it had obtained a discretionary permit.

The current fee for application of a development agreement is $10,630.00, with an additional $592.00 required by the Washoe County Health District. For context, records indicate that the original proposed fee for the Meadowwoods Mall development agreement was $3,000.00. The City of Sparks currently charges $1,200 plus $120.00 per hour to process a development agreement, while the City of Las Vegas fee schedule indicates a $1,000.00 application fee plus notification and advertising costs.
A clean and strike thru version of the draft text amendment is included in this report (Exhibit B and C). Key proposed changes to the ordinance include:

- Enhanced reference to NRS requirements.
- Removal of regional requirements and discretionary permits (PRS, SUP, PUD, and SPD requirements).
- Removal of text that is redundant of NRS requirements.

Although the agreements are voluntary, once made they are binding on the parties and their successors. City Council is required by NRS to make two findings when reviewing a development agreement:

1. Consistent with the City's Master Plan (NRS 278.0284); and
2. Otherwise consistent with Nevada or federal law.

Draft ordinances and information were provided to the Neighborhood Advisory Boards and will be published on the City of Reno website prior to the Planning Commission hearing date.

Analysis: A development agreement entered into pursuant to NRS must contain provisions that:

- Describe the land which is the subject of the agreement;
- Specify the duration of the agreement;
- Specify what events will constitute breach of the agreement; and
- Provide periods during which any breach may be cured; and

Additionally NRS states that a development agreements may contain provisions specifying or relating to:

- The permitted uses of the land, the density or intensity of the use of the land and the maximum height and size of any proposed buildings.
- The reservation or dedication of any portion of the land for public use or for the payment of fees in lieu thereof.
- The protection of environmentally sensitive lands and the preservation and restoration of historic structures.
- The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended.
- The conditions, terms, restrictions and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land.
• The conditions, terms, restrictions and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county.
• The conditions, terms, restrictions and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to Chapter 271 of NRS.
• A schedule of fees and charges.
• Any other matters relating to the development of the land.

Text amendments shall be in substantial conformance with the statement of purpose and intent for Title 18, as set in Section 18.02.103 (Purpose and Intent) and the Master Plan.

NRS requirements and the voluntary nature of a development agreement allows City Council to use this development option to ensure that terms and conditions applied to projects, subject to a development agreement, reflect and support the purpose and intent of Title 18. Specifically, that the development and related agreement:

(a) Promote the public health, safety, morals, convenience, and general welfare;
(b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;
(c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed use and urban character of the Downtown Reno Regional Center Overlay District, and promote its role as regional government, civic, entertainment, and tourist center;
(d) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
(e) Encourage innovative and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
(f) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;
(g) Facilitate adequate provision of transportation, water, sewage, electricity, gas, communications, schools, parks and other public requirements; and
(h) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

**Legal Requirements:**

RMC 18.06.302 Amendments to Text of Title 18

**Findings:**

Amendments to Text of Title 18: In order to adopt an amendment to the text of Title 18, the planning commission and city council shall find the following:

1) Text amendments shall be in substantial conformance with the statement of purpose and intent of this Title 18, as set forth in Section 18.02.103.

2) Text amendments shall be in substantial conformance with the master plan.

It is the intent of the city council that Title 18 serves to:

(a) Promote the public health, safety, morals, convenience, and general welfare;

(b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;

(c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed use and urban character of the Downtown Reno Regional Center Overlay District, and promote its role as regional government, civic, entertainment, and tourist center;

(d) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;

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(f) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes objectionable
noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;

(g) Facilitate adequate provision of transportation, water, sewage, electricity, gas, communications, schools, parks and other public requirements; and

(h) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

Attachments:
Exhibit A - Reno City Council & Redevelopment Agency Minutes Draft (PDF)
Exhibit B - Development Agreement Text Amendment (DOC)
Exhibit C - Development Agreement Text Amendment (Strikethru)(DOC)
EXPLANATION: Matter underlined is new; matter in brackets and stricken [---] is material to be repealed.

BILL NO.

ORDINANCE NO.

AN ORDINANCE AMENDING THE RENO MUNICIPAL CODE TITLE 18, SPECIFICALLY CHAPTER 18.20 (DEVELOPMENT AGREEMENTS) WITH REVISED TEXT TO FACILITATE THE USE OF VOLUNTARY AGREEMENTS AS ALLOWED PURSUANT TO NRS 278.0201 THROUGH 278.0207, TOGETHER WITH MATTERS WHICH PERTAIN TO OR ARE NECESSARILY CONNECTED THEREWITH.

SPONSORED BY: RENO CITY PLANNING COMMISSION

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

CHAPTER 18.20 (DEVELOPMENT AGREEMENTS) is hereby amended by adding and deleting certain wording, to read as follows:

CHAPTER 18.20 - DEVELOPMENT AGREEMENTS
ARTICLE I: - GENERAL PROVISIONS
[Section 18.20.101. - Purpose and Intent.

The purpose of this chapter is to provide an alternative mechanism, when deemed appropriate by the city council, to give assurance to a property owner who has obtained the necessary approvals for a project that he may proceed with and complete development, as specified in and in accordance with the development agreement, under the specified laws, ordinances, codes, resolutions, rules, regulations, plans, and conditions of approval adopted by the city council and in effect at the time the project was originally approved in return for specified benefits pursuant to the terms of a development agreement.]

Section 18.20.102(1). - Applicability.

[(a) Applicability. The city may enter into a development agreement only with an applicant whose property is the subject of a development project of regional significant impact (as identified according to Section 18.06.402 of this title consistent with NRS 278.0277, as subsequently amended). The development agreement may be entered into only after the subject property has received a special use permit, planned unit development or specific plan district. Application for a development agreement may be processed concurrently with or after, but not prior to, an application for a special use permit, planned unit development or specific plan district (associated approvals).]
(b) Development Agreements in Existence at Time of Annexation. Upon annexation, the city may adopt with or without modifications, a development agreement in existence between a property owner and another jurisdiction. The development agreement shall be administered consistent with provisions of RMC Title 18 to the extent that Title 18 is not in conflict with provisions of the development agreement.

Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter into development agreements to regulate the development of land within the City. The agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 through NRS 278.0207 and the provisions of this Chapter. The administrator, subject to review and input from other City departments, has authority to apply, administer and enforce this section, including the negotiation and enforcement of development agreements.

Section 18.20.1032. [Filing Requirements]. Initiation

(a) An application for a development agreement shall be filed on forms prescribed by the administrator and shall include the following:

(1) The legal description of the property involved;

(2) The most recent assessor's maps with the subject property highlighted along with a list of the assessor's parcel number of all of the parcels involved;

(3) A written description of the proposed development and statement of objectives and reasons for the request;

(4) If the property has already received the associated approvals named above, copies of letters from the city clerk confirming the approvals and any related terms and conditions of approval;

(5) A copy of the map, site plans and materials submitted or adopted with the special use permit, planned unit development or specific plan district for the proposed development project;

(6) A statement of the proposed duration of the agreement;

(7) The proposed development agreement;

(8) Any other information required to provide a complete understanding of the proposed development agreement;

(9) A filing fee as established by the city council by resolution.

(b) The administrator shall review the application, and may reject it if it is inaccurate or incomplete for processing. Such rejection shall be in writing and shall be accompanied by the reasons for rejection. The applicant may modify or amend the application in accordance with the administrator's rejection without paying an additional filing fee or may appeal the administrator's rejection for inaccuracy or incompleteness in accordance with Section 18.06.208 (Appeals).

(c) Moratorium Established. From and after the effective date of this ordinance, the City shall not file nor accept any applications nor issue use, building or other permits for restricted gaming other than for a resort hotel as defined in NRS 463.01865 anywhere in the
City or its sphere of influence except on properties with a Master Plan designation of Tourist Commercial and zoned Hotel Casino Downtown for a period not to exceed ninety (90) days.]

The applicant files an application for a development agreement, along with the proposed development agreement and filing fee, as established by City Council resolution.

Development agreements do not have a regulatory timeline for a hearing date.

Section 18.20.103 - Scheduling and Notice of Public Hearing
The development agreement application shall be scheduled for a public hearing before the City Council, and noticed in accordance with Section 18.06.203 (Public Notice).

This does not supersede any additional notice required for any development approval required by this section. Publication is required to amend or cancel any part of the agreement per NRS 278.0205.

Section 18.20.104 - Decision
The City Council shall review and approve, approve with modifications, or deny the development agreement by ordinance. A development agreement is voluntary and committed to the City Council's legislative discretion. City Council may approve the development agreement if it is:

1. Consistent with the City's Master Plan (NRS 278.0284); and  
2. Otherwise consistent with Nevada or federal law.

Except as otherwise provided in NRS 278.0201 to 278.0207, or in a development agreement entered into pursuant to this Section, all the procedures and requirements of Title 18 of this code apply to the development of property that is the subject of a development agreement.

Section 18.20.105 - Recordkeeping
Within a reasonable time after approval of the agreement, the City Clerk will record with the County Recorder:

1. The original development agreement or any amendments to the agreement; and  
2. A certified copy of the ordinance adopting the development agreement and any amendments to the ordinance.

Section 18.20.106 - Biennial Review
At least every 24 months for the duration of the development agreement, the City Council shall review, at a public hearing, the development of the property for compliance with the terms and conditions of the development agreement following the procedures below:

1. The applicant shall submit a report, describing the status of the development project and outlining the actions taken to comply with the development agreement. The report should be submitted biennially, unless a shorter period for review is set forth in the development agreement, in which case the applicant shall comply with the development agreement.

2. The administrator shall schedule the review hearing before the City Council and shall forward the report and a staff recommendation.

Section 18.20.107 - Amendment or Cancellation
The development agreement may be amended or canceled, in whole or in part, in accordance with NRS 278.0205 and NRS 278.02053.

If a development agreement should be canceled or terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations, and ordinances of the City absent the development agreement.

{ARTICLE II: CONTENTS AND APPROVAL PROCEDURE
Section 18.20.201. - Contents.
(a) A development agreement shall:
   (1) Describe the land subject to the development agreement;
   (2) Specify the permitted uses of the property, the density, or intensity of the uses, and the maximum height and size of proposed buildings;
   (3) Provide, where appropriate, for reservation or dedication of land for public purposes, including, but not limited to rights-of-way, easements or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules, or plans adopted by the city and in effect at the time of entering into the agreement;
   (4) Specify the duration of the agreement and, if desired, terms for modification and extension of the agreement; provided, that the parties shall not be precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements or supplements thereto;
   (5) Specify the laws, ordinances, codes, resolutions, regulations, design and improvement standards by name and date of adoption applicable to the development of the land for which the applicant intends to establish a vested private development right;
(6) Specify other conditions, terms, restrictions, and requirements for other discretionary actions;

(7) Commit no vested rights other than those allowed in the agreement and otherwise provided under the laws of the City of Reno, the State of Nevada, or other state or local governmental or quasi-governmental bodies.

(b) A development agreement may:

(1) Specify progress thresholds based upon the construction of specific public or private improvements or the submission of specific plans or data prior to the exercise of certain vested rights;

(2) Provide for commencement and completion of various portions of the proposed development. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;

(3) Include conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;

(4) If required by the city, be accompanied by a form of security as defined in Chapter 18.24 of this title as subsequently amended, or require submittal of a security with project phases. The security shall be posted by the property owner, to insure provision of some or all of the public facilities;

(5) Contain an indemnity or insurance clause requiring the developer, applicant and/or property owner to indemnify the city against certain claims arising out of the development process;

(6) Contain a clause regarding remedies to each party in the event of a default;

(7) Include provision or provisions which inure(s) to the benefit of the city or community which might not otherwise be provided by the developer to the city or community in the absence of the agreement.

(c) The development agreement also may cover any other matter not inconsistent with this chapter.


(a) General. The procedure for review of development agreements shall be in accordance with Chapter 18.06 of this title.

(b) Administrator. The administrator shall review the proposed development agreement and provide a recommendation to the city council.

(c) City Council.

(1) The city council shall hold a public hearing on all proposed development agreements.

(2) There are no time limits for public hearings or decisions on development agreements.

Section 18.20.203. Findings.
After approving the special use permit, planned unit development or specific plan district project of regional significance, the city council may enter into a development agreement when it can make the following findings:

(a) — A development agreement is an appropriate mechanism to implement the project's development due to the project's complexity such as:
   (1) — Public and/or private infrastructure requirements;
   (2) — Proposed phasing and/or build-out schedules;
   (3) — Conditions of approval;
   (4) — Some other way which would be of benefit and in the best interest of the city;

(b) — The development agreement is not in conflict with and supports the objectives, policies, general land uses, and programs specified in the master and regional plans;

(c) — The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district(s) in which the property is proposed to be located and is consistent with the associated approvals;

(d) — The development agreement is in conformity with the public convenience and good land use practices;

(e) — The development agreement will not be detrimental to the public health, safety, and general welfare;

(f) — The development agreement will not adversely affect the orderly development of property and adequate consideration has been given to projected infrastructure capacity demands in the immediate area;

(g) — The development agreement is consistent with the provisions of NRS Chapter 278.

(h) — The city council shall approve an agreement by adoption of an ordinance. The agreement shall take effect upon the effective date of the ordinance.

ARTICLE III: EFFECT OF AGREEMENT AND SUBSEQUENT ACTIONS
Section 18.20.301. Applicable Laws and Ordinance.
(a) — Where specified in the development agreement, the laws, ordinances, codes, resolutions, regulations, design, and improvement standards listed by name and date of adoption apply to the development of the land. Unless specified in the agreement or unless directly in conflict with what is specified in the agreement, the laws, ordinances, codes, resolutions, rules, regulations, and design and improvement standards adopted by the city council and in effect at the time of issuance of any required construction or building permit shall apply.

(b) — A development agreement shall not prevent the city from adopting new laws, ordinances, codes, resolutions, design, and improvement standards or regulations that alter or amend those laws, ordinances, codes, resolutions, design and improvement standards and regulations in effect at the time the development agreement is made. A development agreement does not prevent the city, in subsequent actions applicable to the property from applying new laws, ordinances, codes, regulations, resolutions, design, or improvement standards which do not conflict with those laws, ordinances, codes, regulations, resolutions, design, or improvement standards applicable to the property under the development
agreement, nor does a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

(c)—The city may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that it is necessary to protect the residents of the project or of the immediate community, or both, from a condition hazardous or perilous to the residents' health and/or safety.

(d)—In the event that state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more of the provisions of the development agreement, such provisions may be modified or suspended as may be necessary to comply with the new state or federal laws or regulations after the city and the property owner have attempted to mutually agree upon the modification or suspension. Any such action may only be taken by the city council after a public hearing.

Section 18.20.302.—Mutual Amendment or Cancellation.
(a)—The development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties or their successor in interest in accordance with NRS 278.0205.

(b)—Notice of the intention to amend or cancel any portion or all of a development agreement must be given in accordance with Section 18.20.202 above. The city council may, after conducting a public hearing, approve any amendment or cancel any portion or all of an agreement by ordinance if the amendment or cancellation is consistent with the findings set forth in Section 18.20.203.

Section 18.20.303.—Cancellation by City.
(a)—If at any time during the term of a development agreement, the city council finds by substantial evidence that the property owner has not complied with the terms and conditions of the development agreement, and such noncompliance has not been cured after notice and an opportunity to cure as specified in the development agreement, then the city may amend or cancel the agreement without the consent of the property owner.

(b)—Prior to amending or canceling a development agreement due to noncompliance, notice of intention to amend or cancel shall be provided as follows:

(1)—In writing to the property owner at least 30 days prior to the hearing; and

(2)—The city council shall conduct a public hearing at which the property owner and any other interested person shall be entitled to submit such evidence and testimony as may be germane to the issue of the property owner's compliance with the terms of the development agreement.

(c)—After conducting a hearing, the city council may amend or cancel the agreement, in whole or in part, or take other action considered necessary to protect the interests of the city.

Section 18.20.304.—Rights of the Parties After Cancellation or Termination.
In the event that a development agreement should be canceled, or otherwise terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations and ordinances of the city absent the development agreement.
Section 18.20.305. — Recorotation.
(a) — The city clerk shall have the following filed in the records of the county recorder at the applicant’s expense:

   (1) — A development agreement;

   (2) — An ordinance adopting a development agreement;

   (3) — Any amendment to a development agreement; or

   (4) — Notice of action taken to cancel all or part of a development agreement with the county recorder within 20 days after the city council takes final action on the matter.

Section 18.20.306. — Reserved.

Section 18.20.307. — Biennial Review.
(a) — Every 24 months for the duration of the development agreement the city council shall review the development of the property for compliance with the terms and conditions of the development agreement.

(b) — Procedure for review.

   (1) — The applicant shall submit a report describing the status of the development project and outlining the actions taken to comply with the development agreement along with an established fee to the administrator. The report and fee should be submitted biennially and at least two months prior to the anniversary date of recording of the agreement, however, a lapse of the prescribed time period for submitting the report or holding a review hearing of up to six months due to administrative oversight, excusable neglect or acts of God shall not preclude subsequent filing for review or holding a review hearing or void any provisions of the development agreement.

   (2) — The administrator shall schedule the review hearing before the city council and shall forward the report to the city council along with a staff recommendation.

   (3) — The city council shall conduct a public hearing and shall determine upon the basis of substantial evidence whether or not the terms and conditions of the agreement have been complied with in good faith for the period under review.

(c) — Unless otherwise specified in the development agreement, if the city council finds and determines on the basis of substantial evidence that there has been compliance in good faith with the terms and conditions of the agreement during the period under review, it shall make a finding of compliance which specifies the items, projects and/or phases which have been completed and releases the city and the property owner from further obligation under the development agreement on those specific items, projects and/or phases.

(d) — If the city council finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the city council may initiate proceedings to amend or cancel the agreement.

SECTION 1 Title__________, in accordance with Nevada Revised Statutes.
SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect on _____________, from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this _____ day of _____________, 2020, by the following vote of the Council:

AYES: 
NAYS: 
ABSTAIN: ABSENT: 

APPROVED this _____ day of _____________, 2020.

____________________________________________________
HILLARY SCHIEVE
MAYOR OF THE CITY OF RENO

ATTEST:

____________________________________________
ASHLEY D. TURNEY
CITY CLERK AND CLERK
OF THE CITY COUNCIL OF THE
CITY OF RENO, NEVADA

EFFECTIVE DATE:
MINUTES
Joint Regular Meeting
Reno City Council & Redevelopment Agency Board
Wednesday, May 27, 2020 ● 10:00 AM
Reno City Council Chamber, One East First Street, Reno, NV 89501

Hillary Schieve, Mayor

Council Members:
Ward 1 – Jenny Brekhus        Ward 4 – Bonnie Weber
Ward 2 – Naomi Duerr          Ward 5 – Neoma Jardon
Ward 3 – Oscar Delgado        At-Large – Devon Reese

A Introductory Items
A.1 Pledge of Allegiance
A.2 Roll Call

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonnie Weber</td>
<td>Councilmember</td>
<td>Present</td>
<td>9:25 AM</td>
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<tr>
<td>Devon Reese</td>
<td>Councilmember</td>
<td>Present</td>
<td>9:25 AM</td>
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<tr>
<td>Hillary Schieve</td>
<td>Mayor</td>
<td>Present</td>
<td>9:48 AM</td>
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<tr>
<td>Jenny Brekhus</td>
<td>Councilmember</td>
<td>Present</td>
<td>9:25 AM</td>
</tr>
<tr>
<td>Naomi Duerr</td>
<td>Councilmember</td>
<td>Present</td>
<td>9:49 AM</td>
</tr>
<tr>
<td>Oscar Delgado</td>
<td>Councilmember</td>
<td>Present</td>
<td></td>
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<tr>
<td>Neoma Jardon</td>
<td>Councilmember</td>
<td>Present</td>
<td>9:25 AM</td>
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<tr>
<td>Dick Scott</td>
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</tbody>
</table>

The meeting was called to order at 10:09 AM.

A.3 Public Comment
A.3.1 5-27-20 A.3 Public Comment

Online comments and letters received were submitted to Council and included in the record.

Shane Wilson spoke regarding running for City Council.

Alisha Barber spoke in favor of keeping the Design Review Committee in the Skyway ordinance.

Ralph Copalla spoke regarding the public not being allowed to attend the meeting in person.

A.4 Approval of the Agenda (For Possible Action) - May 27, 2020.
G.1.1 Staff Report (For Possible Action): Discussion and potential appointment of one individual to the E911 Advisory Board from the following pool of applicants, listed in alphabetical order: Jeff Voskamp 12:32 PM

**Recommendation:** Staff recommends that the Mayor and Council make the necessary appointments as noted in the staff report.

**Proposed Motion:** I move to appoint ______ to the E911 Advisory Board.

Jeff Voskamp was appointed to the E911 board.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Naomi Duerr, Councilmember</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Bonnie Weber, Councilmember</td>
</tr>
<tr>
<td>AYES:</td>
<td>Weber, Reese, Schieve, Brekhus, Duerr, Delgado, Jardon</td>
</tr>
</tbody>
</table>

**H Mayor and Council**

H.1 City Council Comments, including announcements regarding City boards and commissions, activities of local charitable organizations and upcoming local community events. (Non-Action Item) 12:33 PM

Council Member Duerr requested an agenda item to bring back the No Puppy Mill Ordinance.

H.2 Staff Report (For Possible Action): Presentation and potential direction to staff regarding initiation of an ordinance change to amend the section of Reno Municipal Code, Title 18, 18.20.102 (Applicability) that requires: 1) a project of regional significance and a special use permit, planned unit development or specific plan district to enter into a development agreement and; 2) development agreements to be processed prior to the application of a permit. [Reese] 12:34 PM

**Recommendation:** Staff recommends Council initiate the requested text amendment.

**Proposed Motion:** I move to initiate a text amendment that facilitates the use of development agreements, as outlined in the staff report.

Council Member Brekhus discussed the need to see the core of Title 18 move forward and expressed concern about diverting focus from that. She stated she is trying to understand why this is a priority.

Angela Fuss, Acting Community Development Director, explained a number of developers have approached us with projects and we are looking for tools to be able to
help guide these projects moving forward.

Council Member Brekhus discussed the need to move the suite of the code improvements forward and work on the liquor moratorium that we keep extending and then have a fair discussion on priorities beyond that. We have other regulatory needs. If we don't have someone coming forward to tell us their project is so critical that we need to spend time and resources changing this ordinance, then let’s put it on the back burner.

Council Member Duerr stated she wants to make sure that a development agreement doesn't lock in regulations at a point in time.

Ms. Fuss explained for Council Member Duerr the reviewed process for a text amendment.

It was moved by Council Member Duerr, seconded by Council Member Jardon, to direct staff to initiate a text amendment that facilitates the use of development agreements, as outlined in the staff report.

Ms. Fuss confirmed for Council Member Brekhus this would go for consideration by the Planning Commission before the zoning code update.

Council Member Brekhus stated this would then jump ahead of updating the code which is a benefit for all projects downtown.

Motion carried.

RESULT: APPROVED [6 TO 1]
MOVER: Naomi Duerr, Councilmember
SECONDER: Neoma Jardon, Councilmember
AYES: Weber, Reese, Schieve, Duerr, Delgado, Jardon
NAYS: Jenny Brekhus

I Public Hearings - 6:00 PM (Items scheduled to be heard at a specific time will be heard no earlier than the stated time, but may be heard later.)

J Public Comment

J.1 J.1 Public Comment 1

Seven letters of concern were received after Item C.3 was voted on. One letter of concern was received for C.3 that has been submitted to Council. One public comment was submitted during the Parks item.

J.2 J.1 Public Comment 2
CHAPTER 18.20 - DEVELOPMENT AGREEMENTS
ARTICLE I: - GENERAL PROVISIONS

Section 18.20.101- Applicability.
Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter into development agreements to regulate the development of land within the City. The agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 through NRS 278.0207 and the provisions of this Chapter. The administrator, subject to review and input from other City departments, has authority to apply, administer and enforce this section, including the negotiation and enforcement of development agreements.

Section 18.20.102 – Initiation
The applicant files an application for a development agreement, along with the proposed development agreement and filing fee, as established by City Council resolution.

Development agreements do not have a regulatory timeline for a hearing date.

Section 18.20.103 - Scheduling and Notice of Public Hearing
The development agreement application shall be scheduled for a public hearing before the City Council, and noticed in accordance with Section 18.06.203 (Public Notice).

This does not supersede any additional notice required for any development approval required by this section. Publication is required to amend or cancel any part of the agreement per NRS 278.0205.

Section 18.20.104 -Decision
The City Council shall review and approve, approve with modifications, or deny the development agreement by ordinance. A development agreement is voluntary and committed to the City Council's legislative discretion. City Council may approve the development agreement if it is:

1. Consistent with the City's Master Plan (NRS 278.0284); and
2. Otherwise consistent with Nevada or federal law.

Except as otherwise provided in NRS 278.0201 to 278.0207, or in a development agreement entered into pursuant to this Section, all the procedures and requirements of Title 18 of this code apply to the development of property that is the subject of a development agreement.

Section 18.20.105 – Recordkeeping
Within a reasonable time after approval of the agreement, the City Clerk will record with the County Recorder:

1. The original development agreement or any amendments to the agreement; and
2. A certified copy of the ordinance adopting the development agreement and any amendments to the ordinance.

Section 18.20.106 - Biennial Review
At least every 24 months for the duration of the development agreement, the City Council shall review, at a public hearing, the development of the property for compliance with the terms and conditions of the development agreement following the procedures below:

1. The applicant shall submit a report, describing the status of the development project and outlining the actions taken to comply with the development agreement. The report should be submitted biennially, unless a shorter period for review is set forth in the development agreement, in which case the applicant shall comply with the development agreement.
2. The administrator shall schedule the review hearing before the City Council and shall forward the report and a staff recommendation.

Section 18.20.107 - Amendment or Cancellation
The development agreement may be amended or canceled, in whole or in part, in accordance with NRS 278.0205 and NRS 278.02053.

If a development agreement should be canceled or terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations, and ordinances of the City absent the development agreement.
CHAPTER 18.20 - DEVELOPMENT AGREEMENTS
ARTICLE I: - GENERAL PROVISIONS

[Section 18.20.101.—Purpose and Intent.—]
The purpose of this chapter is to provide an alternative mechanism, when deemed appropriate by
the city council, to give assurance to a property owner who has obtained the necessary approvals
for a project that he may proceed with and complete development, as specified in and in
accordance with the development agreement, under the specified laws, ordinances, codes,
resolutions, rules, regulations, plans, and conditions of approval adopted by the city council and
in effect at the time the project was originally approved in return for specified benefits pursuant
to the terms of a development agreement.—]

Section 18.20.1021. - Applicability.

[(a) — Applicability. The city may enter into a development agreement only with an applicant
whose property is the subject of a development project of regional significant impact (as
identified according to Section 18.06.402 of this title consistent with NRS 278.0277, as
subsequently amended). The development agreement may be entered into only after the
subject property has received a special use permit, planned unit development or specific plan
district. Application for a development agreement may be processed concurrently with or
after, but not prior to, an application for a special use permit, planned unit development or
specific plan district (associated approvals).—]

(b) — Development Agreements in Existence at Time of Annexation. Upon annexation, the
city may adopt with or without modifications, a development agreement in existence
between a property owner and another jurisdiction. The development agreement shall be
administered consistent with provisions of RMC Title 18 to the extent that Title 18 is not in
conflict with provisions of the development agreement.—]

Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter
into development agreements to regulate the development of land within the City. The
agreements and the procedures applicable thereto shall be governed by and must conform
to NRS 278.0201 through NRS 278.0207 and the provisions of this Chapter. The administrator,
subject to review and input from other City departments, has authority to apply, administer and
enforce this section, including the negotiation and enforcement of development agreements.

Section 18.20.1032. – [Filing Requirements], Initiation

[(a) — An application for a development agreement shall be filed on forms prescribed by the
administrator and shall include the following:—]

(1) — The legal description of the property involved;—

(2) — The most recent assessor's maps with the subject property highlighted along with a list
of the assessor's parcel number of all of the parcels involved;—

(3) — A written description of the proposed development and statement of objectives and
reasons for the request;—
(4) If the property has already received the associated approvals named above, copies of letters from the city clerk confirming the approvals and any related terms and conditions of approval;

(5) A copy of the map, site plans and materials submitted or adopted with the special use permit, planned unit development or specific plan district for the proposed development project;

(6) A statement of the proposed duration of the agreement;

(7) The proposed development agreement;

(8) Any other information required to provide a complete understanding of the proposed development agreement;

(9) A filing fee as established by the city council by resolution.

(b) The administrator shall review the application, and may reject it if it is inaccurate or incomplete for processing. Such rejection shall be in writing and shall be accompanied by the reasons for rejection. The applicant may modify or amend the application in accordance with the administrator's rejection without paying an additional filing fee or may appeal the administrator's rejection for inaccuracy or incompleteness in accordance with Section 18.06.208 (Appeals).

(c) **Moratorium Established.** From and after the effective date of this ordinance, the City shall not file nor accept any applications nor issue use, building or other permits for restricted gaming other than for a resort hotel as defined in NRS 463.01865 anywhere in the City or its sphere of influence except on properties with a Master Plan designation of Tourist Commercial and zoned Hotel Casino Downtown for a period not to exceed ninety (90) days.

The applicant files an application for a development agreement, along with the proposed development agreement and filing fee, as established by City Council resolution.

Development agreements do not have a regulatory timeline for a hearing date.

**Section 18.20.103 - Scheduling and Notice of Public Hearing**

The development agreement application shall be scheduled for a public hearing before the City Council, and noticed in accordance with Section 18.06.203 (Public Notice).

This does not supersede any additional notice required for any development approval required by this section. Publication is required to amend or cancel any part of the agreement per NRS 278.0205.

**Section 18.20.104 - Decision**

The City Council shall review and approve, approve with modifications, or deny the development agreement by ordinance. A development agreement is voluntary and committed...
to the City Council’s legislative discretion. City Council may approve the development agreement if it is:

1. Consistent with the City’s Master Plan (NRS 278.0284); and
2. Otherwise consistent with Nevada or federal law.

Except as otherwise provided in NRS 278.0201 to 278.0207, or in a development agreement entered into pursuant to this Section, all the procedures and requirements of Title 18 of this code apply to the development of property that is the subject of a development agreement.

Section 18.20.105 - Recordkeeping
Within a reasonable time after approval of the agreement, the City Clerk will record with the County Recorder:

1. The original development agreement or any amendments to the agreement; and
2. A certified copy of the ordinance adopting the development agreement and any amendments to the ordinance.

Section 18.20.106 - Biennial Review
At least every 24 months for the duration of the development agreement, the City Council shall review, at a public hearing, the development of the property for compliance with the terms and conditions of the development agreement following the procedures below:

1. The applicant shall submit a report, describing the status of the development project and outlining the actions taken to comply with the development agreement. The report should be submitted biennially, unless a shorter period for review is set forth in the development agreement, in which case the applicant shall comply with the development agreement.
2. The administrator shall schedule the review hearing before the City Council and shall forward the report and a staff recommendation.

Section 18.20.107 - Amendment or Cancellation
The development agreement may be amended or canceled, in whole or in part, in accordance with NRS 278.0205 and NRS 278.02053.

If a development agreement should be canceled or terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations, and ordinances of the City absent the development agreement.

[ARTICLE II - CONTENTS AND APPROVAL PROCEDURE]
Section 18.20.201.—Contents.

(a) A development agreement shall:

(1) Describe the land subject to the development agreement;

(2) Specify the permitted uses of the property, the density, or intensity of the uses, and the maximum height and size of proposed buildings;

(3) Provide, where appropriate, for reservation or dedication of land for public purposes, including, but not limited to rights-of-way, easements or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules, or plans adopted by the city and in effect at the time of entering into the agreement;

(4) Specify the duration of the agreement and, if desired, terms for modification and extension of the agreement; provided, that the parties shall not be precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements or supplements thereto;

(5) Specify the laws, ordinances, codes, resolutions, regulations, design and improvement standards by name and date of adoption applicable to the development of the land for which the applicant intends to establish a vested private development right;

(6) Specify other conditions, terms, restrictions, and requirements for other discretionary actions;

(7) Commit no vested rights other than those allowed in the agreement and otherwise provided under the laws of the City of Reno, the State of Nevada, or other state or local governmental or quasi-governmental bodies.

(b) A development agreement may:

(1) Specify progress thresholds based upon the construction of specific public or private improvements or the submission of specific plans or data prior to the exercise of certain vested rights;

(2) Provide for commencement and completion of various portions of the proposed development. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;

(3) Include conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;

(4) If required by the city, be accompanied by a form of security as defined in Chapter 18.24 of this title as subsequently amended, or require submittal of a security with project phases. The security shall be posted by the property owner, to insure provision of some or all of the public facilities;

(5) Contain an indemnity or insurance clause requiring the developer, applicant and/or property owner to indemnify the city against certain claims arising out of the development process;

(6) Contain a clause regarding remedies to each party in the event of a default;
(7) Include provision or provisions which inure(s) to the benefit of the city or community which might not otherwise be provided by the developer to the city or community in the absence of the agreement.

(c) The development agreement also may cover any other matter not inconsistent with this chapter.


(a) General. The procedure for review of development agreements shall be in accordance with Chapter 18.06 of this title.

(b) Administrator. The administrator shall review the proposed development agreement and provide a recommendation to the city council.

(c) City Council.

(1) The city council shall hold a public hearing on all proposed development agreements.

(2) There are no time limits for public hearings or decisions on development agreements.

Section 18.20.203. Findings.

After approving the special use permit, planned unit development or specific plan district project of regional significance, the city council may enter into a development agreement when it can make the following findings:

(a) A development agreement is an appropriate mechanism to implement the project's development due to the project's complexity such as:

(1) Public and/or private infrastructure requirements;

(2) Proposed phasing and/or build-out schedules;

(3) Conditions of approval;

(4) Some other way which would be of benefit and in the best interest of the city;

(b) The development agreement is not in conflict with and supports the objectives, policies, general land uses, and programs specified in the master and regional plans;

(c) The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district(s) in which the property is proposed to be located and is consistent with the associated approvals;

(d) The development agreement is in conformity with the public convenience and good land use practices;

(e) The development agreement will not be detrimental to the public health, safety, and general welfare;

(f) The development agreement will not adversely affect the orderly development of property and adequate consideration has been given to projected infrastructure capacity demands in the immediate area;

(g) The development agreement is consistent with the provisions of NRS Chapter 278;

(h) The city council shall approve an agreement by adoption of an ordinance. The agreement shall take effect upon the effective date of the ordinance.
ARTICLE III: EFFECT OF AGREEMENT AND SUBSEQUENT ACTIONS
Section 18.20.301. — Applicable Laws and Ordinance.

(a) Where specified in the development agreement, the laws, ordinances, codes, resolutions, regulations, design, and improvement standards listed by name and date of adoption apply to the development of the land. Unless specified in the agreement or unless directly in conflict with what is specified in the agreement, the laws, ordinances, codes, resolutions, rules, regulations, and design and improvement standards adopted by the city council and in effect at the time of issuance of any required construction or building permit shall apply.

(b) A development agreement shall not prevent the city from adopting new laws, ordinances, codes, resolutions, design, and improvement standards or regulations that alter or amend those laws, ordinances, codes, resolutions, design and improvement standards and regulations in effect at the time the development agreement is made. A development agreement does not prevent the city, in subsequent actions applicable to the property from applying new laws, ordinances, codes, regulations, resolutions, design, or improvement standards which do not conflict with those laws, ordinances, codes, regulations, resolutions, design, or improvement standards applicable to the property under the development agreement, nor does a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

(c) The city may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that it is necessary to protect the residents of the project or of the immediate community, or both, from a condition hazardous or perilous to the residents' health and/or safety.

(d) In the event that state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more of the provisions of the development agreement, such provisions may be modified or suspended as may be necessary to comply with the new state or federal laws or regulations after the city and the property owner have attempted to mutually agree upon the modification or suspension. Any such action may only be taken by the city council after a public hearing.

Section 18.20.302. — Mutual Amendment or Cancellation.

(a) The development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties or their successor in interest in accordance with NRS 278.0205.

(b) Notice of the intention to amend or cancel any portion or all of a development agreement must be given in accordance with Section 18.20.202 above. The city council may, after conducting a public hearing, approve any amendment or cancel any portion or all of an agreement by ordinance if the amendment or cancellation is consistent with the findings set forth in Section 18.20.203.

Section 18.20.303. — Cancellation by City.

(a) If at any time during the term of a development agreement, the city council finds by substantial evidence that the property owner has not complied with the terms and conditions of the development agreement, and such noncompliance has not been cured after notice and an opportunity to cure as specified in the development agreement, then the city may amend or cancel the agreement without the consent of the property owner.
(b) Prior to amending or canceling a development agreement due to noncompliance, notice of intention to amend or cancel shall be provided as follows:

1. In writing to the property owner at least 30 days prior to the hearing; and
2. The city council shall conduct a public hearing at which the property owner and any other interested person shall be entitled to submit such evidence and testimony as may be germane to the issue of the property owner's compliance with the terms of the development agreement.

(c) After conducting a hearing, the city council may amend or cancel the agreement, in whole or in part, or take other action considered necessary to protect the interests of the city.

Section 18.20.304. Rights of the Parties After Cancellation or Termination.
In the event that a development agreement should be canceled, or otherwise terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations and ordinances of the city absent the development agreement.

Section 18.20.305. Recordation.
(a) The city clerk shall have the following filed in the records of the county recorder at the applicant's expense:

1. A development agreement;
2. An ordinance adopting a development agreement;
3. Any amendment to a development agreement; or
4. Notice of action taken to cancel all or part of a development agreement with the county recorder within 20 days after the city council takes final action on the matter.

Section 18.20.306. Reserved.

Section 18.20.307. Biennial Review.
(a) Every 24 months for the duration of the development agreement the city council shall review the development of the property for compliance with the terms and conditions of the development agreement.

(b) Procedure for review.

1. The applicant shall submit a report describing the status of the development project and outlining the actions taken to comply with the development agreement along with an established fee to the administrator. The report and fee should be submitted biennially and at least two months prior to the anniversary date of recording of the agreement, however, a lapse of the prescribed time period for submitting the report or holding a review hearing of up to six months due to administrative oversight, excusable neglect or acts of God shall not preclude subsequent filing for review or holding a review hearing or void any provisions of the development agreement.

2. The administrator shall schedule the review hearing before the city council and shall forward the report to the city council along with a staff recommendation.
(3) The city council shall conduct a public hearing and shall determine upon the basis of substantial evidence whether or not the terms and conditions of the agreement have been complied with in good faith for the period under review.

(c) Unless otherwise specified in the development agreement, if the city council finds and determines on the basis of substantial evidence that there has been compliance in good faith with the terms and conditions of the agreement during the period under review, it shall make a finding of compliance which specifies the items, projects and/or phases which have been completed and releases the city and the property owner from further obligation under the development agreement on those specific items, projects and/or phases.

(d) If the city council finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the city council may initiate proceedings to amend or cancel the agreement.

SECTION 1 Title___________, in accordance with Nevada Revised Statutes.

SECTION 2. The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 3. This Ordinance shall be in effect on ______________, from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

    PASSED AND ADOPTED this _____ day of ______________, 2020, by the following vote of the Council:

    AYES: __________________________________________________________
    NAYS: __________________________________________________________
    ABSTAIN: _________________________ ABSENT: _________________________

    APPROVED this _____ day of ______________, 2020.

______________________________________________________
HILLARY SCHIEVE
MAYOR OF THE CITY OF RENO
ATTEST:

_______________________________
ASHLEY D. TURNLEY
CITY CLERK AND CLERK
OF THE CITY COUNCIL OF THE
CITY OF RENO, NEVADA

EFFECTIVE DATE: