

Customer Account # 349008

PO # / ID # 1955

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- Washoe County Clerk  
PO Box 11130
- Reno, NV 89520
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Legal Ad Cost 54.18

Extra Proof \_\_\_\_\_

Notary Fee 2.00

TOTAL 56.18

STATE OF NEVADA  
 COUNTY OF WASHOE

ss. Lisa A. Wakayama

being first duly sworn, deposes and says:  
 That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

of County Ordinance - #873

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

May 31, & June 7, 1993

Signed Lisa A. Wakayama

Subscribed and sworn to before me this  
7 day of June, 1993

Debra J. Dicianno  
 Notary Public

**PROOF OF PUBLICATION**

NOTICE OF COUNTY ORDINANCE  
 NO. 873

PUBLIC NOTICE IS HEREBY GIVEN that Ordinance No. 873, Bill No. 1048, entitled:

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO CORRECT PROCEDURAL AND TYPOGRAPHICAL ERRORS AND TO STREAMLINE AND SIMPLIFY PERMITTING REQUIREMENTS OF CHAPTER 110 (DEVELOPMENT CODE) BY AMENDING THE FOLLOWING ARTICLES: ARTICLE 104 "COUNTY GROWTH MANAGEMENT SYSTEM"; ARTICLE 106 "REGULATORY ZONES"; ARTICLE 702 "ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM"; ARTICLE 704 "ADEQUATE PUBLIC FACILITIES: SANITARY SEWER"; ARTICLE 802 "ADMINISTRATIVE WAIVERS"; ARTICLE 804 "VARIANCES"; ARTICLE 806 "VACATION AND ABANDONMENT OF EASEMENTS OR STREETS"; ARTICLE 808 "ADMINISTRATIVE PERMITS"; ARTICLE 810 "SPECIAL USE PERMITS"; ARTICLE 812 "PROJECTS OF REGIONAL SIGNIFICANCE"; ARTICLE 814 "DEVELOPMENT AGREEMENTS"; ARTICLE 816 "SPECIFIC PLANS"; ARTICLE 818 "AMENDMENT OF DEVELOPMENT CODE"; ARTICLE 820 "AMENDMENT OF COMPREHENSIVE PLAN"; ARTICLE 902 "DEFINITIONS"; AND ARTICLE 916 "ESTABLISHMENT OF COMMITTEES."

was adopted on May 25, 1993, by Commissioners Larry Beck, Steve Bradhurst, Dianne Cornwall, Gene McDowell, and Jim Shaw, and will become effective on June 7, 1993. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.

Judi Bailey, County Clerk  
 No. 1955 May 31; June 7, 1993



SUMMARY: Amends Washoe County Code to correct procedural and typographical errors and to streamline and simplify permitting requirements of chapter 110 (Development Code).

BILL NO. 1048

ORDINANCE NO. 873

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO CORRECT PROCEDURAL AND TYPOGRAPHICAL ERRORS AND TO STREAMLINE AND SIMPLIFY PERMITTING REQUIREMENTS OF CHAPTER 110 (DEVELOPMENT CODE) BY AMENDING THE FOLLOWING ARTICLES: ARTICLE 104 "COUNTY GROWTH MANAGEMENT SYSTEM"; ARTICLE 106 "REGULATORY ZONES"; ARTICLE 702 "ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM"; ARTICLE 704 "ADEQUATE PUBLIC FACILITIES: SANITARY SEWER"; ARTICLE 802 "ADMINISTRATIVE WAIVERS"; ARTICLE 804 "VARIANCES"; ARTICLE 806 "VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS"; ARTICLE 808 "ADMINISTRATIVE PERMITS"; ARTICLE 810 "SPECIAL USE PERMITS"; ARTICLE 812 "PROJECTS OF REGIONAL SIGNIFICANCE"; ARTICLE 814 "DEVELOPMENT AGREEMENTS"; ARTICLE 816 "SPECIFIC PLANS"; ARTICLE 818 "AMENDMENT OF DEVELOPMENT CODE"; ARTICLE 820 "AMENDMENT OF COMPREHENSIVE PLAN"; ARTICLE 902 "DEFINITIONS"; AND ARTICLE 916 "ESTABLISHMENT OF COMMITTEES."

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Article 104 "County Growth Management System" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. Article 106 "Regulatory Zones" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "B" which is attached hereto and made a part hereof.

SECTION 3. Article 702 "Adequate Public Facilities Management System" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "C" which is attached hereto and made a part hereof.

SECTION 4. Article 704 "Adequate Public Facilities: Sanitary Sewer" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "D" which is attached hereto and made a part hereof.

SECTION 5. Article 802 "Administrative Waivers" of chapter 110 of the Washoe County Code is hereby amended as set forth

in Exhibit "E" which is attached hereto and made a part hereof.

SECTION 6. Article 804 "Variances" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "F" which is attached hereto and made a part hereof.

SECTION 7. Article 806 "Vacations and Abandonments of Easements or Streets" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "G" which is attached hereto and made a part hereof.

SECTION 8. Article 808 "Administrative Permits" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "H" which is attached hereto and made a part hereof.

SECTION 9. Article 810 "Special Use Permits" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "I" which is attached hereto and made a part hereof.

SECTION 10. Article 812 "Projects of Regional Significance" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "J" which is attached hereto and made a part hereof.

SECTION 11. Article 814 "Development Agreements" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "K" which is attached hereto and made a part hereof.

SECTION 12. Article 816 "Specific Plans" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "L" which is attached hereto and made a part hereof.

SECTION 13. Article 818 "Amendment of Development Code" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "M" which is attached hereto and made a part hereof.

SECTION 14. Article 820 "Amendment of Comprehensive Plan" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "N" which is attached hereto and made a part hereof.

SECTION 15. Article 902 "Definitions" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "O" which is attached hereto and made a part hereof.

SECTION 16. Article 916 "Establishment of Committees" of chapter 110 of the Washoe County Code is hereby amended as set

forth in Exhibit "P" which is attached hereto and made a part hereof.

Proposed on the 11TH day of MAY, 1993.

Proposed by Commissioners CORNWALL:

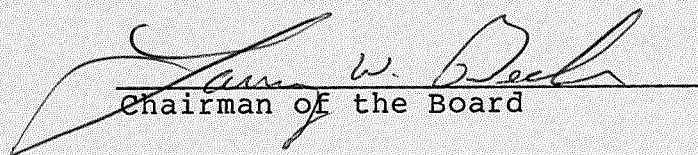
Passed on the 25TH day of MAY, 1993.

Vote:

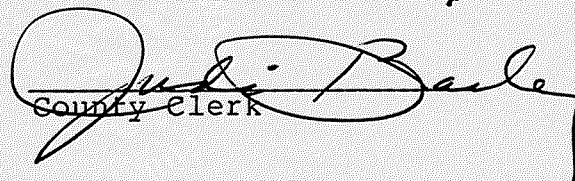
Ayes: Commissioners: LARRY BECK, STEVE BRADHURST,  
DIANNE CORNWALL, GENE McDOWELL, JIM SHAW

Nays: Commissioners:  
NONE

Absent: Commissioners:  
NONE

  
Chairman of the Board

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 7TH day of JUNE, 1993.

# Article 104

## COUNTY GROWTH MANAGEMENT SYSTEM

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### Sections:

110.104.00	Purpose
110.104.05	Washoe County Board of County Commissioners
110.104.10	Washoe County Planning Commission
110.104.15	Washoe County Board of Adjustment
110.104.20	Washoe County Comprehensive Plan
110.104.25	Washoe County Capital Improvements Program
110.104.30	Washoe County Development Code
110.104.35	Washoe County Departments
110.104.40	Other Agencies

**Section 110.104.00 Purpose.** The purpose of this article, Article 104, County Growth Management System, is to describe the Washoe County system for ensuring that growth occurs in a responsible manner in order to protect the health, safety, and welfare of the County and its residents.

**Section 110.104.05 Washoe County Board of County Commissioners.** The Washoe County Board of County Commissioners is responsible for overall governance of the County. It is authorized to appoint members to entities such as the Tahoe Regional Planning Agency Governing Board, Truckee Meadows Regional Governing Board, Washoe County Planning Commission, and Washoe County Board of Adjustment. The Board of County Commissioners adopts the Comprehensive Plan, Capital Improvement Program, and Development Code. It acts as an appeal body from decisions of the Planning Commission and the Board of Adjustment, and exercises other responsibilities as set forth in this Development Code.

**Section 110.104.10 Washoe County Planning Commission.** The Washoe County Planning Commission acts as an advisory body to the Board of County Commissioners in such areas as adoption of the Comprehensive Plan, Capital Improvement Program, and Development Code. The Planning Commission makes decisions on Special Use Permits, approves tentative subdivision maps, and exercises other responsibilities as set forth in this Development Code. The Planning Commission is established by Article 912.

**Section 110.104.15 Washoe County Board of Adjustment.** The Washoe County Board of Adjustment acts as a appeal body for all decisions rendered by an appointed official that relate to the use of land and structures, and exercises other responsibilities as set forth in this Development Code. The Board of Adjustment is established by Article 912.

**Section 110.104.20 Washoe County Comprehensive Plan.** The Washoe County Comprehensive Plan is the first major element of the County's Growth Management System. The Comprehensive Plan has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278. This plan covers the entire unincorporated area of Washoe County and includes both elements and area plans. The Comprehensive Plan is required to be in conformance with the Truckee Meadows Regional Plan for all areas except the Lake Tahoe Basin, and the Tahoe Regional Plan for

the lake Tahoe Basin. The purpose of the Comprehensive Plan is to conserve and promote the public health, safety, and general welfare of residents of Washoe County.

**Section 110.104.25 Washoe County Capital Improvements Program.** The Washoe County Capital Improvements Program is the second major element of the County's Growth Management System. The Capital Improvements Program has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278B. It determines the timing for public services and facilities that will help implement the Comprehensive Plan. The Capital Improvements Program is updated and adopted annually. It serves as the preliminary capital budget for the first year following adoption and as a policy document for the following five (5) years. The Capital Improvements Program must conform to the Comprehensive Plan pursuant to NRS 278.

**Section 110.104.30 Washoe County Development Code.** The Washoe County Development Code is the third major element in the County's Growth Management System. The Development Code has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278 and 278A. The Development Code regulates the subdivision and development of land, and the use of land and structures. The Development Code includes Chapter 105 (Billboard and Sign Regulations) of the Washoe County Code by reference set forth in Article 502. The Development Code must conform to the Comprehensive Plan pursuant to NRS 278.

**Section 110.104.35 Washoe County Departments.**

- (a) **Department of Comprehensive Planning.** The Washoe County Department of Comprehensive Planning is responsible for information systems, strategic planning, preparing the elements of the growth management system, and conservation. The Department of Comprehensive Planning is established by Article 914.
- (b) **Department of Development Review.** The Washoe County Department of Development Review is responsible for administering the Development Code and issuing other permits. The Director of the department may appoint a Zoning Administrator to assist in administering the Development Code. The Department of Development Review is established by Article 914.
- (c) **Department of Public Works.** The Washoe County Department of Public Works is responsible for managing divisions dealing with buildings and safety, engineering, roads, and utilities. The Department of Public Works is established by Chapter 80 of the Washoe County Code.

**Section 110.104.40 Other Agencies.**

- (a) **District Health Department.** The Washoe County District Health Department, which has its own governing board, enforces regulations on subjects such as solid and hazardous waste, wastewater, safe drinking water, and air quality. The District Health Department is established by NRS 439 and by an interlocal agreement.
- (b) **Regional Transportation Commission.** The Regional Transportation Commission is the designated Metropolitan Planning Organization (MPO) and is responsible for regional transportation planning such as developing standards for arterial roads, and operating transit service. The Regional Transportation Commission is established by NRS 373.
- (c) **Park Commission.** The Washoe County Park Commission is the designated appointed body for review of park and recreation plans for the unincorporated

portion of Washoe County. The Park Commission is a recommending body to the Board of County Commissioners. The Park Commission is established by NRS 244. For the purpose of this chapter, the Park Commission is authorized to approve discretionary permits for Active Recreation Uses, provided that its noticing and meeting procedures are equal to, or exceed, the minimum requirements enumerated in this chapter for the issuance of said permit.





## Article 106

# REGULATORY ZONES

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### Sections:

110.106.00	Purpose
110.106.05	Establishment of Land Use Categories and Regulatory Zones
110.106.10	Transition Process
110.106.15	Residential Land Use Category.
110.106.20	Low Density Rural Zone <u>Regulatory Zone.</u>
110.106.25	Medium Density Rural Zone <u>Regulatory Zone.</u>
110.106.30	High Density Rural Zone <u>Regulatory Zone.</u>
110.106.35	Low Density Suburban Zone <u>Regulatory Zone.</u>
110.106.40	Medium Density Suburban Zone <u>Regulatory Zone.</u>
110.106.45	High Density Suburban Zone <u>Regulatory Zone.</u>
110.106.50	Low Density Urban Zone <u>Regulatory Zone.</u>
110.106.55	Medium Density Urban Zone <u>Regulatory Zone.</u>
110.106.60	High Density Urban Zone <u>Regulatory Zone.</u>
110.106.65	Non-Residential Land Use Category.
110.106.70	Open Space Zone <u>Regulatory Zone.</u>
110.106.75	Parks and Recreation Zone <u>Regulatory Zone.</u>
110.106.80	Public/Semi-Public Facilities Zone <u>Regulatory Zone.</u>
110.106.85	Office Commercial Zone <u>Regulatory Zone.</u>
110.106.90	General Commercial Zone <u>Regulatory Zone.</u>
110.106.95	Tourist Commercial Zone <u>Regulatory Zone.</u>
110.106.100	Industrial Zone <u>Regulatory Zone.</u>
110.106.105	Other Land Use Category.
110.106.110	General Rural Zone <u>Regulatory Zone.</u>
110.106.115	Review of General Rural Zone <u>Regulatory Zone</u> Designation.
110.106.120	General Rural Zone <u>Regulatory Zone</u> Development Guidelines.
110.106.125	Specific Plan Area Zone <u>Regulatory Zone.</u>

**Section 110.106.00 Purpose.** The purpose of this article, Article 106, Regulatory Zones, is to provide general descriptions of the regulatory zones of this Development Code, and the nature of uses therein.

**Section 110.106.05 Establishment of Land Use Categories and Regulatory Zones.** The land use categories and regulatory zones described in Section 110.106.15 through Section 110.106.125 are hereby established.

- (a) **Regulatory Zone Maps.** The regulatory zones correspond to the land use designations as shown on the Land Use Plan maps for each of the area plans included within the Comprehensive Plan. These maps are hereby adopted by reference. They are in the offices of the Department of Comprehensive Planning and the Department of Development Review.
- (b) **Interpretation of Boundaries.** When uncertainty exists as to the boundaries of the regulatory zones, the following rules shall apply in the order listed:

- (1) Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street dedicated right-of-way;
  - (2) Boundaries shown as following or approximately following any lot line or other property line shall be construed as following such line;
  - (3) Boundaries shown as following or approximately following sections lines, half-section lines, or quarter-section lines shall be construed as following such lines; and
  - (4) Boundaries shown as following or approximately following natural features shall be construed as following such features.
- (c) Further Uncertainties. In the event of further uncertainty as to the boundaries of a regulatory zone, the Director of Development Review shall make an interpretation.

**Section 110.106.10 Transition Process.** The following provisions apply to parcels of land where the land use district (zoning) applicable at the time this section becomes effective is not consistent with the adopted land use designation for that parcel as shown in the Washoe County Comprehensive Plan.

- (a) Interim Period for Alternative Land Use. Except as provided herein, all uses of land, including the allowable residential densities (number of dwelling units per acre), shall be governed by the adopted land use designations of the Washoe County Comprehensive Plan (specifically, the applicable area plan). Until June 30, 1997, a property owner may choose to utilize the density and allowable use provisions of Washoe County Code, Chapter 110, in effect prior to the effective date of this article and adopted therein.
- (b) Development Subject to Site Plan Review. A property owner who wishes to utilize the alternative land use provisions of Subsection (a) of this section must submit a site plan of the proposed development to the Department of Development Review. The Planning Commission shall hold a public hearing to review the site plan and, if it approves the site plan, may impose such conditions as are necessary to mitigate any impact the proposed development may have on adjacent and surrounding properties. The requirement for site plan review shall be considered fulfilled if the proposed development requires a similar review such as a variance, special use permit, or subdivision map. The Planning Commission may exempt certain uses from the requirement for site plan review if such uses will not have any significant impact on adjacent and surrounding properties. The Planning Commission shall utilize the same procedures outlined in Subsections (1) and (2) below in exempting any such uses and in compiling a list of such exclusions. Such site plan approval by the Planning Commission shall expire twenty four (24) months after the date of approval.
  - (1) Reclassification of uses. The Planning Commission may reclassify a use when such reclassification does not violate the intent of the Development Code and after the Planning Commission has published newspaper notification thereof and held at least one public hearing thereon.
  - (2) Supplementary land use classification list. A list to be known as Supplementary Land Use Classification shall be compiled to include all classified or reclassified uses, the regulatory zone in which each use is

classified and the conditions under which each use may be permitted. The Board of County Commissioners shall be furnished a copy of such list and notified of all subsequent additions. Such classification of any use in any land use district shall have the same force and effect as if such use were set forth in the Development Code.

- (c) Initiation of Amendment to the Comprehensive Plan. Should a property owner choose to utilize the alternative provisions of Subsection (a) of this section, the Planning Commission shall initiate an amendment to the Comprehensive Plan which would properly reflect such use of the property. Said amendment shall be initiated within one (1) year of the approval of any such development (for example, a tentative subdivision map, a parcel map, a special use permit, or a building permit) and will be considered on its merits by the Planning Commission and the Board of County Commissioners.
- (d) Extension to Additional Permit or Approval. If, in order to construct a project approved pursuant to the provisions of this article, an applicant must first obtain any permit or approval from Washoe County or another governmental agency before applying for a building permit, then, upon submission of appropriate documentation to the Director of the Department of Development Review, any time limit for a valid approval specified in this article shall be extended for the amount of time between the date the applicant submitted an application for the additional permit or approval and the date the additional permit or approval was granted.
- (e) Conformance to Provisions of the Truckee Meadows Regional Plan. Any proposed use of land permitted by this section that is not consistent with the Truckee Meadows Regional Plan shall require an amendment of the Truckee Meadows Regional Plan prior to final approval of development by the County.
- (f) Notification of Inconsistent Zoning Designation and Land Use Designation. The Washoe County Department of Comprehensive Planning shall send individual written notice to all property owners whose property's land use district (zoning) is not consistent with the land use designation of the Washoe County Comprehensive Plan. Notice may be given to owners of real property in addition to those provided for in this subsection when the Planning Commission or Board of County Commissioners deems it necessary to protect the public interest. All owners of real property as provided in this section shall be those owners indicated by the latest County Assessor's ownership maps, and such notice is complied with when the Department of Comprehensive Planning mails the same to the last-known addresses of such property owners as indicated by the latest County Assessor's records. This notice shall be made on an annual basis through June 30, 1997.
- ~~(g) Change of Land Use Districts. Property owners may only apply for a change of land use district (zoning) for the purpose of changing the land use district to a designation consistent with the adopted Comprehensive Plan designation for that property.~~
- (hg) Resolution of Intent to Expire. All resolutions of intent on file with the Clerk of the County Commission shall expire on July 1, 1995.
- (ih) Table of Comparable Land Use Designations and Land Use Plan Districts. The following Table 110.106.10.1 sets forth the land use districts (zoning) which are

consistent with the land use designations of the Washoe County Comprehensive Plan.

Table 110.106.10.1

## TABLE OF COMPARABLE LAND USE AND ZONING DESIGNATIONS

Comprehensive Plan Designation	Comparable Zoning Ordinance District
Low Density Rural	A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3
Medium Density Rural	A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-5
High Density Rural	A-2, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-4, E-5
Low Density Suburban	A-1, A-2, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-3, E-4, E-5, C-1
Medium Density Suburban	A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
High Density Suburban	<u>R-1</u> , R1-a, R-1b, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-4, E-5, C-1
Low Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-5, E-4, C-1
Medium Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-5, E-4, C-1
High Density Urban	R-1, R-1a, R-1b, R-2, R-2a, R-3, A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, M-3, E-1, E-2, E-5, E-4, C-1
General Commercial	C-1, C-2
Office Commercial	C-1, C-2
Tourist Commercial	R-H, TC, C-2
Industrial	M-1, ME, MS, MW, C-2
Public/Semi-Public Facilities	A-R, L-R
Parks and Recreation	A-R, L-R
General Rural	A-7, A-8, A-9, A-10, A-11, M-3
Rural Residential	A-7, A-8, A-9, A-10, A-11
Specific Plan Area	Any zone if included in an adopted specific plan.

Notes: Overlay districts are considered a sub-district of the underlying zone. This table shall be used until June 30, 1997 to determine property owners that shall be noticed according to the provisions of subsection 6 of this section.

Source: Washoe County Department of Comprehensive Planning.

**Section 110.106.15 Residential Land Use Category.** The residential land use category includes the following regulatory zones: Low Density Rural, Medium Density Rural, High Density Rural, Low Density Suburban, Medium Density Suburban, High Density Suburban, Low Density Urban, Medium Density Urban, and High Density Urban. The following criteria are common to all regulatory zones in the residential land use category.

- (a) **Site Suitability.** The area designated has slope, soil, geology and other physical conditions that make it suitable for the density of residential development.
- (b) **Noise.** The following average daily noise levels are recommended for residential land uses. Sound attenuation measures shall be adhered to in areas where these levels are exceeded more than 10 percent of the time.

<u>Residential Land Uses</u>	
Outdoor	65 Ldn
Indoor	50 Ldn

- (c) **Special Development Options.** The following special development option is allowed for all residential designations: the grouping of residential structures is permitted on lots smaller than those allowed within each designation, providing that the provisions of Article 408: Common Open Space Development are met.

**Section 110.106.20 Low Density Rural ZoneRegulatory Zone.** The Low Density Rural (LDR) ZoneRegulatory Zone is designed to preserve areas where agriculture, grazing, and/or open space predominate. Single-family, detached dwellings are permitted on large lots; single-family dwellings may be clustered to retain open space and agricultural uses. The maximum number of dwelling units that may be located in this zone is one (1) unit per ten (10) acres. The minimum lot area in this zone is eight (8) acres.

**Section 110.106.25 Medium Density Rural.** The Medium Density Rural (MDR) ZoneRegulatory Zone is intended to preserve areas where agriculture, grazing and/or open space predominate. Single-family, detached residences in this area are generally on five-acre lots and have limited public services and facilities available. Multi-family residences are not appropriate, but single-family homes may be clustered to retain open space and agricultural uses. The maximum number of dwelling units that may be located in this zone is one (1) unit per five (5) acres. The minimum lot area in this zone is four (4) acres

**Section 110.106.30 High Density Rural.** The High Density Rural (HDR) ZoneRegulatory Zone is intended to preserve and create areas of single-family, detached dwellings in a semi-rural setting. Livestock grazing and agricultural activities are common secondary uses. The maximum number of dwelling units that may be located in this zone is one (1) unit per two-and-a-half (2.5) acres. The minimum lot area in this zone is two (2) acres.

**Section 110.106.35 Low Density Suburban.** The Low Density Suburban (LDS) ZoneRegulatory Zone is intended to create and preserve areas where single-family, detached homes on one acre lots are predominant. Small neighborhood commercial uses may be permitted when they serve the needs of residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this zone is one (1) unit per one (1) acre. The minimum lot area in this zone is thirty-five thousand (35,000) square feet.

**Section 110.106.40 Medium Density Suburban.** The Medium Density Suburban (MDS) ZoneRegulatory Zone is intended to create and preserve areas where the predominant dwelling type is single-family, detached units at three units per acre. Attached single-family units are also

permitted, subject to special review, but the overall density shall remain at three (3) units per acre. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this zonerregulatory zone is three (3) units per one (1) acre. The minimum lot area in this zonerregulatory zone is twelve thousand (12,000) square feet.

**Section 110.106.45 High Density Suburban.** The High Density Suburban (HDS) ZoneRegulatory Zone is intended to create and preserve neighborhoods where the predominant housing type is single-family, detached units at seven units per acre. Attached single-family units are also permitted at nine units per acre, subject to special review. Small neighborhood commercial and civic uses may be permitted when they serve the needs of the residents and are compatible with the residential character of the area. The maximum number of dwelling units that may be located in this zonerregulatory zone is seven (7) units per one (1) acre for single-family detached; and nine (9) units per one (1) acre for attached single family and mobile home parks. The minimum lot area in this zonerregulatory zone is five thousand (5,000) square feet.

**Section 110.106.50 Low Density Urban.** The Low Density Urban (LDU) ZoneRegulatory Zone is intended to create and preserve areas where single-family dwellings (at 10 units per acre) and multi-family dwellings (at 14 units per acre) are located. Some commercial, professional and civic uses may be permitted when they serve the needs of local residents and are compatible with the residential environment. The maximum number of dwelling units that may be located in this zonerregulatory zone is ten (10) units per one (1) acre for single-family; fourteen (14) units per one (1) acre for multi-family; and twelve (12) units per one (1) acre for mobile home parks. The minimum lot area in this zonerregulatory zone is eight thousand (8,000) square feet, with two (2) dwelling units (attached) per lot. The minimum lot area for an individual dwelling unit in this zonerregulatory zone is three thousand seven hundred (3,700) square feet.

**Section 110.106.55 Medium Density Urban.** The Medium Density Urban (MDU) ZoneRegulatory Zone creates and preserves areas where the predominant housing type is multi-family dwellings at 21 units per acre. In medium density urban areas, commercial, professional, and civic uses are permitted when they serve the needs of the local residents and are compatible with the residential environment. The maximum number of dwelling units that may be located in this zonerregulatory zone is twenty-one (21) units per one (1) acre. The minimum lot area in this zonerregulatory zone is eight thousand (8,000) square feet, with four (4) multi-family units per lot. The minimum lot area for an individual dwelling unit in this zonerregulatory zone is three thousand seven hundred (3,700) square feet.

**Section 110.106.60 High Density Urban.** The High Density Urban (HDU) ZoneRegulatory Zone is intended to create and preserve areas where multi-family dwellings at 42 units per acre are predominant. In high density urban areas, commercial, professional, and civic uses are permitted when they serve the needs of local residents and are compatible with the residential environment. The maximum number of dwelling units that may be located in this zonerregulatory zone is forty-two (42) units per one (1) acre. The minimum lot area in this zonerregulatory zone is eight thousand (8,000) square feet with eight (8) multi-family units allowed per lot. The minimum lot area for an individual dwelling unit in this zonerregulatory zone is three thousand seven hundred (3,700) square feet.

**Section 110.106.65 Non-Residential Land Use Category.** The non-residential land use category includes the following regulatory zone zones: Open Space, Parks and Recreation, Public/Semi-Public Facilities, Office Commercial, General Commercial, Tourist Commercial, and Industrial. The following criteria are common to all non-residential land use categories:

- (a) Site Suitability. The area designated has slope, soil, geology, and other physical conditions that make it suitable for the use being proposed.
- (b) Noise. An average daily outdoor noise level of 65 Ldn is recommended for nonresidential land uses adjacent to residential land uses. Sound attenuation measures shall be adhered to in areas where these levels are exceeded more than 10 percent of the time.
- (c) Special Development Options. The following special development option is allowed for all non-residential designations: the development of non-residential uses is permitted on lots smaller than those allowed within each designation, providing that at least one of the following provisions are met:
  - (1) Common Open Space Development. The provisions of Article 408: Common Open Space Development are met.
  - (2) Development Regulations Demonstrated. It is demonstrated that the non-residential development of the lot can meet all applicable development regulations of this development code.

**Section 110.106.70 Open Space ZoneRegulatory Zone.** The Open Space (OS) ZoneRegulatory Zone is intended to create and protect areas of undeveloped landscape, including but not limited to, ridges, stream corridors, natural shoreline, scenic views, viewsheds, agricultural, or other land devoted exclusively to open-space uses that are owned, controlled, or leased by public or non-profit agencies. There is no minimum lot area for this zoneRegulatory zone. Uses compatible with the Open Space zoneRegulatory zone designation include:

- (a) Natural and Scenic Resource Preservation. The preservation of land to conserve and enhance natural or scenic resources;
- (b) Sensitive Area Protection. The protection of streams and stream environment zones, watersheds, viewsheds, natural vegetation, and wildlife habitat zones;
- (c) Flood Control. The maintenance of natural and man-made features that control floods;
- (d) Historic Resource Preservation. The preservation of natural resources and sites that are designated as historic by the Division of Historic Preservation and Archaeology of the State Department of Conservation and Natural Resources; and,
- (e) Recreation. The development of recreational sites.

**Section 110.106.75 Parks and Recreation ZoneRegulatory Zone.** The Parks and Recreation (PR) ZoneRegulatory Zone is intended for parks, golf courses, ski resorts and other recreational areas. This designation includes uses developed either by public or private capital which may be public or may be restricted, as in the case of private clubs. There is no minimum lot area for this zoneRegulatory zone.

**Section 110.106.80 Public/Semi-Public Facilities ZoneRegulatory Zone.** The Public/Semi-Public Facilities (RSPPSF) ZoneRegulatory Zone is intended for public or semi-public facilities such as schools, churches, fire stations, hospitals, civic and community buildings, and utility buildings and facilities. This designation includes uses developed either by public or private capital which may be public or may be restricted, as in the case of private clubs, but in both cases, a large



number of people use the facility and the use is essentially public in nature. There is no minimum lot area for this zonerregulatory zone.

**Section 110.106.85 Office Commercial ZoneRegulatory Zone.** The Office Commercial (OC) ZoneRegulatory Zone is intended to create and preserve areas for businesses and business parks containing professional, medical, educational, financial and insurance services, and supportive commercial activities having related and compatible functions. This designation is also intended to provide a transition or buffer between other more intensive and less intensive uses or between major highways and adjacent residential uses. The area is to be developed in a low-intensity, park-like setting. The minimum lot area for this zonerregulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.65(c) are met.

**Section 110.106.90 General Commercial ZoneRegulatory Zone.** The General Commercial (GC) ZoneRegulatory Zone is intended to create and preserve areas for businesses that provide a variety of wholesale and retail goods and services and serve a community or regional market. The primary uses may include wholesale and retail stores, shopping centers, specialty shops, personal services, and automobile services. Other uses include offices, restaurants, theaters, and other compatible activities ~~that serve the area~~. Only limited gaming is allowed. Limited gaming is defined as an establishment which contains no more than 15 slot machines (and no other game or gaming device) where the operation of the slot machines is incidental to the primary business of the establishment. The minimum lot area for this zonerregulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.65(c) are met.

**Section 110.106.95 Tourist Commercial ZoneRegulatory Zone.** The Tourist Commercial (TC) ZoneRegulatory Zone is intended to create and preserve areas for commercial establishments that meet the needs of those employees who reside inat the resort, ~~are transient residents~~, or patrons of a resort, amusement or recreational area, and areas for gaming. Additionally, this designation provides a location for ancillary retail activities such as restaurants and shopping. The minimum lot area for this zonerregulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.65(c) are met.

**Section 110.106.100 Industrial ZoneRegulatory Zone.** The Industrial (I) ZoneRegulatory Zone is intended to create and preserve areas for high intensity activities such as manufacturing, warehousing, mining and construction. The industrial designation is intended to create an environment in which industrial operations may be conducted with minimal impact on the natural environment and surrounding land uses. The minimum lot area for this zonerregulatory zone is ten thousand (10,000) square feet, unless the provisions of Section 110.106.65(c) are met.

**Section 110.106.105 Other Land Use Regulatory Category.** The other land use category includes the following regulatory zones: General Rural, and Specific Plan Area.

**Section 110.106.110 General Rural ZoneRegulatory Zone.** The General Rural (GR) ZoneRegulatory Zone is intended to identify areas that are: (1) remote and will have no or very low density development (i.e. 1 dwelling unit per 40 acres), (2) in transition from rural to suburban or urban densities on the urban fringe, and (3) remote but where unique developments may occur (e.g. destination resorts, conference centers, etc.). This zonerregulatory zone identifies areas that may have one or more of the following characteristics:

- (a) **Floodplains.** The parcel or area is within the 100-year floodplain identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or, where these maps are unavailable, is within other potential floodplain areas identified by the Washoe County Department of Comprehensive Planning.

- (b) Potential Wetlands. The parcel or area is within a "potential wetland area" as identified by the U.S. Army Corps of Engineers (COE) or, where COE maps are unavailable, is within other potential wetland areas identified by the Washoe County Department of Comprehensive Planning.
- (c) Slopes. The parcel or area has moderate slopes (between 15 and 30 percent) or steep slopes (30 percent or steeper) based on interpretation of the topographic information on the USGS maps for Washoe County.
- (d) Public Ownership. The parcel or area is under public ownership.
- (e) Remote Location Lacking Infrastructure. The parcel or area is in a remote location that does not have public infrastructure adjacent to or near the site.

**Section 110.106.115 Review of General Rural ZoneRegulatory Zone Designation.** Approval of all development plans for specific properties in the general rural areas shall be on a case-by-case basis. Parcel owners may apply for ~~an area plan amendment to the comprehensive plan (Article 818)~~ to a more intensive land use designation after addressing the potential constraints for which the property was initially designated general rural. The general rural designated areas will be reviewed by Washoe County at least every five years to determine if a more intensive land use ~~zone~~regulatory zone is necessary and/or appropriate.

**Section 110.106.120 General Rural ZoneRegulatory Zone Development Guidelines.** The predominant land use pattern within the general rural ~~zone~~regulatory zone is open space and agriculture, with less frequent occurrence of mining or other similar uses. Through the general rural ~~regulatory~~regulatory zone, it is the County's intention to encourage more intensive land uses to locate in environmentally suitable areas and/or areas served by existing or planned infrastructure. Property owners will be encouraged to develop their property at densities and intensities compatible with surrounding existing and planned development. Where environmental and/or public infrastructure constraints cannot be effectively removed, the standard residential density is 1 dwelling unit per 40 acres. Higher density development shall be permitted upon finding that the constraints associated with the above mentioned characteristics can be mitigated and the plan for the area is amended. Furthermore, other uses not specified here may be appropriate, provided they deal effectively with the limitations and constraints noted, and the development represents an overall benefit to the County (e.g. unique employment opportunity). Development in the general rural ~~zone~~regulatory zone is appropriate under the following conditions:

- (a) Conservation. It will preserve the environmental character of sensitive or unique natural features and environmental constraints (e.g. moderately steep or steep slopes, potential wetlands, floodplains) must be identified and impacts mitigated according to applicable policies and ordinances.
- (b) Land Use and Transportation. Adjacent land uses shall be compatible. This land use is consistent with the Public Service, Recreation, and Resource Management designation in the Tahoe Regional Plan and the Rural Reserve designation in the Truckee Meadows Regional Plan.
- (c) Public Services and Facilities. The area typically lacks public services and facilities necessary to support development. Should these services and improvements become available, ~~this~~the application of this regulatory zone can be reevaluated.

**Section 110.106.125 Specific Plan Area-ZoneRegulatory Zone.** The Specific Plan Area (SPA) ~~ZoneRegulatory Zone~~ZoneRegulatory Zone is intended to identify areas where ~~a specific plan must be prepared or~~

~~development must be in accordance with an adopted specific plan. Each area plan shall identify the special needs or desired character for any properties designated Specific Plan Area. The specific plan zone shall not be used as the basis for development proposals until the specific plan for the area is approved and adopted by the Board of County Commissioners. Detailed study and planning are required to address the unique conditions of an area, and the needs of landowners and the community. The Specific Plan designation is appropriate for redeveloping existing suburban and/or urban areas, re-planning areas that have already begun to develop in an unplanned or uncoordinated manner, planning environmentally sensitive areas, planning for a mixture of land uses and planning new communities. The specific plan document serves as the regulatory framework for development within the Specific Plan designation by identifying the appropriate land uses and associated infrastructure necessary to support development. When adopted by the Washoe County Planning Commission, the specific plan is used as a mechanism for systematic execution of the Comprehensive Plan. Specific plans can also provide a tool to implement development agreements when it is appropriate and desirable to coordinate private funding (or cooperative public/private funding) of public services.~~

An important function of an adopted specific plan is to simplify the review procedures and permitting time necessary for subsequent development. At a minimum, the specific plan shall contain proposals for land use, circulation, water and sewerage system improvements, open space/recreation, phasing, financing, and implementation. The specific plan shall also contain design guidelines and development regulations. The design guidelines address the aesthetic elements of a proposed development. The development regulations articulate the site planning criteria and address the unique aspects of the area and/or incompatible land use issues.

The Specific Plan designation shall not be used as the basis for development proposals unless and until the specific plan for the area is approved and adopted by the Washoe County Commission. All discretionary permit applications submitted must be consistent with the applicable specific plan provisions. However, should a property owner in the Specific Plan designation desire to develop prior to adoption of the specific plan, then an amendment to change the land use designation from SP to another land use will be required before a development proposal is approved by Washoe County. --If a specific plan has not been adopted for an area zoned as Specific Plan Area, the land use zone designation in effect prior to the adoption of this section shall be used for the development of that area. There is no minimum lot area for this regulatory zone.



# Article 702

## ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM

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### Sections:

110.702.00	Purpose
110.702.05	Applicability
110.702.10	Adequate Public Facilities Determination
110.702.15	Final Development Approval
110.702.20	Vesting for Adequate Public Facilities Determination
110.702.25	Exempt Projects
110.702.30	Applications
110.702.35	Timing of Adequate Public Facilities Determination
110.702.40	Adequate Public Facilities Determination Process
110.702.45	Standards for Adequate Public Facilities
110.702.50	Transferability
110.702.55	Period of Validity
110.702.60	Revocation of Determination of Adequate Public Facilities
110.702.65	Revocation Process.
110.702.60	Modification of Project

**Section 110.702.00 Purpose.** The purpose of this article, Article 702, Adequate Public Facilities Management System, is to ensure that the public infrastructure necessary to support a development project will be available concurrently with the impacts of that development without causing the level of service at which the infrastructure is provided to fall below adopted standards.

**Section 110.702.05 Applicability.** Unless otherwise specifically excluded by Section 110.702.20 or Section 110.702.25, the provisions of this article shall apply to all development requiring one of the approvals listed in Section 110.702.15.

(a) **Types of Infrastructure.** The provisions of this article shall apply to the following types of infrastructure:

(1) Sanitary Sewer

(b) **Supplemental Provisions.** Supplemental provisions for the infrastructure listed in Subsection (a) of this section are contained in the following articles:

(1) Article 704, Adequate Public Facilities: Sanitary Sewer

**Section 110.702.10 Adequate Public Facilities Determination.** All development subject to the provisions of this article shall require an adequate public facilities determination to ensure that infrastructure will be made available concurrent with the impacts of that development.

(a) **Positive Determination.** If the adequate public facilities determination is positive, a Certificate of Adequate Public Facilities shall be issued.

- (b) **Negative Determination.** If the adequate public facilities determination is negative, the applicant shall be notified that a Certificate of Adequate Public Facilities cannot be issued. Grading or construction shall not begin nor shall the County issue a final development approval for a development project requiring an adequate public facilities determination until a Certificate of Adequate Public Facilities is issued.

**Section 110.702.15 Final Development Approval.** Final development approval as used in this article means the action required for those final permit approval, among these from the following list, that effectuates the approval for the is required for a specific development project:

- (a) Tentative Parcel Map Approval (Article 606): the action is the recordation of a final map;
- (b) Tentative Subdivision Map Approval (Article 608): the action is the recordation of a final map;
- (c) Special Use Permit (Article 810): the action is the issuance of a grading permit, building permit or business license;
- (d) Development Agreement Approval (Article 814): the action is the recordation of the development agreement;
- (e) Specific Plan Approval (Article 816), if no other final approval is needed: the action is the approval of the specific plan by the final approving body;
- (f) Site Plan Review (Article 106): if not part of an approval process listed above, the action is the issuance of a grading permit, building permit or business license; or
- (g) Building Permit: the action is the issuance of the building permit.

**Section 110.702.20 Vesting for Adequate Public Facilities Determination.** Development projects that are vested for an adequate public facilities determination at the effective date of this article are not subject to the adequate public facilities system. All of the following must be met in order for a development project to be vested for an adequate public facilities determination:

- (a) The development project has received final approval as defined in Section 110.702.15 prior to the effective date of this article Development Code;
- (b) The applicant has expended substantial sums of money or incurred substantial obligations in reliance upon the final approval (substantial is defined as more than five (5) percent of the total project cost; monies spent or obligations incurred before the issuance of the final approval are not included); and
- (c) Construction on the development project has commenced by visually apparent activities on the ground and has continued on a reasonable schedule, taking into account such factors as weather, labor availability, and local market demand.

**Section 110.702.25 Exempt Projects.** The following development projects are exempt from the Adequate Public Facilities Management System:

- (a) Interior or exterior renovations, provided the use does not change and the size does not increase more than ten (10) percent of the total floor area;

- (b) Temporary construction trailers;
- (c) Relocation of temporary uses;
- (d) Signs;
- (e) Fences and walls;
- (f) Wells and septic tanks;
- (g) Driveway and parking lot resurfacing;
- (h) Single family dwellings built on individual lots created prior to the effective date of this article;
- (i) Agricultural uses;
- (j) Boundary Line Adjustments;
- (k) Abandonments;
- (l) Reversion to Acreage;
- (m) Amended maps, provided the amended map does not create additional parcels;
- (n) Large parcel (forty acres or larger) residential subdivisions, as defined in ~~Section 110.612.05~~ Article 612;
- (o) Attached accessory dwellings to a single family dwelling; and
- (p) Replacement structures for those that were destroyed, provided the use does not change and the size does not increase.
- (q) Temporary public facilities needed on an emergency or other essential basis to provide public facilities and services.

**Section 110.702.30 Applications.** The applicant is responsible for providing sufficient information to enable the Washoe County Department of Development Review to make the adequate public facilities determination.

**Section 110.702.35 Timing of Adequate Public Facilities Determination.** Requests for an adequate public facilities determination shall be made as provided in this section.

- (a) **Preliminary Adequate Public Facilities Determinations.** The applicant may request a preliminary adequate public facilities determination at any point in the development review process as long as the project is, in the judgement of the Director of Development Review, sufficiently defined to permit a determination to be made. The purpose of the preliminary adequate public facilities determination is to assure the applicant that capacity is available before he or she proceeds with more detailed project planning and that another project will not be approved that will consume the capacity during the detailed project planning. A preliminary adequate public facilities determination reserves capacity for one (1) year. Up to two (2) extensions of up to six (6) months each may be granted by the Director of

Development Review, upon a finding that the applicant is diligently pursuing the application.

- (b) **Final Adequate Public Facilities Determination.** A final adequate public facilities determination shall be made at the time of the final development approval. A final determination is deemed effective and reserves capacity, upon payment of the capacity reservation fee, until its expiration date as set forth in Section 110.702.55.
- (c) **Capacity Reservation Fee.** A capacity reservation fee shall be collected pursuant to Section 110.702.35(b) and as set forth in Article 906: Fees. The capacity reservation fee may be refunded at anytime at the discretion of the Director of Development Review. At the time a capacity reservation fee is refunded, the Final Adequate Public Facilities Determination shall be deemed void. At the time any hook-up or initial service fees are paid, the full amount of the capacity reservation fee shall be applied toward the balance of any such fees.
- (ed) **Phased Projects.** The applicant may request an adequate public facilities determination for all phases or only the initial phase or phases of a multi-phased project. A Certificate of Adequate Public Facilities for the initial phase or phases of a project shall not establish a vested right to continue subsequent phases for which an adequate public facilities determination has not been made.

**Section 110.702.40 Adequate Public Facilities Determination Process.** The adequate public facilities determination shall be made by comparing the available capacity of the facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined standards and subtracting any capacity committed through projects that are vested for an adequate public facilities determination pursuant to Section 110.702.20, exempt projects pursuant to Section 110.702.25, and projects having a previously issued Certificate of Adequate Public Facilities.

**Section 110.702.45 Standards for Adequate Public Facilities.** A Certificate of Adequate Public Facilities will be issued only if the proposed development does not lower the level of service for those infrastructure facilities included in Subsection (a) of Section 110.702.05 below the adopted standards as set forth in the supplemental provisions listed in Subsection (b) Section 110.702.05.

**Section 110.702.50 Transferability.** A Certificate of Adequate Public Facilities shall be specific to a parcel or parcels of land and may be transferred with the land. A Certificate of Adequate Public Facilities shall not be transferable to others parcels of land.

**Section 110.702.55 Period of Validity.**

- (a) **Expiration Date.** The final adequate public facilities determination expires when the permit with which it is associated expires. If the permit is extended, the adequate public facilities determination is extended for the same period of time.
- (db) **Extension Due to Additional Permit or Approval.** If, in order to construct a project that has received a final adequate public facilities determination pursuant to the provisions of this article, an applicant must first obtain an additional permit or approval from Washoe County or another governmental agency before applying for a building permit, then, upon submission of appropriate documentation to the Director of the Department of Development Review, any time limit for the final adequate public facilities determination specified in this article shall be extended for



the amount of time between the date the applicant submitted an application for the additional permit or approval and the date the additional permit or approval was granted.

**Section 110.702.60 Revocation of Determination of Adequate Public Facilities.** In order to prevent capacity from being held by projects that are not completed in a timely manner, an action to revoke the adequate public facilities determination may be commenced under the following circumstances.

- (a) Parcel Map Not Recorded in Timely Manner. A parcel map is not recorded within the time frame enumerated in NRS ~~six (6)~~ years;
- (b) Final Map Not Recorded in Timely Manner. A final subdivision map is not recorded within time frame enumerated in NRS ~~six (6)~~ years;
- (c) Special Use Permit. Any condition of a special use permit is not met;
- (d) Development Agreement Not Completed. Any condition of a development agreement is not met;
- (e) Construction Not Completed in Timely Manner. In the case of an adequate public facilities determination related to a building permit or a site plan, construction is not completed within the time specified in the permit ~~six (6)~~ years.

**Section 110.702.65 Revocation Process.** The procedure for revocation of a determination of adequate public facilities shall be that used for the revocation of an Administrative Permit, described in Article 808, except that the revocation shall be made upon a finding of any one (1) or more of the following grounds:

- (a) Due Diligence to Record Maps. The applicant, or the applicants successors, has not pursued with due diligence the recordation of the required maps;
- (b) Condition of Special Use Permit Not Completed: A condition of a special use permit has not been met.
- (c) Development Agreement Not Completed. A condition of a development agreement has not been met.
- (d) Due Diligence to Complete Construction. In the case of an adequate public facilities determination related to a building permit or a site plan, the applicant, or the applicants successors, has not pursued with due diligence the completion of construction.

**Section 110.702.70 Modification of Project.** If the project is modified after the final adequate public facilities determination is made and if the modification changes infrastructure demands, the County may require a new adequate public facilities determination be made and the capacity reservation fee be recalculated for partial refund or additional payment of capacity reservation fees.



*Article 704*  
**ADEQUATE PUBLIC FACILITIES:  
 SANITARY SEWER**

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**Sections:**

<b>110.704.00</b>	<b>Purpose</b>
<b>110.704.05</b>	<b>Applicability</b>
<b>110.704.10</b>	<b>Level of Service</b>
<b>110.704.15</b>	<b>Status of Facilities</b>
<b>110.704.20</b>	<b>Included Facilities</b>
<b>110.704.25</b>	<b>Determination of Adequate Public Sanitary Sewer</b>
<b>110.704.30</b>	<b>Demand Calculations</b>

**Section 110.704.00 Purpose.** The purpose of this article, Article 704, Adequate Public Facilities: Sanitary Sewer, is to provide supplemental regulations to Article 702, Adequate Public Facilities Management System for the efficient provision of sanitary sewer services to new development.

**Section 110.704.05 Applicability.** This article shall apply only to the unincorporated area of the County that is not within a city sphere of influence as ~~designated~~ designated pursuant to NRS 278.

**Section 110.704.10 Level of Service.** The sanitary sewer system shall accommodate the projected peak flow, discharge treated wastewater that meets applicable state and federal standards, and maintain a reserve capacity of ten (10) percent.

**Section 110.704.15 Status of Facilities.** A project will be deemed as having adequate public sanitary sewer facilities if the level of service set forth in Section 110.704.10 meets any of the following provisions:

- (a) The facilities are in place at the time the final development approval is issued;
- (b) The facilities are under construction at the time the final development approval is issued;
- (c) The facilities are included in the County Capital Improvement Program, are scheduled to be completed within five (5) years, and are accompanied by identified specific funding sources; or
- (d) The facilities are guaranteed, in an enforceable agreement, to be in place concurrent with the impacts of development. This provision shall be interpreted to mean a developer may provide the facilities at the expense of the developer and in a manner enforceable by, and agreeable to, Washoe County.

**Section 110.704.20 Included Facilities.** The analysis of the adequate public facilities for sanitary sewer systems shall include an analysis of the capacity of the treatment plant and its interceptors.

**Section 110.704.25 Determination of Adequate Public Sanitary Sewer.** The Department of Public Works, or its successors, is responsible for determining if the provisions in Section

110.704.15 are met. If one (1) or more of the provisions are met, it shall so indicate in writing to the Department of Comprehensive Planning and the Department of Development Review. In the event a proposed project is reliant on any sanitary sewer facilities provided by a public or private purveyor other than Washoe County, the Determination of Adequate Public Sanitary Sewer provided by the Department of Public Works shall be made pursuant to consultation and information provided by the duly authorized agent of that public or private purveyor.

**Section 110.704.30 Demand Calculations.** If the Department of Public Works is unable to make a determination using available information, it may request that the applicant submit a demand study prepared by a Nevada registered professional engineer-civil engineer.

# Article 802

## ADMINISTRATIVE WAIVERS

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### Sections:

110.802.00	Purpose
110.802.05	Permitted Modifications
110.802.10	Requirements for Application
110.802.15	Review Procedures
110.802.20	Notice
110.802.25	Projects of Regional Significance
110.802.30	Conformance with Chapter
110.802.35	Findings
<del>110.802.40</del>	<del>Standard Conditions</del>
110.802.45-40	Notice of Decision
110.802.50-45	Appeals
110.802.55-50	One Year Wait on Denials
110.802.60-55	Revocation

**Section 110.802.00 Purpose.** The purpose of this article, Article 802, Administrative Waivers, is to establish exceptions to the regulations of Chapter 110. ~~which~~ These exceptions may be used to ensure that property, because of special physical circumstances, such as size, shape, topography, location, or surroundings, shall be accorded privileges commonly enjoyed by other properties in the same regulatory zone in the vicinity.

**Section 110.802.05 Permitted Modifications.** Applications for Administrative Waivers may be considered for the following modifications only:

- (a) **Setback Requirements.** Setback requirements may be altered as follows:
  - (1) Up to twenty (20) percent of the front yard setback requirement, but no closer to the property line than fifteen (15) feet;
  - (2) Up to twenty (20) percent of the side yard setback requirement, but no closer to the property line than three (3) feet; or
  - (3) Up to twenty (20) percent of the rear yard setback requirement, but no closer to the property line than ten (10) feet.
- (b) **Area, Width, and Coverage Requirements.** Area, width, and coverage requirements may be altered ~~up to~~ by ten (10) percent of the lot area, lot width, and coverage requirements.
- (c) **Height Requirements.** Height requirements may be altered ~~increased~~ up to fifteen (15) percent in excess of height limits, except that the provisions of Article 402 regarding restrictions in navigable airspace must be maintained.
- (d) **Parking Requirements.** Parking requirements may be altered ~~up to~~ reduced ten (10) percent ~~off from the~~ off-street parking requirements.

- (e) Maximum Fence Height. Modification of maximum fence height shall be limited to permit a fence of not more than six (6) feet in height located in the required front yard setback in any residential regulatory zone, or a fence of not more than ten (10) feet in height for security purposes located in the required front, side or rear yard of a lot located in the General Rural regulatory zone, or a commercial or industrial regulatory zone.
- (f) Home Occupation Size Limit. Size limitations for home occupations may be altered to no more than twenty-five (25) percent of the total area of the dwelling unit.
- (g) Temporary Uses and Structures. Modification to any of the provisions contained in Article 310, Temporary Uses and Structures, requires an Administrative Waiver and is exempt from Article 804, Variances.

**Section 110.802.10 Requirements for Application.** Applications for Administrative Waivers may be initiated by the Board of County Commissioners, the property owner, or the property owner's authorized agent. Applications shall be filed with the Department of Development Review. A request for an Administrative Waiver shall include a site plan which clearly delineates the location and extent of the regulation to be modified. ~~A fee as specified in Article 906, shall be required.~~

No Administrative Waiver shall be processed until the information necessary to review and decide upon the proposed Administrative Waiver is deemed complete by the ~~Department of Development Review staff~~ Director of Development Review.

**Section 110.802.15 Review Procedures.** The Zoning Administrator, ~~as established in Subsection (d) of Section 110.914.10,~~ shall review Administrative Waivers in conformance with this section.

- (a) General Provisions. The Zoning Administrator shall review all Administrative Waiver applications to determine their consistency with established policies, standards and required findings. The review shall be of an administrative, ~~non-discretionary~~ nature. No public hearing is required.
- (b) Concurrent Processing of Applications. ~~If a proposed project requires more than one (1) application under the provisions of this Development code, the applicants may be filed at the same time and processed concurrently. An Administrative Waiver requested related to additional Development Code action pursuant to the Development Code which requires Board of Adjustment or Planning Commission review shall be consolidated into one (1) public hearing review before the appropriate approval authority for the major request being considered which shall be the approval authority for the Administrative Waiver.~~
- (c) Time Period for Action. The Zoning Administrator shall take action on the proposed Administrative Waiver not later than ~~ten (10)~~ five (5) working days after the application was accepted from an owner of real property or the property owner's authorized agent. An extension of time for action may be granted if mutually agreed upon between the applicant and Director of the Department of Development Review.
- (d) Action. The Zoning Administrator shall approve, conditionally approve, or deny the application ~~based on that review.~~ Failure of the Zoning Administrator to take action within the time frame provided in ~~Subsection (c) of this section~~ shall constitute approval of the application. All decisions of the Zoning Administrator shall be in writing.

- (e) Effective Date of Action. Action on the Administrative Waiver applications, unless otherwise specified, shall be effective upon expiration of the appeal period.

**Section 110.802.20 Notice.** No notice shall be required prior to action on an Administrative Waiver.

**Section 110.802.25 Projects of Regional Significance.** ~~If An Administrative Waiver shall not be approved if the approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the Administrative Waiver shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance. Projects of regional significance are described in Article 812.~~

**Section 110.802.30 Conformance with Chapter.** No Administrative Waiver request shall be processed ~~approved to bring~~ which would have the effect of bringing into conformance a use of land or buildings that has been established in contravention to the provisions of this chapter.

**Section 110.802.35 Findings.** Prior to approving an application for an Administrative Waiver, the Zoning Administrator shall find that all of the following are true:

- (a) Not Detrimental. The granting of the Administrative Waiver will not be materially detrimental to other properties, land uses, or the scenic and environmental character of the surrounding area.
- (b) Exceptional Circumstances. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same regulatory zone in the vicinity;
- (c) Denial of Privileges. The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity;
- (d) Consistency. The granting of the Administrative Waiver is consistent with the action programs, policies, standards, and maps of the Comprehensive Plan and the applicable area plan.
- (e) Adequate Public Facilities. An adequate public facilities determination, in accordance with Division 7, has been made, ~~in accordance with Division 7;~~ and

~~**Section 110.802.40 Standard Conditions.** When approving an Administrative Waiver, the Zoning Administrator shall make the following conditions a part of the Administrative Waiver:~~

- ~~(a) Substantial Compliance. Development shall be in substantial compliance with the plans and documents submitted with and approved or modified for the Administrative Waiver.~~
- ~~(b) Commencement of Construction. Construction shall commence within one (1) year of the approval by the Zoning Administrator, or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency, or, if a construction schedule has been approved as part of the Administrative Waiver, within the time established in the Administrative Waiver. If the decision of the Zoning Administrator is appealed to the Board of Adjustment and the application is approved by the Board of Adjustment, then the one (1) year~~

~~date shall be from the date of approval by the Board of Adjustment; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Waiver, within the time established in the Administrative Waiver.~~

- ~~(e) Completion of Construction. Construction shall be completed within three (3) years after approval by the Zoning Administrator; or if in the Tahoe planning area and a Tahoe Regional Planning Agency approval is required, within three (3) years of the required approval by the Tahoe Regional Planning Agency; or if a construction schedule has been approved as part of the Administrative Waiver, within the time established in the Administrative Waiver. If the decision of the Zoning Administrator is appealed to the Board of Adjustment, then the three (3) year date shall be from the date of approval by the Board of Adjustment; or if in the Tahoe planning area and a Tahoe Regional Planning Agency approval is required, within three (3) years of approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Waiver, within the time established in the Administrative Waiver.~~
- ~~(d) Public Improvements. Public improvements required as part of the approval of the Administrative Waiver shall either be constructed or completed within the construction periods enumerated in this section or a financial assurance to complete the public improvement, acceptable to Washoe County, shall be provided prior to any final approval by Washoe County.~~
- ~~(e) Subsequent Approvals. The Zoning Administrator reserves the right to review and revise the conditions of the Administrative Waiver approval should it be determined that a subsequent license or permit issued by Washoe County violates the intent of the Administrative Waiver approval.~~
- ~~(f) Compliance Report. No later than two (2) years from the date of approval of the Administrative Waiver, the applicant, or successor in interest, shall submit a report to the Department of Development Review addressing the level of compliance with each condition of the Administrative Waiver.~~
- ~~(g) Landscaping and Design. Landscaping and design plans shall be reviewed and approved by the Department of Development Review prior to issuance of any other subsequent permit.~~
- ~~(h) Failure to Comply. Failure to comply completely with all conditions made part of the Administrative Waiver shall constitute grounds for making the Administrative Waiver null and void and may result in the removal of any physical improvements constructed pursuant to the Administrative Waiver.~~
- ~~(i) Copy with other Applications. A copy of the approved administrative Waiver shall be attached to all applications for other permits on the same property to be issued by Washoe County.~~

**Section 110.802.450 Notice of Decision.**



(a) Recipients of Notice -- Approval. Within ~~ten (10)~~ five (5) working days of the Zoning Administrator's final action, the following persons shall be notified by mail of the final decision concerning the approval of an Administrative Waiver:

- (1) All owners of real property that are the subject of Administrative Waiver;
- (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the Administrative Waiver is located;
- (3) All owners of real property within three hundred (300) feet of the property which is the subject of the Administrative Waiver; ~~and~~
- (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the Administrative Waiver; and
- (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the Administrative Waiver is located.

(b) Recipients of Notice -- Denial. Within five (5) working days of the Zoning Administrator's final action, all owners of real property that are the subject of an Administrative Waiver shall be notified by mail of the final decision concerning a denial of an Administrative Waiver.

(bc) Number of Notices. If the number of notices sent pursuant to Subsection (a)(3) and (a)(4) of this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.

(ed) Contents of Notice. Such notice shall described the proposed Administrative Waiver request; describe the lot, parcel, properties, or area that are affected by the Administrative Waiver; describe the Zoning Administrator's decision and, if the Administrative Waiver has been approved, the conditions made part of the Administrative Waiver; and the appellate procedures that can be taken regarding the Zoning Administrator's decision.

(de) Compliance with Noticing Requirements. ~~All~~ Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is compiled with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records.

Section 110.802.459 Appeals. An action of the Zoning Administrator made pursuant to this article may be appealed in accordance with the provisions of this section.

(a) Appeal Period. An appeal of the Zoning Administrator's final decision may be made to the Board of Adjustment within ~~thirty (30)~~ fifteen (15) days after the date of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

- (b) Who Can Appeal. Appeals can be filed only by the following:
- (1) The applicant or the applicant's authorized agent; and
  - (2) A person who may be adversely affected by the decision.
- (c) Contents of Appeal. An appeal shall be filed with the Director of Development Review, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~ inadequacy of the findings made by the Zoning Administrator. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Director of Development Review shall schedule a public hearing on the appeal of the Zoning Administrator's final decision before the Board of Adjustment within thirty (30) days of the date of the filing of the appeal.
- (e) Notice of Hearing. ~~Notice shall be given for the public hearing as follows:~~
- ~~(1)-----A notice setting forth the time, place, purpose of hearing and map or physical description of the land involved shall be provided as set forth in Subsections (a) and (b) of Section 110.802.450; and~~
  - ~~(2)-----A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Administrative Waiver request, describe the lot, parcel, properties or areas that are affected by the Administrative Waiver request and other pertinent information in such a manner that the Administrative Waiver request and its effect(s) can be clearly identified.~~
- (af) Action of Board of Adjustment. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation it may use additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted.
- (bg) Effective Date. The decision of the Board of Adjustment on an appeal from the Zoning Administrator shall be effective immediately.
- (h) Administrative Waivers Issued Prior to May 26, 1993. No Administrative Waiver issued prior to May 26, 1993 may be appealed after June 30, 1993.

**Section 110.802.5550 One Year Wait on Denials.** After the denial of an Administrative Waiver, no application for an Administrative Waiver for the same or similar modification may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

**Section 110.802.6955 Revocation.** Revocation of an Administrative Waiver shall be subject to the requirements of this section.

- (a) Initiation of Action. The Zoning Administrator, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an Administrative Waiver.

- (b) Grounds for Revocation. An Administrative Waiver may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
- (1) That the Administrative Waiver approval was obtained or extended by fraud;
  - (2) That one or more of the conditions upon which such development approval was granted have been violated; or
  - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- ~~(e) Zoning Administrative Hearing. The Zoning Administrator shall hold a public hearing upon the revocation of the Administrative Waiver. The hearing shall be noticed in accordance with Section 110.802.45. The Zoning Administrator shall submit findings based on any one or more of the grounds listed in Subsection (b) of this section and shall make a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the Administrative Waiver has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.~~
- (dc) Board of County Commissioners Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the Administrative Waiver. The hearing shall be noticed in accordance with Section 110.802.45. After the public hearing and consideration of the recommendation of the Zoning Administrator, the Board of County Commissioners may take action to revoke the Administrative Waiver.



## Article 804

# VARIANCES

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### Sections:

110.804.00	Purpose
110.804.05	Requirements for Application
110.804.10	Supplemental Guideline, Standards, and Criteria
110.804.15	Review Procedures
110.804.20	Notice
110.804.25	Findings
110.804.30	Projects of Regional Significance
110.804.35	Conformance with Chapter
<del>110.804.40</del>	<del>Standard Conditions</del>
<u>110.804.4540</u>	Appeals
<u>110.804.5045</u>	One Year Wait on Denials
<u>110.804.5550</u>	Modification of a Variance
<u>110.804.6055</u>	Expiration
<u>110.804.6560</u>	Revocation

**Section 110.804.00 Purpose.** The purpose of this article, Article 804, Variances, is to provide a means of altering the requirements of this chapter in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties in the vicinity and underwith the identical regulatory zoning zone because of special circumstances applicable features or constraints unique to the property involved. This article does not give the power to take action which in effect allows a land use in contravention of the applicable regulatory zone or in any other way changes the applicable regulatory zone. This article cannot be used to vary the standards contained in Division 5, Signs, of this Development Code.

**Section 110.804.05 Requirements for Application.** Applications for Variances may be initiated by the Board of County Commissioners, the property owner or a property owner's authorized agent. Applications shall be filed with the Department of Development Review. A request for a Variance shall include a site plan which clearly delineates the locations and extent of the regulation to be varied. In addition, the applicant shall provide evidence showing how the findings required by Section 110.804.25 in this article can be met. A fee, as specified in Article 906, shall be required. No Variance shall be processed until the information necessary to review and decide upon the proposed Variance is deemed complete by the planning staff Director of Development Review.

**Section 110.804.10 Supplemental Guidelines, Standards, and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Development Review may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.804.15 Review Procedures.** The Board of Adjustment and/or the Planning Commission shall review Variances in accordance with the provisions of this section.

- (a) **General Provisions.** The Board of Adjustment, or the Planning Commission, shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to

determine if the application is consistent with existing policies, standards, and required findings.

- (b) Concurrent Processing of Applications. ~~If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. A Variance request related to additional Development Code action(s) which requires Board of Adjustment or Planning Commission review shall be consolidated into one public hearing before the Board of Adjustment appropriate approval authority for the major request being considered. If the additional action normally requires approval by the Zoning Administrator, as established by Subsection (d) of Section 110.914.10, the Board of Adjustment shall become the approval authority instead of the Zoning Administrator.~~
- (c) Time Period for Hearing. Public hearings conducted by the Board of Adjustment, or the Planning Commission, shall be held within sixty-five (65) days from the date of acceptance of the complete application.
- (d) Time Period for Action. The Board of Adjustment, or the Planning Commission, may take action on the proposed Variance at the conclusion of the public hearing, but shall take action no later than ninety-five (95) days after the complete application was accepted. An extension of time for Board of Adjustment, or the Planning Commission, action may be granted if mutually agreed upon between the applicant and the Director of Development Review staff.
- (e) Action. The Board of Adjustment, or the Planning Commission, may take action to approve, approve with conditions, modify, modify with conditions, or deny the Variance request. Failure of the Board of Adjustment, or the Planning Commission, to hold a public hearing or take action within the time frames provided in ~~Subsections (e) and (d) of this section~~ article, shall constitute approval of the application.
- (f) Effective Date of Action. Action on the Variance application, unless otherwise specified, shall be effective upon expiration of the appeal period.

**Section 110.804.20 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (1) All owners of real property subject to the Variance;
  - (2) Each property owner within three hundred (300) feet of the property subject to the Variance;
  - (3) Each tenant of a mobile home park, if a park is located within three hundred (300) feet of the property subject to the Variance; and
  - (4) Any advisory board created by the Board of County Commissioners for the area in which the property subject to the Variance is located; and

(5) All General Improvement Districts (GID) for the area in which the property that is the subject of the Variance is located.

(b) Number of Notices. If the number of notices sent pursuant to ~~Subsections (a)(2) and (a)(3) of this section~~ article does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.

~~(c) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Variance request, describe the lot, parcel, properties or areas that are affected by the Variance request, and other pertinent information in such a manner that the Variance request and its effect(s) can be clearly identified.~~

~~(d) Posting of Property. The applicant shall post~~ The real property that is the subject of the Variance shall be posted with a sign that is not less than twenty-four (24) square feet in size and not more than thirty-six (36) square feet in size. The sign shall be continually posted for a period of not less than ten (10) days prior to the first Board of Adjustment or Planning Commission meeting on this item to a date not more than five (5) days after the first Board of County Commissioners' meeting on this item. The sign shall state, at a minimum, and in letters printed large enough to be read from the nearest street, the following:

"A VARIANCE IS BEING REQUESTED FOR THIS PROPERTY. QUESTIONS REGARDING THIS PROPOSAL CAN BE ANSWERED BY THE WASHOE COUNTY DEPARTMENT OF DEVELOPMENT REVIEW (702) (phone number of the department) BY REFERRING TO CASE (insert case number)."

~~(e) Compliance with Noticing Requirements. All~~ Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

**Section 110.804.25 Findings.** Prior to approving an application for a Variance, the Board of Adjustment, or the Planning Commission, shall find that all of the following are true:

- (a) Comprehensive Plan. The Variance is consistent with the policies, action programs, standards, and maps of the Comprehensive Plan and the applicable area plans;
- (b) No Detriment. The Variance will not create a detriment to the scenic or environmental character of the surrounding area;
- ~~(c) Health, Safety and Welfare. The Variance promotes the health, safety, and welfare of the County and its residents;~~

- (dc) Special Circumstances. Because of the special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of the regulation deprives the property of privileges enjoyed by other property ~~in the vicinity and under identical circumstances with the identical regulatory zone;~~
- (ed) Adequate Public Facilities. An adequate public facilities determination in accordance with Division 7 has been made ~~in accordance with Division 7;~~
- (fe) No Special Privileges. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
- (gf) Use Authorized. The Variance will not authorize a use ~~for~~ activity which is not other-wise expressly authorized by the regulation governing the parcel of property.

Section 110.804.30 Projects of Regional Significance. ~~A Variance that is associated with a project of regional significance or with a project that would become a project of regional significance if the Variance was approved shall require additional review as set forth in Article 812 before final approval may be granted. If a Variance approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the Variance shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.~~

Section 110.804.35 Conformance with Chapter. No Variance request shall be processed ~~to bring approved~~ which would have the effect of bringing into conformance a use of land or building that has been established in contravention to the provisions of this chapter.

Section 110.804.40 Standard Conditions. ~~When approving a Variance, the Board of Adjustment shall make the following conditions a part of the Variance.~~

- (a) ~~Substantial Compliance.~~ Development shall be in substantial compliance with the plans and documents submitted with and approved or modified for the Variance.
- (b) ~~Commencement of Construction.~~ Construction shall commence within one (1) year of the approval by the Board of Adjustment; or, if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Variance, within the time established in the Variance. ~~If the decision of the Board of Adjustment is appealed to the Board of County Commissioners and the application is approved by the Board of County Commissioners, then the one (1) year date shall be from the date of approval by the Board of County Commissioners; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Variance, within the time established in the Variance.~~
- (c) ~~Completion of Construction.~~ Construction shall be completed within three (3) years of the approval by the Board of Adjustment; or, if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within three (3) years of the required approval by the Tahoe Regional Planning



~~Agency; or, if a construction schedule has been approved as part of the Variance, within the time established in the Variance. If the decision of the Board of Adjustment is appealed to the Board of County Commissioners and the application is approved by the Board of County Commissioners, then the three (3) year date shall be from the date of approval by the Board of County Commissioners; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within three (3) years of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Variance, within the time established in the Variance.~~

- ~~(d) Public Improvements. Public improvements required as part of the approval of the Variance shall either be constructed and completed within the construction periods enumerated in this section or a financial assurance to complete the public improvement, acceptable to Washoe County, shall be provided prior to any final approval by Washoe County.~~
- ~~(e) Subsequent Approvals. The Board of Adjustment reserves the right to review and revise the conditions of the Variance approval should it be determined that a subsequent license or permit issued by Washoe County violates the intent of the Variance.~~
- ~~(f) Compliance Report. No later than two (2) years from the date of approval of the Variance the applicant, or successor in interest, shall submit a report to the Department of Development Review addressing the level of compliance with each condition of the Variance.~~
- ~~(g) Transfer of Variance. A Variance for the use and parcel(s) that it was originally approved may be transferred to a successor in interest upon written notice by the current holder of the Variance to the Department of Development Review that the Variance is being transferred.~~
- ~~(h) Landscaping and Design. Landscaping and design plans shall be reviewed and approved by the Department of Development Review prior to issuance of any other subsequent permit.~~
- ~~(i) Failure to Comply. Failure to comply completely with all conditions made part of the Variance shall constitute grounds for instituting revocation proceedings for the Variance.~~
- ~~(j) Copy with other Applications. A copy of the approved Variance shall be attached to all applications for other permits on the same property to be issued by Washoe County.~~

**Section 110.804.4540 Appeals.** An action of the Board of Adjustment, or Planning Commission, made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the Board of Adjustment's, or the Planning Commission's final decision may be made to the Board of County Commissioners within ten (10) days after the date of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

- (b) Who Can Appeal. Appeals may be filed only by one of the following:
- (1) Board of County Commissioners;
  - (2) The applicant or the applicant's authorized agent; and
  - (3) A person who may be adversely affected by the decision and has participated in the review process by submitting written or oral testimony on the application ~~or by attending a public hearing on the application~~ or was prevented from participating in the review by circumstances beyond his/her control.
- (c) Contents of Appeal. An appeal shall be filed with the Director of Development Review, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion or inadequacy of the findings made~~ by the Board of Adjustment, or the Planning Commission. Such reasons shall be based upon the evidence presented to the Board of Adjustment, or the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing on the appeal of the Board of Adjustment's, or the Planning Commission's final decision before the Board of County Commissioners within thirty (30) days of the date of the filing of the appeal with the Clerk ~~Director of~~ Development Review.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by ~~Section 110.804.20~~ this article. The notice shall state that an appeal of the Board of Adjustment's, or the Planning Commission's final decision has been filed; describe the final decision; describe the lot, parcel, property or areas that are affected by the Variance and the final decision on the request; and other pertinent information.
- (f) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed actions based upon its interpretation of the findings required and the evidence submitted.
- (g) Effective Date. The decision of the Board of County Commissioners on an appeal from the Board of Adjustment shall be effective immediately.

Section 110.804.6945 One Year Wait on Denials. After the denial of a Variance, no application for a Variance for the same or similar regulation may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

Section 110.804.6550 Modification of a Variance. Modification of the terms of the approved Variance itself or the waiver or alteration of conditions imposed incident to the granting of the Variance shall require a new application following the same procedure required for the initial Variance.

Section 110.804.6955 Expiration. A Variance shall expire as provided in this section.

- (a) Time Period. A Variance shall expire and become null and void at the time specified therein. If no time is specified, the following shall apply:
- (1) The Variance shall expire and become null and void in eighteen (18) months after its effective date except where construction and/or use in reliance on such Variance has commenced prior to its expiration; or
  - (2) The Variance shall expire and become null and void in five (5) years if any required building permit associated with the Variance has not been applied ~~extended~~ for or, if applied for, has lapsed and become void.
- (b) Extension. The time period in Subsection (a) of this section may be extended for an addition of twelve (12) months by the Board of Adjustment. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- ~~(c) Discontinuance. A Variance shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned.~~

**Section 110.804.6560 Revocation.** Revocation of a Variance shall be subject to the requirements of this section.

- (a) Initiation of Action. The Board of Adjustment or Board of County Commissioners may initiate an action to revoke a Variance.
- (b) Grounds for Revocation. A Variance may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
  - (1) That the Variance approval was obtained or extended by fraud; or
  - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated.
- (c) Board of Adjustment Public Hearing. The Board of Adjustment shall hold a public hearing upon the revocation of the Variance. The hearing shall be noticed in accordance with ~~Section 110.804.20~~ this article. The Board of Adjustment shall submit findings based on any one or more of the ground listed in Subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the Variance has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.
- (d) Board of County Commissioners Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the Variance. The hearing shall be noticed in accordance with ~~Section 110.804.20~~ this article. After the public hearing and consideration of the recommendation of the Board of Adjustment, the Board of County Commissioners may take action to revoke the Variance.



## Article 806

# VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS

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## Sections:

110.806.00	Purpose
110.806.05	<del>Initiation of Action Requirements for Application</del>
110.806.10	<del>Recommendation by Planning Commission Supplemental Guidelines, Standards and Criteria</del>
110.806.15	<del>Notice of Board Hearing Review Procedures of Planning Commission</del>
<del>110.806.20</del>	<del>Hearing by Board</del>
110.806.250	Action by Board Findings
110.806.3025	Utility Easement Transmittal of Planning Commission Recommendation to Board of County Commission
110.806.350	Recordation Hearing by Board
110.806.4035	Sale of Vacated Portion Notice of Board Hearing
110.806.450	Payments Action by Board
110.806.450	Light and Air Utility Easement
110.806.550	Reservations Legal Description
110.806.6055	Consistency with Plan Recordation
110.806.650	Reapplication Sale of Vacated Portion
110.806.65	Payments
110.806.70	Light and Air
110.806.75	Reservations
110.806.80	Consistency with Plan
110.806.85	Reapplication

Section 110.806.00 Purpose. The purpose of this article, Article 806, Vacations and Abandonments of Easements or Streets, is to provide for the vacation or abandonment of easements or streets.

Section 110.806.05 Initiation of Action Requirements for Application. An aApplications for the vacation or abandonment of easements or streets may be initiated by pursuant to the provisions of this section.

(a) ~~Initiating Parties.~~ An application may be initiated by the following:

- (1) ~~The Board of County Commissioners, Planning Commission, or the Director of Development Review; or~~
- (2) ~~An owner of real property abutting an easement or public street right-of-way through an application to the Zoning Administrator, as established by Subsection (b) of Section 110.104.35.~~

(b) ~~Complete Information.~~ No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Department of Development Review.

- ~~(e) Legal Description. The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the notice of vacation or abandonment, to the satisfaction of the Engineering Division.~~

Section 110.806.10 Supplemental Guidelines, Standards, and Criteria. In addition to the standards and findings set forth in the Development Code, the Department Director of Development Review may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications

Section 110.806.10 15 Recommendation Review Procedures of by Planning Commission. The Planning Commission shall hold a hearing on the initially review applications after notifying the applicant by certified mail for abandonments and vacations in accordance with the provisions of this section. The Planning Commission shall make a recommendation on the application based on the provisions contained in this article. The Planning Commission shall make its recommendation within sixty five (65) days after acceptance of the complete application. Failure of the Planning Commission to make a recommendation within this time frame shall constitute a recommendation of approval.

- (a) General Provisions. The Planning Commission may shall conduct a hearing for the purpose of receiving evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.
- (b) Time Period for Hearing and Action. Hearings conducted by the Planning Commission and action on the application shall be completed within forty (40) days from the date of acceptance of the complete application.
- (c) Action. The Planning Commission may take action to recommend approval, approval with conditions, or denial of the abandonment or vacation request. Failure of the Planning Commission to hold a hearing within the time frame provided in this section shall constitute a recommendation of approval of the application to the Board of County Commissioners.

~~Section 110.806.15 Notice of Board Hearing.~~ Notice of a vacation or abandonment of a vacation or abandonment application to be heard by the Board of County Commissioners shall be given by notifying by certified mail each owner of property abutting the proposed vacation or abandonment and causing a notice to be published at least once in a newspaper of general circulation in the County.

Section 110.806.20 Findings. Prior to recommending approval of an application for an abandonment or vacation, the Planning Commission shall find that all of the following are true:

- (a) Comprehensive Plan. The abandonment or vacation is consistent with the policies, action programs, standards, and maps of the Comprehensive Plan and the applicable Area Plans;
- (b) No Detriment. The abandonment or vacation does not create a detriment to abutting or surrounding properties;
- ~~(c) Health, Safety and Welfare.~~ The abandonment or vacation promotes the health, safety, and welfare of the county and its residents;

(dc) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

**Section 110.806.25 Transmittal of Planning Commission Recommendation to Board of County Commissioners.** Within ten (10) days of the action by the Planning Commission, the Director of Development Review shall forward the Planning Commission's recommendation, findings to support the recommendation and any proposed conditions to the clerk of the Board of County Commissioners.

**Section 110.806.29 30 Hearing by Board.** The Board of County Commissioners shall hold a public hearing on the application for vacation or abandonment of an easement or street not less than ten (10) days nor more than forty (40) days after the notice as required in SubSection 110.806.35 is first published.

**Section 110.806.35 Notice of Board Hearing.** Notice of a vacation or abandonment of a vacation or abandonment application to be heard by the Board of County Commissioners shall be given by notifying by certified mail each owner of property abutting the proposed vacation or abandonment and causing a notice to be published at least once in a newspaper of general circulation in the County.

**Section 110.806.25 40 Action by Board.** Except as provided in Section 110.806.39 45, if, upon public hearing, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.

**Section 110.806.39 45 Utility Easement.** If a utility has an easement over the property, the Board shall provide in its order for the continuation of that easement.

**Section 110.806.50 Legal Description.**—The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the order of vacation or abandonment, to the satisfaction of the Engineering Division.

**Section 110.806.35 55 Recordation.** The order must be recorded in the office of the County Recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.

**Section 110.806.40-60 Sale of Vacated Portion.** In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

**Section 110.806.45-65 Payments.** If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Board may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Board determines to be reasonable. If the Board determines that the vacation has a public benefit, it may

apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

**Section 110.806.50-70 Light and Air.** Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

**Section 110.806.55-75 Reservations.** In any vacation or abandonment of any street or portion of it, the Board may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the County or any public utility.

**Section 110.806.60-80 Consistency with Plan.** No procedures or approvals that are provided for in this article may be in contravention to the Comprehensive Plan.

**Section 110.806.65-85 Reapplication.** When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six (6) consecutive months commencing from the date of the final action by the Board of County Commissioners.



## Article 808

# ADMINISTRATIVE PERMITS

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### Sections:

110.808.00	Purpose
110.808.05	Requirements for Application
110.808.10	Supplemental Guidelines, Standards, and Criteria
110.808.15	Review Procedures
<del>110.808.20</del>	<del>Notice</del>
<del>110.808.25</del>	<del>Public Comment</del>
110.808.20	Projects of Regional Significance
110.808.25	Conformance with Chapter
110.808.40	Findings
<del>110.808.45</del>	<del>Standard Conditions</del>
110.808.50	Notice of Decision
110.808.55	Appeals
110.808.60	One Year Wait on Denials
110.808.65	Modification of an Administrative Permit
110.808.70	Expiration
110.808.75	Revocation

**Section 110.808.00 Purpose.** The purpose of this article, Article 808, Administrative Permits, is to provide for the method of reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Zoning Administrator, as established in Subsection (b) of Section 110.914.10(d), may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of a use.

**Section 110.808.05 Requirements for Application.** Applications for Administrative Permits may be initiated by the property owner or the property owner's authorized agent. Applications shall be filed with the Department of Development Review. A request for an Administrative Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. A fee, as specified in Article 906, shall be required. No Administrative Permit shall be processed until the information necessary to review and decide upon the proposed Administrative Permit is deemed complete by the Department of Development Review.

**Section 110.808.10 Supplemental Guidelines, Standards, and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Development Review may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.808.15 Review Procedures.** The Zoning Administrator shall review Administrative Permits in accordance with the provisions of this section.

- (a) **General Provisions.** The Zoning Administrator shall review all Administrative Permits to determine their consistency with existing policies, standards, and required findings. No public hearing is required.

- (b) Concurrent Processing of Applications. ~~If a proposed project requires more than one (1) application under the provisions of this Development Code, the applications may be filed at the same time and processed concurrently. An Administrative Permit request related to additional Development Code action pursuant to the Development Code which requires Board of Adjustment or Planning Commission review shall be consolidated into one public hearing review before the appropriate approval authority, which shall be the approval authority for the Administrative Permit.~~
- (c) Time Period for Action. ~~The Zoning Administrator shall take action no sooner than twenty one (21) days, but no later than thirty (30) days after proper notice has been sent pursuant to Section 110.808.20 on the proposed Administrative Permit not later than ten (10) working days after the application was accepted from an owner of real property or the property owner's authorized agent. An extension of time for Zoning Administrator action may be granted if mutually agreed upon between the applicant and the Zoning Administrator.~~
- (d) Action. ~~The Zoning Administrator may take action to approve, approve with conditions, modify, modify with conditions, or deny the Administrative Permit request. Failure of the Zoning Administrator to take action within the time frame provided in Subsection (c) of this section shall constitute approval of the application. All decisions of the Zoning Administrator shall be in writing.~~
- (e) Effective Date of Action. ~~Action on the Administrative Permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.~~

**Section 110.808.20 - Notice.** ~~Notice shall be made pursuant to the following:~~

- (a) ~~Recipients of Notice. Within ten (10) days of when a complete application is accepted, the following persons shall be notified by mail concerning the Administrative Permit application:~~
- (1) ~~All owners of real property that are the subject of the Administrative Permit;~~
  - (2) ~~Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the Administrative Permit is located;~~
  - (2) ~~All owners of real property within three hundred (300) feet of the property which is the subject of the Administrative Permit; and~~
  - (4) ~~All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the Administrative Draft.~~
- (b) ~~Number of Notices. If the number of notices sent pursuant to Subsections (a)(3) and (a)(4) of this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.~~
- (c) ~~Contents of Notice. Such notice shall describe the proposed Administrative Permit request; describe the lot, parcel, properties, or area that are affected by the~~

~~Administrative Permit; describe the closing date for providing public comment to the Zoning Administrator, and; describe the content of public comment allowed to be considered by the Zoning Administrator in making a decision.~~

- ~~(d) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records.~~

~~**Section 110.808.25 Public Comment.** Public comment may be provided to the Zoning Administrator concerning the request for an Administrative Permit, pursuant to the following:~~

- ~~(1) Comment Presented in Writing. All public comment must be presented in writing to the Zoning Administrator. At the discretion of the Director of Development Review, the Department of Development Review may provide for transcription of oral comment.~~
- ~~(2) Closing Date for Public Comment. Comment in writing must be received by the Department of Development Review by 5:00 p.m. (Pacific) on the designated closing date for public comment. The closing date for public comment shall be set at the date twenty days (20) following the date proper notice was mailed pursuant to Section 110.808.20.~~
- ~~(3) Contents of Written Public Comment. The Zoning Administrator shall only consider written public content that addresses the findings prescribed in Section 110.808.40.~~

~~**Section 110.808.320 Projects of Regional Significance.** If the use or other subject of an Administrative Permit is part of a project of regional significance as described in Article 812, the application shall be processed as a Special Use Permit pursuant to Article 810 unless the project already has been processed and approved as a project of regional significance. If an Administrative Permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the Administrative Permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.~~

~~**Section 110.808.325 Conformance with Chapter.** No Administrative Permit request shall be processed to bring approved which would have the effect of bringing into conformance a use of land or building that has been established in contravention to the provisions of this chapter.~~

~~**Section 110.808.430 Findings.** Prior to approving an application for an Administrative Permit, the Zoning Administrator shall find that all of the following are true:~~

- ~~(a) Consistency. The proposed use is consistent with the policies, action programs, standards, and maps of the Comprehensive Plan and the applicable area plan.~~
- ~~(b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division 7;~~

- (c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development; and
- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

~~Section 110.808.45 Standard Conditions.~~ When approving an Administrative Permit, the Zoning Administrator shall make the following conditions a part of the Administrative Permit:

- ~~(a) Substantial Compliance.~~ Development shall be in substantial compliance with the plans and documents submitted with and approved or modified for the Administrative Permit.
- ~~(b) Commencement of Construction.~~ Construction shall commence within one (1) year of the approval by the Zoning Administrator; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Permit, within the time established in the Administrative Permit. If the decision of the Zoning Administrator is appealed to the Board of Adjustment and the application is approved by the Board of Adjustment, then the one (1) year date shall be from the date of approval by the Board of Adjustment; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Permit, within the time specified in the Administrative Permit.
- ~~(c) Completion of Construction.~~ Construction shall be completed within three (3) years after approval by the Zoning Administrator; or if in the Tahoe planning area and a Tahoe Regional Planning Agency approval is required, within three (3) years of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Permit, within the time specified in the Administrative Permit. If the decision of the Zoning Administrator is appealed to the Board of Adjustment, then the three (3) year date shall be from the date of approval by the Board of Adjustment; or if in the Tahoe planning area and a Tahoe Regional Planning Agency approval is required, within three (3) years of approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Administrative Permit, within the time specified in the Administrative Permit.
- ~~(d) Public Improvements.~~ Public improvements required as part of the approval of the Administrative Permit shall either be constructed and completed within the construction periods enumerated in this section or a financial assurance to complete the public improvement, acceptable to Washoe County, shall be provided prior to any final approval by Washoe County.
- ~~(e) Dedication.~~ Dedication of water rights and/or facilities and sewer facilities shall be in accordance with required dedications of the same type and in the same manner as required by Article 422.

- (f) ~~Subsequent Approvals.~~ The Zoning Administrator reserves the right to review and revise the conditions of the Administrative Permit approval should it be determined that a subsequent license or permit issued by Washoe County violates the intent of the Administrative Permit approval.
- (g) ~~Compliance Report.~~ No later than two (2) years from the date of approval of the Administrative Permit and every two (2) years thereafter the applicant, or successor in interest, shall submit a report to the Department of Development Review addressing the level of compliance with each condition of the Administrative Permit
- (h) ~~Transfer of Permit.~~ The Administrative Permit for the use and parcel(s) that it was originally approved may be transferred to a successor in interest upon written notice by the current holder of the Administrative Permit to the Department of Development Review that the Administrative Permit is being transferred.
- (i) ~~Landscaping and Design.~~ Landscaping and design plans shall be reviewed and approved by the Department of Development Review prior to issuance of any other subsequent permit.
- (j) ~~Failure to Comply.~~ Failure to comply completely with all conditions made part of the Administrative Permit shall constitute grounds for instituting revocation proceedings for the Administrative Permit.
- (k) ~~Copy with other Applications.~~ A copy of the approved Administrative Permit shall be attached to all applications for other permits on the same property to be issued by Washoe County.

#### Section 110.808.350 Notice of Decision.

- (a) Recipients of Notice – Approval. Within ~~ten (10)~~ five (5) days of the Zoning Administrator's final action, the following persons shall be notified by mail of final decision concerning the ~~Administrator~~Administrative Permit:
- (1) All owners of real property that are the subject of the Administrative Permit;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the Administrative Permit is located;
  - (3) All owners of real property within three hundred (300) feet of the property which is the subject of the Administrative Permit; and
  - (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the Administrative ~~Draft~~Permit; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the Administrative Permit is located.
- (b) Recipients of Notice – Denial. Within five (5) working days of the Zoning Administrator's final action, all owners of real property that are the subject of an Administrative Permit shall be notified by mail of the final decision concerning a denial of an Administrative Permit.

- (bc) Number of Notices. If the number of notices sent pursuant to Subsections (a)(3) and (a)(4) of this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.
- (ed) Contents of Notice. Such notice shall describe the proposed Administrative Permit request; describe the lot, parcel, properties, or area that are affected by the subject of the Administrative Permit; describe the Zoning Administrator's decision and, if the Administrative Permit has been approved, the conditions made part of the Administrative Permit, the appellate procedures that can be taken regarding the Zoning Administrator's decision, and the closing date for filing an appeal of the decision.
- (de) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records.

**Section 110.808.55 40 Appeals.** An action of the Zoning Administrator made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the Zoning Administrator's final decision may be made to the Board of Adjustment within ~~twenty (20)~~ fifteen (15) days after the date of the notice of decision is mailed pursuant to Section 110.808.359. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal. Appeals may be filed only by one of the following:
- (1) The applicant or the applicant's authorized agent; and
  - (2) A person who may be adversely affected by the decision.
- (c) Contents of Appeal. An appeal shall be filed with the ~~County Clerk~~ Director of Development Review, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~ inadequacy of the findings made by the Zoning Administrator. Such reasons shall be based upon the evidence presented to the Zoning Administrator prior to the original decision. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Director of Development Review shall schedule a public hearing on the appeal of the Zoning Administrator's final decision before the Board of Adjustment within thirty (30) days of the date of the filing of the appeal.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.808.435. The notice shall state that an appeal of the Zoning Administrator's final decision has been filed; describe the final decision; describe the lot, parcel, property or areas that are affected by the subject of the

Administrative Permit and the final decision on the request; and other pertinent information.

- (f) Action by the Board of Adjustment. The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted. The board of adjustment's action shall be final.
- (g) Effective Date. The decision of the Board of Adjustment on an appeal from the Zoning Administrator shall be effective immediately.

Section 110.808.60 45 One Year Wait on Denials. After the denial of an Administrative Permit, no application for an Administrative Permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

Section 110.808.650 Modification of an Administrative Permit. Proposed modifications of approved Administrative Permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Development Review may approve plans for an ~~expansion~~-alteration of the approved use when the ~~expansion~~-alteration complies with all of the following conditions:
- (1) The building or use expansion is incidental to the existing use;
  - (2) The building or use expansion does not result in a change of use;
  - (3) No building expansion involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
  - (4) No use expansion involves more than ten (10) percent increase in the overall site area covered by the existing use;
  - (5) The building or use expansion, in the opinion of the Director of Development Review, would not have a substantial adverse effect on adjacent property; and
  - (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Development Review.
- (b) Conditions Not Met. If a proposed expansion does not comply with the conditions in Subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved Administrative Permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

Section 110.808.7055 Expiration. An Administrative Permit shall expire as provided in this section.

- (a) Time Period. An Administrative Permit shall expire and become null and void at the time specified in the permit. ~~If no time is specified, the following shall apply:~~
- ~~(1) The permit shall expire and become null and void in eighteen (18) months after its effective date except where construction and/or use in reliance on such permit has commenced prior to its expiration; or~~
- ~~(2) The permit shall expire and become null and void in five (5) years if any required building permit associated with the Administrative Permit has not been applied for or, if applied for, has not lapsed and become void.~~
- (b) Extension. The time period in Subsection (a) of this section may be extended for an addition ~~twelve (12) months~~ by the Director of Development Review. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- ~~(c) Discontinuance. An Administrative Permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned.~~

**Section 110.808.860 Revocation.** Revocation of an Administrative Permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The Zoning Administrator, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an Administrative Permit.
- (b) Grounds for Revocation. An Administrative Permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
- (1) That the Administrative Permit approval was obtained or extended by fraud;
  - (2) That one or more of the conditions upon which such development approval was granted have been violated; or
  - (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- ~~(c) Zoning Administrator Public Hearing. The Zoning Administrator shall hold a public hearing upon the revocation of the Administrative Permit. The hearing shall be noticed in accordance with Section 110.808.45. The Zoning Administrator shall submit findings based on any one or more of the grounds listed in Subsection (b) of this section and shall make a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the Administrative Permit has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.~~
- (d) Board of County Commissioners Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the Administrative Permit. The hearing shall be noticed in accordance with Section 110.808.435. After the public hearing



and consideration of the recommendation of the Zoning Administrator, the Board of County Commissioners may take action to revoke the Administrative Permit.



# Article 810

## SPECIAL USE PERMITS

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### Sections:

110.810.00	Purpose
110.810.05	Review of Special Use Permits
110.810.10	Requirements for Application
110.810.15	Supplemental Guidelines, Standards, and Criteria
110.810.20	Review Procedures
110.810.25	Notice
110.810.30	Findings
110.810.35	Development of Natural Resources
110.810.40	Projects of Regional Significance
110.810.45	Conformance with Chapter
<del>110.810.50</del>	<del>Standard Conditions</del>
110.810.55 <sup>50</sup>	Appeals
110.810.60 <sup>55</sup>	One Year Wait on Denials
110.810.65 <sup>60</sup>	Modification of a Special Use Permit
110.810.70 <sup>65</sup>	Expiration
110.810.75 <sup>70</sup>	Revocation

**Section 110.810.00 Purpose.** The purpose of this article, Article 810, Special Use Permits, is to provide a method of reviewing proposed uses as listed in Article 302, Allowed Uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation systems, or public facilities in the vicinity. The Planning Commission or Board of Adjustment may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of the use.

**Section 110.810.05 Review of Special Use Permits.** Section 110.302.15 and Section 110.810.20(b) of this Development Code shall be used to determine whether the Planning Commission or the Board of Adjustment shall review an application for a special use permit according to the procedures of this article.

**Section 110.810.10 Requirements for Application.** Applications for Special Use Permits may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Department of Development Review. A request for a Special Use Permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. ~~A fee, as specified in Article 906, shall be required.~~ No Special Use Permit shall be processed until the information necessary to review and decide upon the proposed Special Use Permit is deemed complete by the ~~Department of Comprehensive Planning~~ Director of Development Review.

**Section 110.810.15 Supplemental Guidelines, Standards, and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department of Development Review may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

**Section 110.810.20 Review Procedures.** The Planning Commission and Board of Adjustment shall review Special Use Permits in accordance with the provisions of this section.

- (a) **General Provisions.** The Planning Commission or Board of Adjustment shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.
- (b) **Concurrent Processing of Applications.** ~~If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. A Special Use Permit request related to additional Development Code action(s) which requires Board of Adjustment or Planning Commission review shall be consolidated into one public hearing before the Planning Commission appropriate approval authority for the major request being considered. If the additional action normally requires Zoning Administrator or Board of Adjustment approval, the Planning Commission shall become the approval authority instead of the Zoning Administrator or the Board of Adjustment.~~
- (c) **Time Period for Hearing.** Public hearings conducted by the Planning Commission or Board of Adjustment shall be held within sixty-five (65) days from the date of acceptance of the complete application.
- (d) **Time Period for Action.** The Planning Commission or Board of Adjustment may take action on the proposed Special Use Permit at the conclusion of the public hearing, but shall take action no later than ~~ninety-sixty-five (9565)~~ ninety-sixty-five (9565) days after the complete application was accepted. An extension of time for Planning Commission or Board of Adjustment action may be granted if mutually agreed upon between the applicant and ~~the Development Review staff~~ Director of Development Review.
- (e) **Action.** The Planning Commission or Board of Adjustment may take action to approve, approve with conditions, modify, modify with conditions, or deny the Special Use Permit request. Failure of the Planning Commission or Board of Adjustment to hold a public hearing or take action within the time frames provided in ~~Subsection (c) and (d) of this section~~ article, shall constitute approval of the application.
- (f) **Effective Date of Action.** Action on the Special Use Permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

**Section 110.810.25 Notice.** Notice shall be given in accordance with the provisions of this section.

- (a) **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (1) All owners of real property subject to the Special Use Permit;
  - (2) Each property owner within three hundred (300) feet of the property subject to the Special Use Permit;

- ~~(3) Each owner of at least thirty (3) parcels nearest to the property subject to the Special Use Permit, to the extent this notice does not duplicate the notice required by Subsection (2) above.~~
- (43) Each tenant of a mobile home park, if a park is located within three hundred (300) feet of the property subject to the Special Use Permit; and
- (5) Any advisory board created by the Board of County Commissioners for the area in which the property subject to the Special Use Permit is located; and
- (6) All General Improvement Districts (GID) for the area in which the property that is the subject of the Special Use Permit is located.
- (b) Number of Notices. If the number of notices sent pursuant to ~~Subsections (a)(2) and (a)(3) of this section~~ article does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to ~~Subsection (a) of this section~~ article.
- ~~(e) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Special Use Permit request, describe the lot, parcel, properties or areas that are affected by the Special Use Permit request, and other pertinent information in such a manner that the Special Use Permit request and its effect(s) can be clearly identified.~~
- (dc) Posting of Property. ~~The applicant shall post t~~The real property that is the subject of the Special Use Permit shall be posted with a sign that is not less than twenty-four (24) square feet in size and not more than thirty-six (36) square feet in size. The sign shall be continually posted for a period of not less than ten (10) days prior to the first Planning Commission meeting on this item to a date not more than five (5) days after the first Board of County Commissioners' meeting on this item. The sign shall state, at a minimum, and in letters printed large enough to be read from the nearest street, the following:
- "A SPECIAL USE PERMIT IS BEING REQUESTED FOR THIS PROPERTY. QUESTIONS REGARDING THIS PROPOSAL CAN BE ANSWERED BY THE WASHOE COUNTY DEPARTMENT OF DEVELOPMENT REVIEW (702) (phone number of the department) BY REFERRING TO CASE (insert case number)."
- (e) Compliance with Noticing Requirements. ~~All~~Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

**Section 110.810.30 Findings.** Prior to approving an application for a Special Use Permit, the Planning Commission or Board of Adjustment shall find that all of the following are true:

- (a1) Consistency. The proposed use is consistent with the action programs, policies, standards, and maps of the Comprehensive Plan and the applicable area plan.
- (b2) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division 7;
- (e3) Site Suitability. The site is physically suitable for the type of development and for the intensity of development; and
- (d4) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

**Section 110.810.35 Development of Natural Resources.** All natural resources development shall require a Special Use Permit reviewed by the Planning Commission. Natural resources development includes energy production, mining operations, petroleum gas extraction, and forest products production. In addition to the findings required in ~~other Section 110.810.30~~ sections of this article, issuance of a Special Use Permit for development of natural resources shall be contingent on the Planning Commission making the following findings:

- (a1) That the proposed development is not unduly detrimental to surrounding properties, land uses, and the environment in general;
- (b2) That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- (e3) That the proposed development will restore/reclaim the site and all affected areas ~~to their original condition or better~~ at the conclusion of the operation.

**Section 110.810.40 Projects of Regional Significance.** ~~A Special Use Permit that is associated with a project of regional significance shall require additional review as set forth in Article 812 before final approval may be granted. If a Special Use Permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the Special Use Permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.~~

**Section 110.810.45 Conformance with Chapter.** No Special Use Permit request shall be ~~processed to bring approved~~ which would have the effect of bringing into conformance a use of land or building that has been established in contravention to the provisions of this chapter.

**Section ~~110.810.50~~ Standard Conditions.** ~~When approving a Special Use Permit, the Planning Commission or Board of Adjustment shall make the following conditions a part of the Special Use Permit.~~

- (a) ~~Substantial Compliance.~~ Development shall be in substantial compliance with the plans and documents submitted with and approved or modified for the Special Use Permit.

- (b) ~~Commencement of Construction.~~ Construction shall commence within one (1) year of the approval by the Planning Commission or Board of Adjustment; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Special Use Permit, within the time specified in the Special Use Permit. If the decision of the Planning Commission or Board of Adjustment is appealed to the Board of County Commissioners, and the application is approved by the Board of County Commissioners, then the one (1) year date shall be from the date of approval by the Board of County Commissioners; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within one (1) year of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Special Use Permit, within the time specified in the Special Use Permit.
- (c) ~~Completion of Construction.~~ Construction shall be completed within three (3) years; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within three (3) years of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Special Use Permit, within the time specified in the Special Use Permit. If the decision of the Planning Commission or Board of Adjustment is appealed to the Board of County Commissioners, and the application is approved by the Board of County Commissioners, then the three (3) year date shall be from the date of approval by the Board of County Commissioners; or if in the Tahoe planning area and any required Tahoe Regional Planning Agency approval has not yet been obtained, within three (3) years of the required approval by the Tahoe Regional Planning Agency; or, if a construction schedule has been approved as part of the Special Use Permit, within the time specified in the Special Use Permit.
- (d) ~~Public Improvements.~~ Public improvements required as part of the approval of the Special Use Permit shall either be constructed and completed within the construction periods enumerated in this section or a financial assurance to complete the public improvement, acceptable to Washoe County, shall be provided prior to any final approval by Washoe County.
- (e) ~~Dedication.~~ Dedication of water rights and/or facilities and sewer facilities shall be in accordance with required dedications of the same type and in the same manner as required of subdividers by Article 422.
- (f) ~~Subsequent Approvals.~~ The Planning Commission or Board of Adjustment reserves the right to review and revise the conditions of the Special Use Permit approval should it be determined that a subsequent license or permit issued by Washoe County violates the intent of the Special Use Permit approval.
- (g) ~~Compliance Report.~~ No later than two (2) years from the date of approval of the Special Use Permit and every two (2) years thereafter the applicant, or successor in interest, shall submit a report to the Department of Development Review addressing the level of compliance with each condition of the Special Use Permit.
- (h) ~~Transfer of Permit.~~ The Special Use Permit for the use and parcel(s) that it was originally approved may be transferred to a successor in interest upon written

~~notice by the current holder of the Special Use Permit to the Department of Development Review that the Special Use Permit is being transferred.~~

- ~~(i) Landscaping and Design. Landscaping and design plans shall be reviewed and approved by the Department of Development Review prior to issuance of any other subsequent permit.~~
- ~~(j) Failure to Comply. Failure to comply completely with all conditions made part of the Special Use Permit shall constitute grounds for instituting revocation proceedings for the Special Use Permit.~~
- ~~(k) Copy with other Applications. A copy of the approved Special Use Permit shall be attached to all applications for other permits on the same property to be issued by Washoe County.~~

**Section 110.810.6550 Appeals.** An action of the Planning Commission or Board of Adjustment made pursuant to this article may be appealed in accordance with the provisions of this section.

- (l) Appeal Period. An appeal of the Planning Commission or Board of Adjustment final decision may be made to the Board of County Commissioners within ten (10) days after the date of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (m) Who Can Appeal. Appeals may be filed only by one of the following:
  - (1) The applicant or the applicant's authorized agent; and
  - (2) A person who may be adversely affected by the decision and has participated in the review process by submitting written or oral testimony on the application or by attending a public hearing on the application, or who was prevented from participating in the review by circumstances beyond his/her control.
- (n) Contents of Appeal. An appeal shall be filed with the ~~County Clerk~~Director of Development Review, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~inadequacy of the findings made by the Planning Commission or Board of Adjustment. Such reasons shall be based upon the evidence presented to the Planning Commission or Board of Adjustment at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (o) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing on the appeal of the Planning Commission or Board of Adjustment final decision before the Board of County Commissioners within thirty (30) days of the date of the filing of the appeal with the ~~Clerk~~Director of Development Review.
- (p) Notice of Hearing. The public hearing on the appeal shall be noticed as required by ~~Section 110.810.20~~this article. The notice shall state that an appeal of the Planning Commission or Board of Adjustment final decision has been filed; describe the final decision; describe the lot, parcel, property or areas that are ~~affected by~~the subject



of the Special Use Permit and the final decision on the request; and other pertinent information.

- (q) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed actions based upon its interpretation of the findings required and the evidence submitted.
- (r) Effective Date. The decision of the Board of County Commissioners on an appeal from the Planning Commission or Board of Adjustment shall be effective immediately.

**Section 110.810.6955 One Year Wait on Denials.** After the denial of a Special Use Permit, no application for a Special Use Permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

**Section 110.810.6560 Modification of a Special Use Permit.** Proposed modifications of approved Special Use Permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Development Review may approve plans for an expansion/alteration of the approved use when the expansion/alteration complies with all of the following conditions:
  - (1) The building or use expansion/alteration is incidental to the existing use;
  - (2) The building or use expansion/alteration does not result in a change of use;
  - (3) ~~No~~The building expansion/alteration involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
  - (4) ~~No~~The use expansion/alteration involves more than ten (10) percent increase in the overall site area covered by the existing use;
  - (5) The building or use expansion/alteration, in the opinion of the Director of Development Review, would not have a substantial adverse effect on adjacent property; and
  - (6) The building or use expansion/alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Development Review.
- (b) Conditions Not Met. If a proposed expansion/alteration does not comply with the conditions in Subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved Special Use Permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

**Section 110.810.7065 Expiration.** A Special Use Permit shall expire as provided in this section.

- (a) **Time Period.** A Special Use Permit shall expire and become null and void at the time specified in the permit. ~~If no time is specified, the following shall apply:~~
- (1) ~~The permit shall expire and become null and void in eighteen (18) months after its effective date except where construction and/or use in reliance on such permit has commenced prior to its expiration; or~~
- (2) ~~The permit shall expire and become null and void in five (5) years if any required building permit associated with the Special Use Permit has not been applied for or, if applied for, has lapsed and become void.~~
- (b) **Extension.** The time period in Subsection (a) of this section may be extended for an ~~addition of twelve (12) months~~ by the Planning Commission or Board of Adjustment. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.
- (c) **Discontinuance.** A Special Use Permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned.

**Section 110.810.7570 Revocation.** Revocation of a Special Use Permit shall be subject to the requirements of this section.

- (a) **Initiation of Action.** The Planning Commission or Board of County Commissioners may initiate an action to revoke a Special Use Permit originally reviewed by the Planning Commission. The Board of Adjustment or Board of County Commissioners may initiate an action to revoke a Special Use Permit originally reviewed by the Board of Adjustment.
- (b) **Grounds for Revocation.** A Special Use Permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
- (1) That the Special Use Permit approval was obtained or extended by fraud;
- (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
- (3) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (c) **Public Hearing.** The Planning Commission or Board of Adjustment shall hold a public hearing upon the revocation of the Special Use Permit. The hearing shall be noticed in accordance with ~~Section 110.810.20~~ this article. The Planning Commission or Board of Adjustment shall submit findings based on any one or more of the grounds listed in Subsection (b) of this section and shall forward a recommendation on revocation to the Board of County Commissioners. The person or persons to whom the Special Use Permit has been issued shall be notified of such recommendations not later than three (3) days after submission of the report to the Clerk of the Board of County Commissioners.

- (d) Board of County Commissioners Action. The Board of County Commissioners shall hold a public hearing upon the revocation of the Special Use Permit. The hearing shall be noticed in accordance with ~~Section 100.840.20~~this article. After the public hearing and consideration of the recommendation of the Planning Commission or Board of Adjustment, the Board of County Commissioners may take action to revoke the Special Use Permit.



## Article 812

# PROJECTS OF REGIONAL SIGNIFICANCE

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### Sections:

110.812.00	Purpose
110.812.05	Projects Included
110.812.10	Exception
110.812.15	Determination
<u>110.812.20</u>	<u>Special Use Permit Required</u>
110.812.2025	Special Use Permits and Tentative Maps
110.812.2530	Changes in Zoning and Amendments to the Comprehensive Plan
110.812.3035	Combined Applications

**Section 110.812.00 Purpose.** The purpose of this article, Article 812, Projects of Regional Significance, is to prescribe the procedure that is required to review those projects defined by state statute as projects of regional significance.

**Section 110.812.05 Projects Included.** Projects of regional significance are those that require a change in the regulatory zone or other amendment to the Comprehensive Plan, special use permit, or a tentative map, or other permit which, if approved, will have the effect of increasing:

- (a) Employment by not fewer than 938 employees;
- (b) Housing by not fewer than 625 units;
- (c) Hotel accommodations by not fewer than 625 rooms;
- (d) Sewage by not less than 187,500 gallons per day;
- (e) Water usage by not less than 625 acre feet per year; or
- (f) Traffic by not less than an average of 6,250 trips daily.

**Section 110.812.10 Exception.** Section 110.812.05 shall not apply to projects which, prior to June 17, 1989, have an approved tentative map, special use permit, or change in the adopted regulatory zone or other amendments to the Comprehensive Plan.

### **Section 110.812.15 Determination.**

- (a) **Responsible Entity.** The ~~Department~~ Director of Development Review shall make the determination of whether a project is of regional significance based upon the criteria in Section 110.812.05.
- (b) **Multi-Phased Projects.** The determination for a project which is built in phases or built out over a number of years shall be based on the total size of the complete development and not on the size of individual phases or parts of the development.

**Section 110.812.20 Special Use Permit Required.** A Special Use Permit shall be required for a project of regional significance, unless sections 110.812.25 and 110.812.30 are applicable. A Special Use Permit required by this section shall be processed according to the provisions of Article 810.

**Section 110.812.2025 Special Use Permits and Tentative Maps.** In addition to the provisions of Articles 608 and 810, tentative maps and special use permits for projects of regional significance shall be processed pursuant to this section.

- (a) **Notice.** The ~~Department~~Director of Development Review shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
- (b) **General Process.** The application shall be processed according to the normal procedures as set forth in Article 608 or Article 810, up to the point of final Planning Commission action.
- (c) **Planning Commission Action.** The Planning Commission has the option of not approving or provisionally approving the application, with or without conditions.
- (d) **Planning Commission Disapproval.** If the Planning Commission does not provisionally approve the application, no further action is taken.
- (e) **Forwarding Application.** If the Planning Commission provisionally approves the application, the ~~Secretary of the Planning Commission~~Director of Development Review shall forward the application, together with all supporting materials and the findings of the Planning Commission, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
- (f) **Conformance.** If the Truckee Meadows Regional Planning Commission finds the project to be in conformance with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
- (g) **Non-Conformance.** If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the governing board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.
- (h) **Appeals.** Upon appeal, the governing board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
  - (1) If the decision is upheld, the project is deemed disapproved;
  - (2) If the decision is reversed, the project is deemed approved; or
  - (3) If the governing board makes recommendations to make the project consistent, the Washoe County Planning Commission shall consider such

recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the governing board of the Truckee Meadows Regional Planning Agency.

**Section 110.812.2530 Changes Regulatory Zone or Other Amendments to Comprehensive Plan.** Changes in the adopted regulatory zone or other amendments to the Comprehensive Plan for projects of regional significance shall be processed pursuant to this section.

- (a) **Notice.** The ~~Department~~Director of Comprehensive Planning shall provide notice to the Truckee Meadows Regional Planning Agency of any public meeting involving a project of regional significance.
- (b) **General Process.** The application shall be processed according to the normal procedures as set forth in Article 818 or Article 820, up to the point of final Board of County Commissioners action.
- (c) **County Commissioners Action.** The Board of County Commissioners has the option of not approving or provisionally approving the application, with or without conditions.
- (d) **County Commissioners Disapproval.** If the Board of County Commissioners does not provisionally approve the application, no further action is taken.
- (e) **Forwarding Application.** If the Board of County Commissioners provisionally approves the application, the ~~County Clerk~~Director of Comprehensive Planning shall forward the application, together with all supporting materials, recommendation of the Planning Commission, and the findings of the Board of County Commissioners, to the Truckee Meadows Regional Planning Commission. The application will be processed by the Truckee Meadows Regional Planning Commission in accordance with state statutes and the procedures of the Regional Planning Agency.
- (f) **Conformance.** If the Truckee Meadows Regional Planning Commission finds the project to be consistent with the Truckee Meadows Regional Plan or it fails to make any finding within sixty (60) days after the material in Subsection (e) of this section is sent by the County, the application shall be deemed approved.
- (g) **Non-Conformance.** If the Truckee Meadows Regional Planning Commission finds the project to be not in conformance with the Truckee Meadows Regional Plan, the County or the applicant can appeal that decision to the governing board of the Truckee Meadows Regional Planning Agency. If the decision is not appealed, the application is deemed disapproved.
- (h) **Appeals.** Upon appeal, the governing board of the Truckee Meadows Regional Planning Agency may uphold the decision of the Regional Planning Commission, reverse the decision, or make recommendations to make the project consistent with the Regional Plan.
  - (1) If the decision is upheld, the project is deemed disapproved;
  - (2) If the decision is reversed, the project is deemed approved; or

- (3) If the governing board makes recommendations to make the project consistent, the Board of County Commissioners shall consider such recommendations. It shall not approve the project until it directs changes or adds conditions to assure that the project is consistent with the Regional Plan, based on the recommendations of the governing board of the Truckee Meadows Regional Planning Agency. The Board of County Commissioners shall be required to hold a public hearing and notice this hearing before final action may be taken.

**Section 110.812.3035 Combined Applications.** If the projects involve more than one of the types of applications described in Section 110.812.05, the applications shall be combined throughout the approval process. If the combined applications include those requiring Planning Commission approval and Board of County Commissioners approval, all the applications shall be processed pursuant to Section 110.812.2530.



# Article 814

## DEVELOPMENT AGREEMENTS

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### Sections:

110.814.00	Purpose
110.814.05	Applicability
110.814.10	Requirements for Applications
110.814.15	Allowed Uses, Densities, and Standards
110.814.20	Review and Approval Process
110.814.25	Concurrent Processing of Other Approvals
110.814.30	Professional Assistance
110.814.35	Contents of Preliminary Development Agreement
110.814.40	Concept Plan
110.814.45	Site Plan
110.814.50	Optional Contents
110.814.55	Planning Commission Review of Preliminary Development Agreement
110.814.60	Notice
110.814.65	Appeal of Denial
110.814.70	Action by Board
110.814.75	Contents of Final Plan
110.814.80	Approval Procedures for Final Development Agreement
110.814.85	Recordation of Approved Final Documents
110.814.90	Periodic Review
110.814.95	Amendment or Cancellation of Development Agreement

**Section 110.814.00 Purpose.** The purpose of this article, Article 814, Development Agreement, is to allow for any person having a legal or equitable interest in land to enter into an agreement with Washoe County concerning the development of that land, as provided in NRS 278.

**Section 110.814.05 Applicability.** A Development Agreement may be approved by ordinance for land which is to be developed as a single entity provided that the development, including uses and development standards, is consistent with the Comprehensive Plan, including the area plans, and any specific plan, if applicable.

**Section 110.814.10 Requirements for Application.** A Development Agreement may be initiated by the property owner or by the property owner's authorized agent. Applications for a Development Agreement shall be filed with the Department of Development Review. ~~Fees for filing the applications are provided in Article 906 of this Development Code.~~

**Section 110.814.15 Allowed Uses, Densities, and Standards.**

- (a) **Laws in Effect.** The allowed uses, densities, and standards of the land subject to the Development Agreement shall be those in effect at the time the agreement is made, provided that all such uses, densities, and standards are consistent with the Comprehensive Plan, including the area plans, and any specific plan, if applicable.
- (b) **Subsequent Actions.** A Development Agreement shall not prevent the County, in subsequent actions applicable to the property, from adopting new ordinances,

resolutions, or regulations that conflict with those ordinances, resolutions, and regulations in effect at the time the Development Agreement is made, except that any subsequent action by the County shall not prevent the development of the land as set forth in the Development Agreement.

- (c) Emergency Situations. The County may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that a clear and present emergency requires the suspension.
- (d) State or Federal Restrictions. 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 (1) or more of the provisions of the Development Agreement, such provisions shall be modified or suspended as may be necessary to comply with the new state or federal laws or regulations. Any such action shall be taken by the Board of County Commissioners after a noticed public hearing.

**Section 110.814.20 Review and Approval Process.** The Development Agreement process consists of two steps as set forth in this section. Under no circumstances shall development of the land subject to the Development Agreement be allowed to proceed until after the Final Development Agreement has been approved and filed for record pursuant to ~~Section 110.814.85~~ this article.

- (a) Step One: Preliminary Development Agreement. The applicant shall submit the text of the proposed Development Agreement accompanied by either a concept plan or a site plan and other information required by ~~Section 110.814.35~~ this article. The applicant has the option of submitting either plan and the ~~County~~ Director of Development Review may request a site plan.
- (b) Step Two: Final Development Agreement. Subsequent to approval of the Preliminary Development Agreement, the applicant shall submit a Final Development Agreement for approval as set forth herein.
  - (1) If a site plan was approved at the first step of the process, the Final Development Agreement shall contain a final site plan.
  - (2) If a concept plan was approved at the first phase of the process, the Final Development Agreement shall include the site plan.
  - (3) The submittal shall include other information as required by ~~Section 110.814.75~~ this article.
  - (4) The site plan and other applicable materials from the Final Development Agreement shall be recorded pursuant to ~~Section 110.814.85~~ this article.

**Section 110.814.25 Processing of Other Approvals.** Applications for all discretionary approvals may accompany the Preliminary Development Agreement or may be substituted at a later date. If they are submitted at a later date, the conditions, terms, restrictions, and requirements for subsequent actions on these approvals shall be included in the Preliminary Development Agreement.

**Section 110.814.30 Professional Assistance.** Preparation of the Preliminary Development Agreement and Final Development Agreement shall require, at a minimum, the services of a Nevada registered professional engineer - civil engineer, (or licensed registered land surveyor). Depending on the complexity of the development, the services of an qualified urban planner ~~American Institute~~

of Certified Planners (AICP) recognized planner, a licensed architect, and a Nevada registered landscape architect may also be required by the Director of Development Review.

**Section 110.814.35 Contents of Preliminary Development Agreement.** The application shall include the provisions of this section.

- (a) **Development Agreement.** A Development Agreement containing the following:
- (1) A legal description of the land subject to the Development Agreement;
  - (2) The proposed duration of the Development Agreement;
  - (3) The permitted uses of the land;
  - (4) The density and/or intensity of uses;
  - (5) The maximum height and size of the proposed buildings;
  - (6) Any provisions for the dedication of any portion of the land for public use; and
  - (7) A provision that the materials listed in ~~Section 110.814.75~~ this article under "Contents of Final Development Agreement" are automatically incorporated into the Development Agreement by reference when these materials are approved by the Planning Commission.
  - (8) A provision that the Development Agreement does not bind the parties, or their successors in interest, until such time as the Development Agreement is recorded pursuant to ~~Section 110.814.85~~ this article.
- (b) **Interest in Land.** The nature of the landowner's and the applicant's legal interest in the land proposed for development in the application.
- (c) **Open Space Management.** The form and name, if available, of the organization proposed to own and maintain any common open space.
- (d) **Use Ratio.** The ratios of the land areas in residential to land areas in nonresidential uses and the ratio of square feet of residential to nonresidential uses.
- (e) **Utilities.** The proposed system, including a feasibility analysis, for disposition of sanitary waste and storm water.
- (f) **Circulation.** The plan for vehicular traffic, pedestrian traffic, and transit facilities. This plan shall include the provisions for parking of vehicles and the location and width of proposed streets and public rights-of-way.
- (g) **Modifications.** The listing of required modifications to the standards imposed by other articles of this Development Code.
- (h) **Plan.** A concept plan prepared pursuant to ~~Section 110.814.40~~ this article, or a site plan prepared pursuant to ~~Section 110.814.45~~ this article.

- (i) **Legal Agreements.** The substance of covenants, grants, or easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
- (j) **Schedule.** A schedule showing:
  - (1) The proposed times within which the Final Development Agreement must be filed; and,
  - (2) The proposed times within which all other applications for final approval of all portions of the land subject to the Development Agreement are intended to be filed, or in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part thereof is intended to be filed.

**Section 110.814.40 Concept Plan.** A concept plan shall include the information required by this section.

- (a) Name of project, boundaries, and vicinity maps showing the location and acreage of the land subject to the Development Agreement, date, north arrow, and scale of plan.
- (b) All existing lot lines, easements, and rights-of-way.
- (c) Proposed land uses, including areas proposed to be dedicated or reserved as common open spaces or for public or semi-public uses, with estimates of the acreage for each type of land use, the densities and/or intensities of development, and the general allocation of the densities and/or intensities of development to the various parts of the site.
- (d) Approximate location and arrangement of all structures or outlines of areas within which buildings or structures may be located.

**Section 110.814.45 Site Plan.** A site plan and supporting maps, if applicable, shall include the information required by this subsection.

- (a) Name of project, boundaries, and vicinity maps showing the location and acreage of the land subject to the Development Agreement, date, north arrow, and scale of plan.
- (b) Name and address of the owner of record, developer, planner and seal of the engineer, architect, or landscape architect.
- (c) Existing and proposed topography at a two (2) foot contour interval, or at a contour interval appropriate for the site, as determined by the Director of Development Review. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the land subject to the Development Agreement is within the 100 year floodplain, the area will be shown, and base flood elevations given. Indicate areas within the site and within fifty (50) feet of its perimeter boundary, where ground removal or filling is required.
- (d) Regulatory zone boundaries within five hundred (500) feet of the perimeter of the land subject to the Development Agreement.

- (e) The location and use of structures within three hundred (300) feet of the perimeter of the land subject to the Development Agreement.
- (f) All existing lot lines, easements, and rights-of-way within the land subject to the Development Agreement, and within those parcels within five hundred (500) feet of the perimeter of the land subject to the Development Agreement.
- (g) Proposed traffic flow patterns, entrances and exits, loading and unloading areas, emergency access areas, and curb cuts on the site;
- (h) The location of all present and proposed public and private ways, parking areas, driveways, ramps, curbs, walls, fences, bicycle and pedestrian ways, and landscaping. If determined appropriate by the Director of Development Review, proposed locations of the listed facilities and features may be indicated by typical locations.
- (i) Proposed land uses, including areas proposed to be dedicated or reserved as common open spaces or for public or semi-public uses, with estimates of the acreage for each type of land use, the densities and/or intensities of development, and the general allocation of the densities and/or intensities of development to the various parts of the site.
- (j) Approximate arrangement of individual lots.
- (k) Approximate location and arrangement of all structures or outlines of areas within which buildings or structures may be located.
- (l) Preliminary elevations and/or perspective drawings of all typical proposed buildings or other structures, including proposed maximum heights and floor areas.
- (m) A general landscaping plan.
- (n) A general grading plan.

**Section 110.814.50 Optional Contents.** In addition to the required contents of a Development Agreement, as set forth in ~~Subsection (a) of Section 110.814.35~~ this article under "Contents of Preliminary Development Agreement." the Development Agreement may contain the provisions listed in this section.

- (a) Key Dates. A date upon which construction must commence and a date when the project or any phase of the project must be complete. If either date is specified, a process for extension of the date shall be included.
- (b) Financing. Terms and conditions relating to applicant financing of necessary public facilities with or without subsequent reimbursement over time.
- (c) Assignability. Restrictions on the assignability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the Development Agreement.
- (d) Minor Modifications. Provisions for minor modifications of the Development Agreement.

- (e) Other. Other terms and conditions related to the proposed project, including any of the materials required by Section 110.814.75 with the exception of the final site plan, which are mutually agreeable to the parties.

**Section 110.814.55 Planning Commission Review of Preliminary Development Agreement.** Preliminary Development Agreement shall be reviewed by the Planning Commission and final action shall be taken by the Board of County Commissioners. Approval of a Preliminary Development Agreement does not authorize development or the issuance of any building permits.

- (a) General Provisions. The Planning Commission shall conduct at least one (1) public hearing relative to the application within ninety (90) days from the date the complete application was accepted. Notice shall be provided as set forth in ~~Section 110.814.60~~ this article.
- (b) Time Period for Action. The Planning Commission may take action on the proposed Development Agreement at the conclusion of the public hearing, but shall take action no later than one hundred and eighty (180) days after the complete application was accepted. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the ~~Development Review staff~~ Director of Development Review.
- (c) Failure to Act. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in Subsections (a) and (b) of this section, shall constitute recommendation of approval.
- (d) Planning Commission Action. Following the conclusion of the public hearing, the Planning Commission shall take one of the following actions:
- (1) Recommend approval of the Development Agreement and accompanying plan;
  - (2) Recommend approval subject to specified conditions not included in the agreement and plan as submitted; or
  - (3) Deny approval of the Development Agreement and accompanying plan. Denial of either of these items shall constitute denial of the Preliminary Development Agreement.
- (e) Findings. The recommendation of approval or the denial of the Preliminary Development Agreement shall be accompanied by findings on the degree the Development Agreement or accompanying plan would or would not be in the public interest, including but not limited to findings on the provisions of this subsection.
- (1) The extent to which the accompanying plan is consistent with the Comprehensive Plan policies and the area plan(s).
  - (2) The reasons why departures from development code regulations are or are not deemed to be in the public interest.
  - (3) The purpose, location, and amount of the common open space in the proposed project, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy

of the amount and purpose of the common open space as related to the proposed density and type of residential development.

- (4) The physical design of the project and the manner in which the design does or does not make adequate provision for public services.
- (5) The relationship, beneficial or adverse, of the proposed project to the neighborhood in which it is proposed to be established.
- (6) In the case of a Development Agreement and accompanying plan which propose development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents, and owners of the land subject to the Development Agreement in the integrity of the plan.
- (f) Effect of Planning Commission Denial. In the event the Planning Commission denies a Preliminary Development Agreement, that action is final unless appealed to the Board of County Commissioners pursuant to ~~Section 110.814.65~~this article.
- (g) Planning Commission Report. Within forty (40) days of the action by the Planning Commission, a report describing the discussion at the public hearing and recommendation and vote of the Planning Commission, along with a copy of the Preliminary Development Agreement, shall be transmitted to the Board of County Commissioners. If the Planning Commission does not recommend approval, it should state why it could not make the findings in Subsection (e) of this section

**Section 110.814.60 Notice.** Notice for all public hearings required by this article shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
  - (1) ~~All~~Owners of all real property subject to the Development Agreement;
  - (2) Each property owner within three hundred (300) feet of the property subject to the Development Agreement;
  - (3) Each tenant of a mobile home park, if a park is located within three hundred (300) feet of the property subject to the Development Agreement; ~~and~~
  - (4) Any advisory board created by the Board of County Commissioners for the area in which the property subject to the Development Agreement is located; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the Development Agreement is located.
- (b) Number of Notices. If the number of notices sent pursuant to ~~Subsections (a)(2) and (a)(3) of this section~~this article does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in

question, not including those owners provided notice pursuant to Subsection (a) of this section.

- (c) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date.

**Section 110.814.65 Appeal of Denial.** A denial action of the Planning Commission may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the Planning Commission's denial of a Preliminary Development Agreement may be made to the Board of County Commissioners within fifteen (15) days after the date of the decision. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal. Appeals may be filed by the Board of County Commissioners, applicant, or applicant's authorized agent.
- (c) Appeal by Applicant or Applicant's Agent. An appeal by the applicant or the applicant's authorized agent shall be filed with the ~~County Clerk~~ Director of Development Review and be accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~ inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Action on Appeal. The appeal of the Planning Commission's denial of a Preliminary Development Agreement shall be processed pursuant to ~~Section 110.814.70~~ this article.

**Section 110.814.70 Action by Board.** The Board of County Commissioners shall review a Preliminary Development Agreement in accordance with the provisions of this section.

- (a) Time Period for Hearing. The Clerk of Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval by the Planning Commission within thirty (30) days of the filing of the appeal or receipt of the Planning Commission's action.
- (b) Notice of Hearing. The public hearing shall be noticed as required by ~~Section 110.814.60~~ this article.
- (c) Actions to be Taken by Board. The Board shall take action on the Development Agreement and accompanying plan provided, however, that the Development Agreement shall not be adopted prior to adoption of the accompanying plan and tentative subdivision map, if required.
- (d) Board of County Commissioners Action.
- (1) If the Board of County Commissioners is considering an appeal from a denial of a Preliminary Development Agreement, it may use the record and



any additional evidence relative to the application and may confirm or reverse the denial based upon its interpretation of the findings required and the evidence submitted.

- (2) If the Board of County Commissioners is considering a recommendation of approval, it may take action to approve the Preliminary Development Agreement as recommended by the Planning Commission if no modification of the Planning Commission's recommendation is proposed.
- (3) If the Board of County Commissioners proposes to modify the recommendation of approval from the Planning Commission, the proposed modification shall be referred to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the modification. The Planning Commission shall submit a report on the proposed modification to the Board of County Commissioners within ninety (90) days from the date of referral by the Board of County Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to ~~Section 110.814.60~~ this article.

**Section 110.814.75 Contents of Final Development Agreement.** The Final Development Agreement shall include, but shall not be limited to, the information as required by this section. If a site plan was approved as part of the Development Agreement, the Final Development Agreement shall consist of a final site plan which substantially complies with the adopted site plan. If a site plan was not included as part of the Development Agreement, a site plan prepared pursuant to ~~Section 110.814.45~~ this article shall be required. If any of the other information required by this section was adopted as part of the Preliminary Development Agreement pursuant to ~~Section 110.814.50~~ this article, it shall be included in the Final Development Agreement as approved therein.

- (a) Development Agreement. The Development Agreement as described in ~~Section 110.814.35(a)~~ this article under "Contents of a Preliminary Development Agreement," and approved pursuant to ~~Section 110.814.70~~ this article under "Action by Board".
- (b) Legal Agreements. The substance of covenants, grants, or easements, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities approved pursuant to ~~Section 110.814.70~~ this article.
- (c) Plan. A final site plan that is consistent with the approved site plan or, if no site plan has been approved, an original site plan, either of which shall comply with the provisions of ~~Section 110.814.45~~ this article.
- (d) Installation and Maintenance. A program for the installation and maintenance of parking areas, lighting, landscaping, infrastructure, utilities, and recreational facilities.
- (e) Open Space Resources. A program for the protection of open space resources.
- (f) Development Schedule. A development schedule indicating:
  - (1) The approximate date for the start of construction; and

- (2) The phases, if any, in which the land subject to the Development Agreement will be built and the approximate dates for the completion of each phase.
- (g) Development Standards Handbook. A development standards handbook that provides development standards for the following:
- (3) Architectural style;
  - (4) Energy supply and conservation;
  - (5) Land grading, erosion and flood control;
  - (6) Natural hazards;
  - (7) Fire protection, security services, and medical services;
  - (8) Housing supply;
  - (9) Water supply, treatment, storage, conservation, and reuse;
  - (10) Wastewater treatment;
  - (11) Maintenance and enhancement of air quality;
  - (12) Wildlife and fisheries preservation;
  - (13) Historic, cultural, and ~~archeological~~ archaeological resources preservation;
  - (14) Recreational amenities;
  - (15) Open space provision and maintenance;
  - (16) Financial assurances for the development of the property and provision of services;
  - (17) Phasing of development;
  - (18) Procedures for the implementation of the development standards and amendment of the development standards handbook; and
  - (19) Documentation verifying the Development Agreement approval, including reductions of all maps/drawings approved by the Board of County Commissioners as part of the approval of the Preliminary Development Agreement; and
  - (20) Such other information which may be required by the Director of Development Review.
- (h) Other. Any optional contents included in the Preliminary Development Agreement pursuant to ~~Section 110.814.50~~ this article, and any additional material required pursuant to any terms or conditions of approval of the Preliminary Development Agreement.

**Section 110.814.80 Approval Procedures for Final Development Agreement.** Final Development Agreement shall be approved in accordance with this section. In order to approve a final application, the Director of Development Review shall find that the Final Development Agreement is in substantial compliance with the approved Preliminary Development Agreement. If it is not in substantial compliance, the proposed Final Development Agreement must be modified to bring it into compliance or the Development Agreement shall be amended pursuant to ~~Section 110.814.95~~this article. The Director of Development Review shall find that the Development Agreement required in Section 110.814.80(a) is the same Development Agreement as approved pursuant to Section 110.814.70 and has not changed.

- (a) **Application.** An application for Final Development Agreement approval may be submitted for all the land included in a Development Agreement or for a portion of the land, if so provided in the approved Preliminary Development Agreement. The application must be completed and submitted to the Department of Development Review within the time limit established as part of the approval of the Preliminary Development Agreement.
- (b) **Process.** The Final Development Agreement shall be reviewed by the Director of Development Review and executed by the Board of County Commissioners. Any action by the Director of Development Review may be appealed pursuant to ~~Section 110.814.65~~this article.
- (c) **Plan in Substantial Compliance.** If the applicant submits a Final Development Agreement containing a site plan purporting to be in substantial compliance with the approved site plan, the Director of Development Review shall determine if it is in substantial compliance with the site plan in the approved Preliminary Development Agreement. In making this determination, the following criteria shall be used to determine if the second site plan is in substantial compliance with the approved site plan:
  - (1) The proposed gross residential density or intensity of use is not changed;
  - (2) The proposed ratio of residential to nonresidential use is not changed;
  - (3) The area set aside for common open space is not reduced or the area is not substantially relocated;
  - (4) The floor area proposed for nonresidential use is not increased;
  - (5) The total ground area covered by buildings and the height of buildings is not increased; and
  - (6) The plan provisions are consistent with the adopted Preliminary Development Agreement.

**Section 110.814.85 Recordation of Approved Final Documents.** A Final Development Agreement which has been given approval by the County shall be certified without delay by the County and filed of record in the Office of the County Recorder before any development occurs in accordance therewith. Upon recordation, the Development Agreement binds all parties and their successors in interest for the duration of the agreement.

**Section 110.814.90 Periodic Review.** The Director of Development Review shall cause the Development Agreement to be reviewed every twenty-four (24) months on the anniversary date of its

adoption, until such time as the development is complete. A more frequent review may be undertaken at the direction of the Planning Commission or Board of County Commissioners.

- (a) Good Faith Compliance. As part of the review, the applicant or successor in interest shall be required to demonstrate good faith compliance with the terms of the Development Agreement.
- (b) Termination or Modification. If the County finds and determines, on the basis of substantial evidence, that the applicant or successor in interest has not complied in good faith with the terms and/or conditions of the Development Agreement, the County may take action to terminate or modify the Development Agreement.
  - (1) Action to terminate or modify a Development Agreement may be initiated only by the Planning Commission or Board of County Commissioners.
  - (2) No action to terminate or modify a Development Agreement shall be taken without a public hearing noticed pursuant to ~~Section 110.814.60~~ this article.

**Section 110.814.95 Amendment or Cancellation of Development Agreement.** A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest, as set forth in this section.

- (a) Notice of Intention. Notice of intention to amend or cancel any portion of the Development Agreement must be published in a newspaper of general circulation in Washoe County.
- (b) Approval of Amendment or Cancellation. The Board of County Commissioners may approve an amendment to the Development Agreement by ordinance if the amendment is consistent with the Comprehensive Plan, including the area plans. The Board of County Commissioners may approve a cancellation of a Development Agreement if it determines that to do so is in the best interests of the County.
- (c) Recordation of Amendment or Cancellation. The original of the amendment or cancellation shall be certified without delay by the County and filed of record in the office of the County Recorder.

# Article 816

## SPECIFIC PLANS

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### Sections:

<b>110.816.00</b>	<b>Purpose</b>
<b>110.816.05</b>	<b>Applicability</b>
<b>110.816.10</b>	<b>Contents</b>
<b>110.816.15</b>	<b>Environmental Mitigation</b>
<b>110.816.20</b>	<b>Processing</b>
<b>110.816.25</b>	<b>Cost of Preparation</b>

**Section 110.816.00 Purpose.** The purpose of this article, Article 816, Specific Plans, is to set forth the regulations for the review and approval of specific plans. Specific plans are a planning and regulatory mechanism that allow more precise implementation of the Comprehensive Plan by requiring or permitting large-scale planning in order to protect the natural environment, ensure compatible uses, conserve energy, achieve coherent and diverse development patterns, and ensure that roads and other infrastructure are adequate to serve new development.

**Section 110.816.05 Applicability.** The provisions of this article shall apply in all Specific Plan Area Regulatory Zones.

**Section 110.816.10 Contents.** All specific plans shall include, as a minimum, the subjects set forth in this section.

- (a) The distribution, location, and extent of land uses, including open space (including a Land Use Plan map and associated text).
- (b) The distribution, location, and extent of major infrastructure systems to address transportation, sewage, water, drainage, solid waste, and other essential services (including a Streets and Highways System Plan map and associated text and a Public Services and Facilities Plan map and associated text).
- (c) A plan for phasing the development of land uses and infrastructure.
- (d) A financing plan for proposed infrastructure.
- (e) A handbook containing guidelines, performance standards, and criteria by which development will proceed.
- (f) Performance standards for the protection and conservation of natural resources.
- (g) Performance standards to achieve the goals and objectives of the specific plan.
- (h) Where adjacent land uses are not compatible (according to the Washoe County Comprehensive Plan), appropriate performance standards for buffering, screening and open space to protect adjacent uses.

- (i) Such other information which may be required by the Director of Comprehensive Planning.

**Section 110.816.15 Environmental Mitigation.** The density or intensity of use, location of development, or other features of a specific plan may be modified to preserve and protect water quality, fish and wildlife habitats, soil resources, watersheds, and other natural resources.

**Section 110.816.20 Processing.** A specific plan shall be processed as follows:

- (1) The applicant shall request a pre-applicant meeting with the Department of Comprehensive Planning, the Department of Development Review, and the County Engineer to discuss the proposed project. Other agencies may be invited as applicable.
- (2) The applicant shall submit the application to the Department of Comprehensive Planning for a determination that the application is complete. If the application is found to be complete, copies shall be distributed to the Department of Development Review, County Engineer, and other departments or agencies which may have an interest in the plan.
- (3) When an application for a specific plan is found complete, the specific plan shall be processed using the procedures for an amendment to the comprehensive plan, as set forth in Article 820, Amendment of Comprehensive Plan.

**Section 110.816.25 Cost of Preparation.** The cost of preparing a specific plan normally shall be paid by the applicant or applicants. In those instances where the County determines that it is in the public interest to prepare a specific plan at its expense, the County may impose a specific plan fee. This fee shall be applied to applicants seeking approvals for development within the area covered by the specific plan. The fee shall be a prorated amount based on the amount of land proposed for development expressed as a percentage of the total land included in the specific plan.

# Article 818

## AMENDMENT OF DEVELOPMENT CODE

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### Sections:

110.818.00	Purpose
110.818.05	Requirements for Application
110.818.10	Supplemental Guidelines, Standards, and Criteria
110.818.15	Review Procedures
110.818.20	Notice
110.818.25	Appeal of Denial
110.818.30	Action by Board
110.818.35	Written Record
110.818.40	Projects of Regional Significance
110.818.45	Effective Date
110.818.50	One Year Wait on Denials
110.818.55	Modification of a Development Code Amendment
110.818.60	Moratorium

**Section 110.818.00 Purpose.** The purpose of this article, Article 818, Amendment of Development Code, is to provide for the method for amending the Development Code. Requests to change a regulatory zone affecting a parcel of land, or a portion of a parcel, are processed under Article 820, Amendment of Comprehensive Plan.

### **Section 110.818.05 Requirements for Application.**

- (a) **Initiation of Amendment.** The Board of County Commissioners or the Planning Commission may initiate an amendment to the Development Code through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application to the Planning Commission. Citizen's advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment to the Development Code.
- (b) ~~**Fees.** A fee, as specified in Article 906, shall be required.~~
- (eb) **Completeness.** No Development Code Amendment shall be processed until the information necessary to review and decide upon the proposed Development Code Amendment is deemed complete by the ~~Department~~Director of Comprehensive Planning.

**Section 110.818.10 Supplemental Guidelines, Standards, and Criteria.** In addition to the standards and findings set forth in the Development Code, the ~~Department~~Director of Comprehensive Planning may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

**Section 110.818.15 Review Procedures.** The Planning Commission shall review a Development Code Amendment in conformance with this section.

- (a) General Provisions. The Planning Commission shall conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the ~~application~~ Development Code Amendment request is consistent with the Washoe County Comprehensive Plan. The Planning Commission shall recommend approval, conditional approval, or denial of the application based on the results of this review.
- ~~(b) Concurrent Processing of Applications. If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Director of Development Review shall determine the sequence for action by the review authorities.~~
- (eb) Time Period for Hearing. Public hearings conducted by the Planning Commission shall be held within one-hundred and twenty-five (125) days from the date the resolution was adopted or the complete application was accepted.
- (d) Time Period for Action. The Planning Commission may take action on the proposed Development Code Amendment at the conclusion of the public hearing, but shall take action no later than one-hundred and eighty (180) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the ~~Department~~ Director of Comprehensive Planning.
- (e) Action. The Planning Commission may take action to recommend approval or deny the Development Code Amendment request. A recommendation of approval of a Development Code Amendment request shall be by resolution based upon a simple majority vote of the quorum present. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in ~~Subsections (c) and (d) above~~ this article, shall constitute recommendation of approval of the Development Code Amendment application.
- (f) Findings. When making its recommendation to the Board of County Commissioners for approval, ~~or modification of an amendment, or denial,~~ the Planning Commission shall, at a minimum, make at least one of the following findings of fact:
- (1) Consistency with Comprehensive Plan.
    - (i) Approval: The proposed Development Code aAmendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
    - (ii) Denial: The proposed Development Code aAmendment is not substantial compliance with the policies and action programs of the Comprehensive Plan.
  - (2) Compatible Land Uses Promotes the Purpose of the Development Code.
    - (i) Approval: The proposed Development Code aAmendment will ~~provide for land uses compatible with (existing or planned) adjacent land uses and~~ will not adversely impact the public health,



safety, or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

- (ii) Denial: The proposed Development Code aAmendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety, or welfare, and will not promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

(3) Response to Changed Conditions.

- (i) Approval: The proposed Development Code aAmendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment represents allow for a more desirable utilization of land within the regulatory zones.

- (ii) Denial: The proposed Development Code aAmendment does not identify and respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment does not represent create a more desirable utilization of land within the regulatory zones.

(4) No Adverse Affects.

- (i) Approval: The proposed Development Code aAmendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

- (ii) Denial: The proposed Development Code aAmendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

~~(5) Desired Pattern of Growth.~~

- ~~(i) Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth, with the least amount of natural resource impairment, and the efficient expenditure of funds for public services.~~

- ~~(ii) Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth, with the least amount of natural resource impairment, and the efficient expenditure of funds for public services.~~

5 (g) Effect of Planning Commission Denial. In the event the Planning Commission denies a Development Code Amendment application, that action is final unless appealed to the Board of County Commissioners.

6 (h) Planning Commission Report. Within forty (40) days of the action by the Planning Commission on the Development Code Amendment a report describing the amendment, discussion at the public hearing, and recommendation and vote of the Planning Commission shall be transmitted to the Board of County Commissioners. If the Planning Commission does not recommend approval, it shall state why it could not make the findings for approval in Subsection (f) of this section.

**Section 110.818.20 Notice.** Notice for all Development Code amendments shall be given in accordance with the provisions of this section.

(a) ~~Notice of Property Owners by Mail.~~ A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:

- (1) ~~All owners of real property subject to the Development Code Amendment;~~
- (2) ~~Each property owner within three hundred (300) feet of the property subject to the Development Code Amendment;~~
- (3) ~~Each property owner of at least thirty (30) parcels nearest to the portion of boundary being changed, to the extent this notice does not duplicate the notice given pursuant to Subsection (2) above;~~
- (4) ~~Each tenant of a mobile home park, if a park is located within three hundred (300) feet of the property subject to the Development Code Amendment; and~~
- (5) ~~Any advisory board created by the Board of County Commissioners for the area in which the property subject to the Development Code Amendment is located.~~

(b) ~~Number of Notices.~~ If the number of notices sent pursuant to Subsections (a)(2) and (a)(3) of this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.

(ea) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code Amendment request, describe the lot, parcel, properties or areas that are affected by the Development Code Amendment request and other pertinent information in such a manner that the Development Code Amendment request and its effect(s) can be clearly identified.

(d) ~~Compliance with Noticing Requirements.~~ All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when

~~notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attend the public hearing shall be considered to be legally notified unless those persons can provide evidence that they were not notified according to the provisions of this section.~~

~~(e) Text Amendment. Notwithstanding the other provisions of this section, a proposed Development Code amendment that deals only with the text of the Development Code shall require notice only as set forth in Subsection (e) of this section.~~

(b) Notice to Citizen Advisory Boards . A notice setting forth the date, time, and place shall be mailed to every member of a Citizen Advisory Board created by the Board of County Commissioners not less than ten (10) days prior to the hearing date. The notice shall describe the proposed Development Code Amendment request, and other pertinent information in such a manner that the Development Code Amendment request and its effect(s) can be clearly identified.

**Section 110.818.25 Appeal of Denial.** A denial action of the Planning Commission made pursuant to this article may be appealed in accordance with the provisions of this section.

(a) Appeal Period. An appeal of the Planning Commission's denial of a Development Code Amendment request may be made to the Board of County Commissioners within fifteen (15) days after the date of the decision. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

(b) Who Can Appeal. Appeals may be filed by the Board of County Commissioners, applicant, or applicant's authorized agent.

(c) Appeal by Applicant or Applicant's Agent. An appeal by the applicant or the applicant's authorized agent shall be filed with the ~~County Clerk~~Director of Comprehensive Planning and be accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence present to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.

(d) Action on Appeal. The appeal of the Planning Commission's denial of a Development Code Amendment request shall be processed pursuant to ~~Section 110.818.30~~this article.

**Section 110.818.30 Action by Board.** The Board of County Commissioners shall review proposed Development Code Amendments in conformance with this section.

(a) Time Period for Hearing. The Clerk of <sup>the</sup> Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval of the Planning Commission within thirty (30) days of the filing of the appeal or receipt of the Planning Commission's action.

(b) Notice of Hearing. The public hearing on the appeal shall be noticed as required by ~~Section 110.818.20~~this article.

(c) Board of County Commissioners Action.

- (1) If the Board of County Commissioners is considering an appeal from a denial of a Development Code Amendment request, it may use the record and any additional evidence relative to the application and may confirm or reverse the denial based upon its interpretation of the findings required and the evidence submitted. Final action to approve the amendment shall require two-thirds (2/3) vote of the total membership of the Board.
- (2) If the Board of County Commissioners is considering a recommendation of approval, it may take final action to adopt, adopt with conditions, or deny the Development Code Amendment, after consideration of the Planning Commission's recommendation. Final action to approve the amendment shall require a simple majority of the total membership of the Board.
- (3) If the Board of County Commissioners proposes to modify the recommendation of approval from the Planning Commission, the proposed modification shall be referred to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the modification. The Planning Commission shall submit a report on the proposed modification to the Board of County Commissioners within ninety (90) days from the date of referral by the Board of County Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to ~~Section 110.818.20~~ this article. If the Planning Commission does not recommend approval, approval of the proposed modification shall require a two-thirds (2/3) of the total membership of the Board.

**Section 110.818.35 Written Record.** When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

~~**Section 110.818.40 Projects of Regional Significance.** A Development Code Amendment that is associated with a project of regional significance shall require additional review as set forth in Article 812 before a final approval may be granted.~~

**Section 110.818.45 Effective Date.** A Development Code Amendment shall become effective in accordance with the provisions of this section.

- ~~(a) **Normal Project.** An amendment that is not a project of regional significance shall become effective immediately after final approval by the Board of County Commissioners pursuant to Section 100.818.30.~~
- ~~(b) **Project of Regional Significance.** An amendment that is a project of regional significance shall become effective when the project is deemed approved pursuant to Article 812.~~
- (~~a~~) **NRS Requirements.** Pursuant to NRS 244, an amendment to the Development Code shall become effective immediately after at least twenty five (25) copies of the

amended Development Code have been reproduced; at least three (3) copies of the amended Development Code have been filed with the County Clerk; and, the ordinance adopting the amendment is published by title only once a week for a period of two (2) weeks in a newspaper of general circulation in the County, and the publications states the code may be examined by the general public at the Office of the County Clerk.

**Section 110.818.50 One Year Wait on Denials.** After the denial of a Development Code Amendment, no application for a Development Code Amendment for the same or similar amendment may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

**Section 110.818.55 Modification of a Development Code Amendment.** Proposed modifications of approved Development Code Amendments shall required a new application following the same procedure required for the initial application.

**Section 110.818.60 Moratorium.** The Board of County Commissioners may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Development Code.

- (a) **Initiation.** Only the Board of County Commissioners or the Planning Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board of County Commissioners initiates the process to declare a moratorium, it shall refer the matter to the Planning Commission for a recommendation.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within forty-five (45) days after it has resolved to declare a moratorium or within forty-five (45) days from the date of referral by the Board of County Commissioners.
- (c) **Notice of Planning Commission Hearing.** Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the date of the public hearing to be conducted by the Planning Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) **Planning Commission Recommendation.** After completion of the public hearing by the Planning Commission, it may recommend to the Board of County Commissioners approval of a moratorium, modify the extent and area of the moratorium, or recommend that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the entire membership of the Planning Commission.
- (e) **Findings.** When making its recommendation for approval or modification, the Planning Commission shall, at a minimum, make the following findings of fact:
  - (1) The moratorium is necessary to promote the health, safety, and welfare of the area described in the moratorium declaration;

- (2) The moratorium is necessary to permit the staff, Planning Commission, Board of County Commissioners, and public to focus on the efficient and effective preparation of an amendment to the Development Code; and
- (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the code amendment.
- (f) Planning Commission Report. Within forty (40) days of the action by the Planning Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Planning Commission shall be transmitted to the Board of County Commissioners. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within forty-five (45) days of the date of referral of the matter by the Board of County Commissioners to the Planning Commission shall constitute a recommendation not to declare a moratorium.
- (g) Board Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners within thirty (30) days of receipt of the report describing the Planning Commission's action.
- (h) Notice of Board Hearing. Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (i) Required Vote. After completion of the public hearing by the Board of County Commissioners, it may declare a moratorium by a simple majority vote of its entire membership.
- (j) Affirmation of Findings. In declaring a moratorium, the Board of County Commissioners shall, at a minimum, affirm the findings of fact contained in the Planning Commission's recommendation or, if the Planning Commission did not make these findings, shall, at a minimum, make the findings of fact in Subsection (e) of this section.
- (k) Period in Effect. A moratorium declared by the Board of County Commissioners shall be in effect for a period of no less than ninety (90) days and no more than one hundred and eighty (180) days from the date of effectuation. The Board of County Commissioners may extend the moratorium for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

# Article 820

## AMENDMENT OF COMPREHENSIVE PLAN

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### Sections:

110.820.00	Purpose
110.820.05	Requirements for Application
110.820.10	Supplemental Guidelines, Standards, and Criteria
110.820.15	Review Procedures
110.820.20	Notice
110.820.25	Appeal of Denial
110.820.30	Action by Board
110.820.35	Written Record
110.820.40	Projects of Regional Significance
110.820.45	Effective Date
110.820.50	One Year Wait on Denials
110.820.55	Modification of a Comprehensive Plan Amendment
110.820.60	Moratorium

**Section 110.820.00 Purpose.** The purpose of this article, Article 820, Amendment of Comprehensive Plan, is to provide for the method for amending the Comprehensive Plan. Requests to change a regulatory zone affecting a parcel of land, or a portion of a parcel, are processed under Article 820, Amendment of Comprehensive Plan

**Section 110.820.05 Requirements for Application.**

- (a) **Timing of Amendments.** The Comprehensive Plan may be amended by the County Board of Commissioners no more than three (3) times per year. Applications for Comprehensive Plan Amendments shall only be accepted in January, May, and September of each calendar year. Specific dates within these months shall be determined by the Director of Comprehensive Planning.
- (b) **Initiation of Amendments.** A Comprehensive Plan Amendment may be initiated by the Board of County Commissioners or the Planning Commission, through resolution; and, an owner of real property or the property owner's authorized agent, by application filed with the Department of Comprehensive Planning, or filed with the Department of Development Review acting on behalf of the Department of Comprehensive Planning. Citizen's advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment.
- (c) **Frequency of Amendment.** Only the Board of County Commissioners or Planning Commission may initiate an amendment of the Comprehensive Plan for a parcel within twelve (12) months after an amendment on that parcel has been approved or denied.
- (d) ~~Fee.~~ A fee, as specified in Article 906, shall be required.

- (ed) Completeness. No Comprehensive Plan Amendment shall be processed until the information necessary to review and decide upon the proposed Comprehensive Plan Amendment is deemed complete by the Department Director of Comprehensive Planning.

**Section 110.820.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Department Director of Comprehensive Planning may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval applications.

**Section 110.820.15 Review Procedures.** The Planning Commission shall review a Comprehensive Plan Amendment in conformance with this section.

- (a) General Provisions. The Planning Commission shall conduct at least one (1) public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the proposed amendment is internally consistent with existing policies, and standards of the Comprehensive Plan. The Planning Commission shall recommend approval, modification or denial of the application based on the results of this review.
- (b) Concurrent Processing of Applications. If a proposed project requires more than one (1) application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Director of Development Review shall determine the sequence for action by the review authorities.
- (c) Time Period for Hearing. Public hearings conducted by the Planning Commission shall be held within one hundred and twenty-five (125) days from the date the resolution was adopted or the complete application was accepted.
- (d) Time Period for Action. The Planning Commission may take action on the proposed Comprehensive Plan Amendment at the conclusion of the public hearing, but shall take action no later than one hundred and eighty (180) days after the resolution was adopted or the complete application was accepted. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the Department Director of Comprehensive Planning.
- (e) Action. The Planning Commission may take action to recommend approval or deny the Comprehensive Plan Amendment request. A recommendation of approval of the Comprehensive Plan Amendment shall be by resolution of the Planning Commission carried by the affirmative votes of not less than two-thirds (2/3) of the membership. The resolution shall refer expressly to the maps, descriptive matter, or other matter intended by the Planning Commission to constitute the amendment. Failure of the Planning Commission to hold a public hearing or take action within the time frames provided in ~~Subsections (c) and (d) of this section~~ this article, shall constitute recommendation of approval of the Comprehensive Plan Amendment application.
- (f) Findings. When making its recommendation to the Board of County Commissioners for approval, ~~or modification of an amendment,~~ or denial, the Planning Commission shall, at a minimum, make at least one of the following findings of fact:



- (1) Consistency with Comprehensive Plan.
  - (i) Approval: The proposed amendment is in substantial compliance with the policies and action programs of the Comprehensive Plan.
  - (ii) Denial: The proposed amendment is not in substantial compliance with the policies and action programs of the Comprehensive Plan.
  
- (2) Compatible Land Uses.
  - (i) Approval: The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses and will not adversely impact the public health, safety, or welfare.
  - (ii) Denial: The proposed amendment would result in land uses which are incompatible with (existing or planned) adjacent land uses, and would adversely impact the public health, safety, or welfare.
  
- (3) Response to Change Conditions.
  - (i) Approval: The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
  - (ii) Denial: The proposed amendment does not identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.
  
- (4) No Adverse Affects.
  - (i) Approval: The proposed amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
  - (ii) Denial: The proposed amendment will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
  
- (5) Desired Pattern of Growth.
  - (i) Approval: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth, with the least amount of natural resource impairment, and the efficient expenditure of funds for public services.

- (ii) Denial: The proposed amendment does not promote the desired pattern for the orderly physical growth of the County. The proposed amendment does not guide development of the County based on the projected population growth, with the least amount of natural resource impairment, and the efficient expenditure of funds for public services.
- (g) Effect of Planning Commission Denial. In the event the Planning Commission denies a Comprehensive Plan Amendment application, that action is final unless appealed to the Board of County Commissioners.
- (h) Planning Commission Report. Within forty (40) days of the action by the Planning Commission on the proposed Comprehensive Plan Amendment, a report describing the amendment, discussion at the public hearing, and recommendation and vote of the Planning Commission, along with a certified copy of the proposed amendment, shall be transmitted to the Board of County Commissioners. If the Planning Commission does not recommend approval, it should state why it could not make the findings for approval in ~~Subsection (f) of this section~~ this article.

**Section 110.820.20 Notice.** Notice for all Comprehensive Plan amendments shall be given in accordance with the provisions of this section.

- (a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (1) ~~All~~ Owners of all real property subject to the Comprehensive Plan Amendment;
  - (2) Each property owner within three hundred (300) feet of the property subject to the Comprehensive Plan Amendment;
  - (3) Each tenant of a mobile home park, if a park is located within three hundred (300) feet of the property subject to the Comprehensive Plan Amendment; ~~and~~
  - (4) Any advisory board created by the Board of County Commissioners for the area in which the property subject to the Comprehensive Plan Amendment is located; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the Comprehensive Plan Amendment is located.
- (b) Number of Notices. If the number of notices sent pursuant to ~~Subsections (a)(2) and (a)(3) of this section~~ this article does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to ~~Subsection (a) of this section~~ this article.
- (c) Notice in the Newspaper. A notice setting forth the date, time, and place shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the hearing date. The notice shall describe the proposed

Comprehensive Plan Amendment request, describe the lot, parcel, properties or areas that are affected ~~by the subject of~~ the Comprehensive Plan Amendment request, and other pertinent information in such a manner that the Comprehensive Plan Amendment request and its effect(s) can be clearly identified.

- (d) Compliance with Noticing Requirements. All ~~e~~Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attend the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.
- (e) Amendment Not Affecting Boundaries. Notwithstanding the other provisions of this section, a proposed Comprehensive Plan amendment that does not change the boundaries of the land use categories of the Land Use Plan map of any of the area plans shall require notice only as set forth in Subsection (c) of this section.

**Section 110.820.25 Appeal of Denial.** A denial action of the Planning Commission made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the Planning Commission's denial of a Comprehensive Plan Amendment request may be made to the Board of County Commissioners within fifteen (15) days after the date of the decision. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal. Appeals may be filed by the Board of County Commissioners, applicant, or applicant's authorized agent.
- (c) Appeal by Applicant or Applicant's Agent. An appeal by the applicant or the applicant's authorized agent shall be filed with the ~~County Clerk~~Director of Comprehensive Planning and be accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the ~~specific abuse of discretion~~inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Action on Appeal. The appeal of the Planning Commission's denial of a Comprehensive Plan Amendment request shall be processed pursuant to ~~Section 110.820.30~~this article.

**Section 110.820.30 Action by Board.** The Board of County Commissioners shall review a Comprehensive Plan Amendment in accordance with the provisions of this section.

- (a) Time Period for Hearing. The Clerk of Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval by the Planning Commission within thirty (30) days of the filing of the appeal or receipt of the Planning Commission's action.

- (b) Notice of Hearing. The public hearing shall be noticed as required by Section ~~110.820.20~~this article.
- (c) Board of County Commissioners Action.
- (1) If the Board of County Commissioners is considering an appeal from a denial of a Comprehensive Plan Amendment request, it may use the record and any additional evidence relative to the application and may confirm or reverse the denial based upon its interpretation of the findings required and the evidence submitted. Final action to approve the amendment shall require two-thirds (2/3) vote of the total membership of the Board.
  - (2) If the Board of County Commissioners is considering a recommendation of approval, it may take final action to adopt the Comprehensive Plan Amendment as recommended by the Planning Commission if no modification of the Planning Commission's recommendation is proposed. Final action to approve the amendment shall require a simple majority of the total membership of the Board.
  - (3) If the Board of County Commissioners proposes to modify the recommendation of approval from the Planning Commission, the proposed modification shall be referred to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the modification. The Planning Commission shall submit a report on the proposed modification to the Board of County Commissioners within ninety (90) days from the date of referral by the Board of County Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to Section ~~110.820.20~~this article. If the Planning Commission does not recommend approval of the modification, approval of the proposed modification shall require a two-thirds (2/3) of the total membership of the Board.

**Section 110.820.35 Written Record.** When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant.

**Section 110.820.40 Projects of Regional Significance.** A Comprehensive Plan Amendment shall require additional review as set forth in Article 812 before a final approval is effective.

**Section 110.820.45 Effective Date.** A Comprehensive Plan Amendment shall become effective immediately upon a finding by the Regional Planning Commission that the amendment is in conformance with the Regional Plan.

**Section 110.820.50 One Year Wait on Denials.** After the denial of a Comprehensive Plan Amendment, no application for a Comprehensive Plan Amendment for the same or similar amendment may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year

**Section 110.820.55 Modification of a Comprehensive Plan Amendment.** Proposed modifications of an approved Comprehensive Plan Amendment shall require a new application following the same procedure required for the initial application.

**Section 110.820.60 Moratorium.** The Board of County Commissioners may declare a moratorium on the acceptance and processing of planning applications and/or issuance of building permits for a specific geographical area and for a specified length of time for the purposes of preparing an amendment to the Comprehensive Plan.

- (a) **Initiation.** Only the Board of County Commissioners or the Planning Commission through resolution may initiate the process for declaring a moratorium for this purpose. If the Board of County Commissioners initiates the process to declare a moratorium, it shall refer the matter to the Planning Commission for a recommendation.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within forty-five (45) days after it has resolved to declare a moratorium or within forty-five (45) days from the date of referral by the Board of County Commissioners.
- (c) **Notice of Planning Commission Hearing.** Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the date of the public hearing to be conducted by the Planning Commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (d) **Planning Commission Recommendation.** After completion of the public hearing by the Planning Commission, it may recommend that the Board of County Commissioners approve a moratorium, modify the extent and area of the moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a simple majority vote of the entire membership of the Planning Commission.
- (e) **Findings.** When making its recommendation for approval or modification, the Planning Commission shall, at a minimum, make the following findings of fact:
  - (1) The moratorium is necessary to promote the health, safety, and welfare of the area described in the moratorium declaration;
  - (2) The moratorium is necessary to permit the staff, Planning Commission, Board of County Commissioners, and public to focus on the efficient and effective preparation of an amendment to the Comprehensive Plan; and
  - (3) The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.
- (f) **Planning Commission Report.** Within forty (40) days of the action by the Planning Commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the Planning Commission shall be transmitted

to the Board of County Commissioners. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within forty-five (45) days of the date of referral of the matter by the Board of County Commissioners to the Planning Commission shall constitute a recommendation not to declare a moratorium.

- (g) Board Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners within thirty (30) days of receipt of the report describing the Planning Commission's action.
- (h) Notice of Board Hearing. Notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.
- (i) Required Vote. After completion of the public hearing by the Board of County Commissioners, it may declare a moratorium by a simple majority vote of its entire membership.
- (j) Affirmation of Findings. In declaring a moratorium, the Board of County Commissioners shall, at a minimum, affirm the findings of fact contained in the Planning Commission's recommendation or, if the Planning Commission did not make these findings, shall, at a minimum, make the findings of fact in Subsection (e) of this section.
- (k) Period in Effect. A moratorium declared by the Board of County Commissioners shall be in effect for a period of no less than ninety (90) days and no more than one hundred and eighty (180) days from the date of effectuation. The Board of County Commissioners may extend the moratorium for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

# ARTICLE 902

## DEFINITIONS

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### Sections:

110.902.00	Purpose
110.902.05	Applicability
110.902.10	Rules of Interpretation
110.902.15	General Definitions

**Section 110.902.00 Purpose.** The purpose of this Article, Definitions, is to promote consistency and precision in the interpretation of the Development Code.

**Section 110.902.05 Applicability.** The meaning and construction of words and phrases as set forth therein shall apply throughout the Development Code, except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the adopted version of the Uniform Building Code shall be applicable except when in conflict with definitions contained in the Development Code, in which case the Development Code definitions shall control. Additional definitions which apply only within one article or section may be contained within that article or section.

**Section 110.902.10 Rules of Interpretation.** The following general rules of interpretation shall apply to the textual provisions of the Development Code:

- (a) **Article and Section References.** "Article" means an article of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.
- (b) **Definitions.** The Director of Development Review shall have the authority to determine the applicable definition source (e.g. Websters, Uniform Building Code, Uniform Fire Code, etc.) in the event of a conflict.
- (bc) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any provision of this Development Code.
- (ed) **Illustrations.** In case of any differences of meaning or implication between the text of any section or article and any illustration, the text shall control.
- (de) **Gender.** The masculine gender includes the feminine and neuter.
- (ef) **Number.** The singular number includes the plural, and the plural the singular.
- (fg) **Tense.** The present tense includes the past and future tenses, and the future tense includes the present tense.

- (gh) Oath and Affirmation. "Oath" includes "affirmation".
- (hi) Shall and May. "Shall" is mandatory and "may" is permissive.
- (ij) Signature or Subscription and Mark. "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.
- (jk) Statutory References. Whenever reference is made to any portion of the ordinance codified in this Development Code, or of any other ordinance of this County or of any law of this state, the reference applies to all amendments and additions now or hereafter made.

**Section 110.902.15 General Definitions.** Unless otherwise specified, the following definitions shall be applicable throughout the Development Code.

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. Sounds measured with an A-weighted filter are abbreviated dba or db(a).

~~Accessory Attached Building. "Accessory attached building" means an accessory building attached to the main building by a breezeway and/or common wall and which is designed and constructed in harmony with such main building. To be considered attached by a breezeway, the accessory building shall not be located more than twenty (20) feet from the main building and the roof of the breezeway shall cover an area not less than ten (10) feet wide. The breezeway shall have a roof and be attached to and be a part of the accessory and main building.~~

Accessory Building. "Accessory building" means a detached subordinate building, the use of which is incidental to that of the main building or potential main building.

Accessway. "Accessway" means vehicular ingress and egress to a property or use.

Adequate Public Facilities Management. "Adequate public facilities management" means a method for ensuring that the infrastructure necessary to support a development project will be available concurrently with the impacts of that development, without causing the level of service provided by said infrastructure to fall below adopted standards.

Affordable Housing. "Affordable housing" means housing which is affordable to low-income households (not exceeding eighty (80) percent of the County median income) or moderate-income households (not exceeding one-hundred twenty (120) percent of County median income).

~~Alley. "Alley" means a public thoroughfare or way less than thirty (30) feet wide or a secondary means of access to abutting property.~~

Approved Access. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street or right-of-way approved by the County.

Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Maps. The base flood depths range from 1 to 3 feet; a clearly defined channel



does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

Area Plan. "Area plan" means plans adopted by Washoe County which cover specific subareas of the unincorporated County. These plans provide basic information on the natural features, resources and physical constraints that affect the development of the planning area. They also specify detailed land use designations which are then used to review specific development proposals and to plan services and facilities.

Arterial. "Arterial" means a main highway that is a through street.

Attached Accessory Dwelling. "Attached accessory dwelling" means a portion of a single family dwelling that may provide complete, independent living facilities for living, sleeping, eating, cooking and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking area, bathroom(s) and living areas. An attached accessory dwelling does not exceed twenty-five (25) per cent of the total square footage of the main dwelling unit. Attached accessory dwellings are often referred to as guest rooms, guest apartments and "granny flats."

Base Flood Calculation. "Base flood calculation" means the flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Flood, One Hundred (100) Year".

Basement. "Basement" means the portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bed and Breakfast Establishment. "Bed and breakfast establishment" means a single-family dwelling containing not more than five (5) guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

Berm. "Berm" means a mound or embankment of earth.

Billboard. "Billboard" means an outdoor advertisement making a material or services known, such advertisement being remote from the point of sale of such material or service.

Board. "Board" refers to the Board of County Commissioners of Washoe County.

Boardinghouse. "Boardinghouse" means a building or portion thereof (not a motel) where, for compensation, meals and lodging are provided for more than three (3) guests.

Building. "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

Building Intensity. "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

Building Height. "Building height" means ~~the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.~~ Maximum heights are stated under the individual regulatory zones is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or

hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

~~Canopy Cover. "Canopy cover" means the shaded area directly surrounding a tree as a result of the growth habit, foliage and size of that tree.~~

Cellar. "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Certificated Water Rights. "Certificated water rights" means the right to put surface water or groundwater to beneficial use that is identified by a record document issued by the Nevada State Engineer after satisfactory proof of "perfection of application" for a permitted water right has been filed in accordance with NRS Chapter 533.

Climatic Adaptive Planting Material. "Climatic adaptive planting material" means vegetation which is adapted to the climate or microclimate of the planting site and can flourish given the soil and water environment surrounding its roots. Microclimates, large bodies of water, soil drainage, soil pH, adequate moisture, the presence of soil salts, and both summer and winter wind affect a plant's ability to grow and survive.

~~Club. "Club" means a nonprofit association of persons organized solely or primarily to render a service which is usually a commercial enterprise.~~

Cluster or Clustered Development. See "Common Open Space Development".

Collector. "Collector" means the highest order of residential streets.

Commission. "Commission" means the Washoe County Planning Commission.

Commercial Coach. "Commercial coach" means structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Common Interest Community. "Common interest community" means real estate in which a person, by virtue of ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty (20) years in a unit, including options to renew.

Common Open Space Development. "Common open space development" means a technique whereby minimum lot sizes may be reduced below the regulatory zone requirements for residential and commercial use types, if compensating amounts of open space are provided within the same development (also called cluster development). This type of development allows for structures to be grouped on smaller lots, provided the total density for the development is not exceeded.

Comprehensive Plan. "Comprehensive Plan" means the Washoe County Comprehensive Plan, including the area plans.

Consistency. "Consistency" means free from variation or contradiction.

Constraints. "Constraints" mean limitations, actions, which cannot be taken or which must be taken.

Construct. "Construct" includes "erect", "reconstruct", "alter", "move in" and "move upon".

Corner Lot. See "Lot, Corner".

Cost. "Cost" means the price paid or what is given up in order to acquire, produce, accomplish or maintain anything.

County. "County" refers to the unincorporated area of Washoe County, Nevada.

County Standards. "County standards" means improvement standards set forth in this Development Code or adopted by the Board of County Commissioners.

Cross-Section. ~~"Cross section" means the section view across the width of a street, which usually indicates the width of the street, the number of lanes, the width of any median and the width of sidewalks, bicycle lanes and planter areas. Can also be a section view across a stream, river or similar feature.~~ is a drawing or photograph showing a cutting through something, especially at right angles to its axis. A cross section of a roadway usually indicates the width of the street, the number of lanes, and the width of any median, parkways, sidewalks and bicycle lanes.

Cumulative Impact. "Cumulative impact" means an effect which is a result of several related projects. Each increment from each project may not be noticeable but cumulative impacts may be noticeable when all increments are considered.

Decibel. "Decibel" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Density or Residential Density. "Density" or "residential density" means the number of dwelling units per gross acre, for residential uses.

Density Bonus. "Density bonus" means an increase in residential density over and above the density specified in the Development Code. A "density bonus unit" is one of the additional housing units built as a result of granting a density bonus.

Destination Resort. "Destination Resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Visitor-oriented accommodations are overnight lodging and facilities designed for visitors, not permanent residents and overnight lodging excludes RV and mobile home parks. Visitor accommodations must include meeting rooms and restaurants.

Detached Accessory Dwelling. "Detached accessory dwelling" means a dwelling unit on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. An accessory dwelling unit may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. A detached accessory dwelling unit is at least six hundred forty (640) square feet, but does not exceed twelve hundred (1,200) square feet or fifty (50) percent of the floor area of the main unit, whichever is

smaller. Detached accessory dwellings may also be referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Development. "Development" means any man-made change to improved or unimproved real estate, including the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Development Agreement. "Development agreement" means an agreement entered into by Washoe County and any person having a legal or equitable interest in land concerning the development of that land, pursuant to NRS Chapter 278.

Development Code. "Development Code" refers to Chapter 110 of the Washoe County Code which incorporates all County development-related ordinances and standards to ensure conformity with the Comprehensive Plan.

Division into Large Parcels. "Division into large parcels" means division of land if each proposed lot is at least forty (40) acres in area including roads and easements or at least one-sixteenth (1/16) of a section as described by a government land office.

Domestic Water. "Domestic water" means water supplied to individual dwellings and other land uses which is suitable for drinking.

Dwelling. "Dwelling" means any building or portion thereof used exclusively for residential purposes but does not include hotels, clubs, boardinghouses or rooming houses, fraternity or sorority houses, or institutions.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a ~~factory-built~~fabricated home or portion thereof, which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Development Code, the Uniform Building Code, and/or the National Manufactured Home and Safety Standards Act.

Endangered Species. "Endangered species" means any species listed as such in the Federal Register which is in danger of extinction throughout all or a significant portion of its range.

Engineer. "Engineer" means a Nevada registered engineer pursuant to NRS Chapter 625.

Erosion. "Erosion" means the detachment and movement of soil from the land surface by wind, water or gravity.

~~Factory-Built-Fabricated Home.~~ "~~Factory-built~~Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. ~~Factory-built~~Fabricated homes include modular homes, manufactured homes and mobile homes.

Family. "Family" means one (1) or more persons related by blood, marriage or legal adoption, or a group of six (6) or fewer unrelated persons and two additional persons who act as house parents or guardians, living together in a dwelling unit.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts.

Final Map. "Final map" means the map or recording instrument for subdivisions of land as described in Article 610. A final map may also be used to record an approved parcel map at the option of either the subdivider or the County.

Fire Management. "Fire management" means activities required for the protection of resources and values from fire, or the use of fire to meet land management goals and objectives.

Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Maps (Floodway). "Flood Boundary and Floodway Maps" means the official maps on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Elevation, Increase In. "Increase in flood elevation" means an increase in flood elevation of more than one (1) foot at any point.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Rate Maps, and any area determined by the Floodplain Administrator to have a one (1) percent or greater probability of flood in a given year.

Flood Hazard Areas. "Flood hazard areas" means the area designated by the Federal Emergency Management Agency as being flooded by the base flood, and is designated as "Zone A, AO, AH, A1-30 and A99" on the Flood Insurance Rate Maps.

Flood Height. "Flood height" means the depth of the floodwater during the one hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Rate Maps (FIRM). "Flood Insurance Rate Maps" means the official maps on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Flood, One Hundred (100) Year. "One hundred (100) year flood" means a flood estimated to occur on an average once in one hundred (100) years. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas.

Floodplain Administrator. "Floodplain administrator" means the person appointed to administer and implement the provisions of Article 416 of this Development Code.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Maps.

Floor Area Ratio (FAR). "Floor area ratio" means the ratio of floor area permitted on a lot to the size of the lot. For example, a permitted FAR of 6.0 on a 10,000 square foot lot would allow a building with a total floor area of 60,000 square feet.

Front Line. "Front line" means the narrowest lot dimension fronting on a street.

Front Yards. See "Yard, Front".

Fuel Management. "Fuel management" means treating or controlling any vegetative material which adversely affects meeting fire management direction based upon resource management goals and objectives.

Fuelbreak. "Fuelbreak" means a strip of land, strategically placed for fighting anticipated fires, where hazardous fuels have been replaced with less burnable fuels (like grass). They divide fire-prone areas into smaller parcels for easier fire control and provide access for fire fighting.

Fuels. "Fuels" mean any material capable of sustaining or carrying a wildfire, usually natural material both live and dead.

Gaming. "Gaming" means any legally constituted gambling enterprise authorized under the laws of the State of Nevada other than slot machines when such machines are operated incidentally to the conduct of a licensed retail business.

Geothermal Resource. "Geothermal resource" means the natural heat of the earth and the energy associated with the natural heat, pressure and all dissolved or entrained minerals, but excluding hydrocarbons and helium, that may be obtained from the medium used to transfer that heat.

Governing Body. "Governing body" refers to the Washoe County Board of County Commissioners, unless otherwise clearly indicated.

Grade. "Grade" means ~~the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from such wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from the wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.~~

Grading. "Grading" means removal of trees and shrubs with surface soil grading for smoothness.

Greenbelt. "Greenbelt" means an area where measures such as fuel management, land use planning and development standards are applied to mitigate fire, flood and erosion hazard. More

traditionally, an irrigated landscaped buffer zone between development and wildlands, usually put to additional uses (e.g. golf course, park, etc.).

Gross Density. "Gross Density" is the ratio of the total number of units to the total site area.

Ground Cover. "Ground cover" means low, dense-growing plants such as shrubs or vines, or inert materials such as rock or bark used to cover bare ground.

Hedge. "Hedge" means a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.

Highest Existing Grade. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. "Hillside development" means any development including individual lots which has an average slope equal to or greater than ten (10) percent or slopes that exceed fifteen (15) percent on twenty-five (25) percent or more of the site.

~~Hospital. "Hospital" means a building used for accommodation of sick, injured or infirm persons, including clinics, sanitarium, convalescent and rest homes.~~

~~Hotel. "Hotel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with an interior hall and lobby, and with access to each room from such interior hall or lobby, and with accessible parking spaces on the premises or adjacent premises under the same ownership, for each unit, as provided in the Development Code.~~

House Construction Factory. "House construction factory" means a building used for the construction of a single or multiple family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of the above-described procedures, which results in a completed single or multiple family dwelling that can be transported to a lot for which service has been provided and which has been improved to accommodate the installation of the dwelling.

Household. "Household" means the person or persons occupying a housing unit.

Impervious Surface. "Impervious surface" means the surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking area.

Incorporated City. "Incorporated city" means a city incorporated under the laws of the State of Nevada.

Infrastructure. "Infrastructure" means the basic facilities such as roads, schools, power plants, transmission lines, transportation and communication systems on which the continuance and growth of a community depends.

Interior Lot. See "Lot, Interior".

Junkyard. "Junkyard" means any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts.

Kitchen. ~~"Kitchen" means a room used for cooking or the preparation of food~~ is an area within a dwelling containing facilities for the storage, preparation, cooking and disposal of food.

Landscaped Buffer. "Landscaped buffer" means an area of landscaping which separates two (2) distinct land uses, or a land use and a public right-of-way and which acts to soften or mitigate the effects of one (1) land use on the other.

Landscaping. "Landscaping" means an area devoted to and maintained with a mixture of existing or new native or exotic plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative wall.

Ldn. "Ldn" means the average equivalent A-weighted sound level during a 24-hour day obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.). In this way, Ldn takes into account the lower tolerance of people for noise during nighttime periods. Ldn noise level measurements are typically plotted onto a map to identify noise contours around a significant noise generator (e.g. freeways, airports, etc.).

Limited Flooding Area. "Limited flooding area" means the area between the limits of the base flood and the five hundred (500) year flood; or certain areas subject to the base flood with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood. This area is designated as "Zone B" on the Flood Insurance Rate Maps.

Limited Gaming. "Limited gaming" means gaming enterprises authorized by the State Gaming Control Board whereby any person or gaming establishment may be issued a limited gaming license or have such conditions placed on a gaming license as necessary to protect the public interest.

Livestock. "Livestock" means:

- (a) All cattle or animals of the bovine species;
- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All goats or animals of the caprine species;
- (d) All swine or animals of the porcine species; and
- (e) All sheep or animals of the ovine species.

Loading Space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes and which abuts upon a permanent means of access.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets having an interior angle of less than 135 degrees.

Lot, Interior. "Interior lot" means a lot bounded by a street on only one (1) side or situated at the intersection of (2) streets having an interior angle of 135 degrees or more.



Lot, Through. "Through lot" means a lot bounded by two (2) streets that do not intersect at the boundaries of the lot.

Lot Coverage. "Lot coverage" is a measure of intensity of land use which represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

Lot Depth. "Lot depth" is the distance between the front and rear lot lines measured in the mean direction of the side lines.

Lot Size. "Lot size" is the total square footage of a lot.

Lot Width. "Lot width" is the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Main Building. "Main building" means a building devoted to the principal use of the lot on which it is situated.

Major Subdivision. "Major subdivision" means a subdivision which contains five (5) or more lots, parcels, sites, units, plots or interests.

Manufactured Home. ~~"Manufactured home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, having a width of fourteen (14) feet or more and bearing a label that the dwelling unit was built in compliance with the National Manufactured Home and Safety Standards Act. A manufactured home is not a mobile home or a modular home~~ is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing the label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by Nevada Revised Statute (NRS 489.113). A manufactured home is not a mobile home, nor a modular home.

~~Manufactured Home Park. "Manufactured home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.~~

Manufactured Home Park Site. "Manufactured home park site" is the entire tract of land used for a manufactured home park.

Manufactured Home Space. "Manufactured home space" is the area in a manufactured home park that is rented or leased to the occupant or occupants of a manufactured home.

~~Manufactured Home Subdivision. "Manufactured home subdivision" means a subdivision with individually owned lots, each containing, or meant to contain, a manufactured home~~ is a subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Median Income or County Median Income. "Median income" or "County median income" means the level of income in Washoe County whereby one-half (1/2) of the population earns greater than that level of income and one-half (1/2) of the population earns less than that level of income. Median income is determined on a yearly basis by the Department of Housing and Urban Development.

Minor Subdivision. "Minor subdivision" means a subdivision which contains four (4) or less lots, parcels, sites, units, plots or interests.

Minute Action. "Minute action" means an official final decision made by the Board of County Commissioners, as recorded in the County Clerk's minutes.

Mobile Home. ~~"Mobile home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, having a width less than fourteen (14) feet, not bearing a label that the dwelling unit was built in compliance with the National Manufactured Home and Safety Standards Act, or not bearing an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home or a modular home~~ is a transportable, fabricated home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home, further defined by Nevada Revised Statute (NRS 489.120), does not bear an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home, nor a modular home.

Mobile Home Park. "Mobile home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.

Mobile Home Park Site. "Mobile home park site" is the entire tract of land used for a mobile home park.

Modular Home. ~~"Modular home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, having a width of fourteen (14) feet or more and bearing an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A modular home is not a mobile home or a manufacture home, but includes what is commonly referred to as a panelized home.~~ is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with local Uniform Building Code standards and further meets all requirements of County Code Chapter 100. Modular homes shall be subject to the same permit process as site-built homes. A modular home is not a manufactured home, but includes what is commonly referred to as a panelized home.

Motel. "Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material) ~~and with accessible parking spaces on the premises or adjacent premises under the same ownership, for each unit, as provided in the Development Code.~~

Mulch. "Mulch" means an organic or inorganic material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures and slow erosion.

National Register of Historic Places. "National Register of Historic Places" means the listing maintained by the U.S. National Park Service of areas which have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

Net Density. "Net Density" is the ratio of the total number of units to the site area minus the area of the streets, parking areas, and undevelopable land.

Nevada Natural Heritage Site. "Nevada Natural Heritage Site" means areas of land or water which either:

- (a) Have unusual flora, fauna, geological, scenic or similar features of scientific, educational or recreational interest; or
- (b) Retain some degree, or have re-established, a natural character (although it need not be completely undisturbed).

New Construction. "New construction" means (for floodplain management purposes) structures for which the start of construction commenced on or after August 1, 1984.

NRS. "NRS" means Nevada Revised Statutes.

Open Space Use. "Open space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided such land has a greater value for another use than for open space use.

Open Space, Common. "Common open space" means the total land area, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space includes swimming pools, putting greens and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscaped areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident.

Parcel Map. "Parcel map" means a map for a minor subdivision.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land in the possession of or recorded as the property of one person.

Parking Area. "Parking area" means an open area, excluding a street or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

Permitted Water Rights. "Permitted water rights" means the right, in accordance with NRS Chapter 533 and as approved by the Nevada State Engineer, to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated.

Person. "Person" means a firm, association, corporation, partnership, or an individual.

Planting Area. "Planting area" means an area devoted to or maintained predominantly with native or exotic plants including turf, groundcover, shrubs, flowers, vines and trees with a limited portion of complementary decorative features.

Police Powers. "Police powers" means powers reserved to the states by the U.S. Constitution and delegated to cities and counties through the Nevada Constitution and the Nevada Revised Statutes; it is the authority to create and enforce ordinances and regulations that are not in conflict with general laws in order to promote the health, safety and general welfare of the public.

Print. "Print" means and includes a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it was made.

Private Antenna. "Private antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building.

Private Garage. "Private garage" means a space intended for or used by the private automobiles of families resident upon the lot.

Public Garage. "Public garage" means a building for the repair, storage or hire of motor vehicles.

Rear Yard. See "Yard, Rear".

Recreational Vehicle. "Recreational vehicle" means a vehicular structure that is primarily designed as temporary living quarters for travel, recreation and camping uses. A recreational vehicle can be self-propelled, mounted on, or towed by a separate vehicle.

Recreational Vehicle Park. "Recreational vehicle park" means a tract of land for the transient use by two or more recreational vehicles.

Regional Plan. "Regional Plan" means the Truckee Meadows Regional Plan.

Required Area. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of the Development Code. Required area refers to:

- (a) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
- (b) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance or the adoption of additional regulatory zones; or
- (c) Any lot or parcel of land which has an area not less than that required in the respective regulatory zone.

Resort Hotel. ~~"Resort hotel" means a hotel with a minimum of two hundred (200) rooms.~~

Right-of-way. ~~"Right-of-way" means the width of publicly dedicated streets, including the pavement, sidewalks and planting area; the width between property lines on either side of the street is a strip of land occupied or intended to be occupied by a publicly dedicated street, including the pavement, sidewalks and parkways, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade streets or other special use.~~

Riparian. "Riparian" means related to or located on the bank of a natural water course.

Riparian Habitat. "Riparian habitat" means the land and plants bordering a watercourse or lake.

Room. ~~"Room" means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and porches~~ is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space and therefore, not a room.

Roominghouse. "Roominghouse" means a building or portion thereof (not a motel) where, for compensation, lodging is provided for more than three (3) guests.

Rural Zones. "Rural zones" means the Low Density Rural Zone, Medium Density Rural Zone, and High Density Rural Zone.

Satellite Dish Antenna. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic Corridor. "Scenic corridor" means a roadway with recognized high quality visual amenities that include background vistas of mountains, open country or city.

School. "School" means an institution of learning which offers instructions in the several branches of learning required to be taught in the public schools of the State of Nevada.

Screen. "Screen" means the combination or individual use of a fence, decorative wall, earth berm or dense landscaping to physically and visually separate one area from another area.

Service Standards. "Service standards" means a measurement of municipal services used to monitor or compare services provided by the County and other service providers.

Setback. "Setback" means the required distance between every structure and the front lot line of the lot on which the structure(s) is located.

Side Yard. See "Yard, Side".

Shrubs. "Shrubs" means a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Sign. ~~"Sign" means any advertisement making a material or service known and located at the place of sale.~~

Site-Built Home. "Site-built home" means a dwelling unit where the major components are fabricated and assembled at the building site or a dwelling unit constructed at a house construction factory located within Washoe County. Site-built homes shall comply with Washoe County building codes and other adopted local codes.

Solar Energy. "Solar energy" means energy derived from the sun's rays.

Specific Plan. "Specific plan" means a plan prepared for a portion of an area plan which prescribes uses and development standards for that portion.

Story. ~~"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade at any point, such basement, cellar or unused underfloor space shall be considered as a story~~ is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First. "First story" is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grad, as defined herein, for more than 50 percent of the total perimeter, or more than 8 feet below grade, as defined herein, at any point.

Street. ~~"Street" means a public thoroughfare thirty (30) feet or more in width~~ right or way or easement which affords a primary means of access to abutting property.

Structure. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is primarily above ground. "Structure" does not include a tent, trailer or vehicle.

Subdivider. "Subdivider" means any person or persons, firm, corporation, partnership or association that causes land to be divided into a subdivision for himself or itself or for others. A consultant, engineer or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided vacant or improved, into two (2) or more lots, parcels, sites, units or plots for the purposes of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

- (a) "Subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land each of which comprise forty (40) or more acres of land, or 1/16 of a section, including roads and roadway easements, which is subject to the provisions of Article 612.
- (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
- (c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:
  - (1) Any division of land which is ordered by any court in this state or created by operation of law;
  - (2) A lien, mortgage, deed of trust or any other security instrument;

- (3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
  - (4) Cemetery lots; or
  - (5) An interest in oil, gas, minerals or building materials which are not or hereafter severed from the surface ownership or real property.
- (d) "Subdivision" does not apply to creation of parcels of more than (10) acres for agricultural purposes if a street, road or highway opening, widening or easement of any kind is not involved.
- (e) For the purposes of the definition "subdivision", any interest in land created or established as joint tenancy or a tenancy in common shall be a single interest and not an interest in common, if, and only if, the use or development or the proposed use or development of such land would not be a subdivision as defined in this section if undertaken or proposed by a single entity, whether corporate or an individual. See "Major Subdivision" and "Minor Subdivision".

**Substantial Improvement.** "Substantial improvement" means any repair, reconstruction, additions or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or addition is started or, if the structure has been damaged, before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications;
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
  - (1) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and
  - (2) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Suburban Zones.** "Suburban zones" means the Low Density Suburban Zone, Medium Density Suburban Zone, and High Density Suburban Zone.

**Surface Runoff.** "Surface runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, and which flows over the ground surface to adjoining properties, storm drains or waterways.

**Surveyor.** "Surveyor" means a land surveyor registered pursuant to NRS Chapter 625.

Tentative Parcel Map. "Tentative parcel map" means a map which is filed pursuant to Article 606, conforming to the standards and requirements set forth therein.

Tentative Subdivision Map. "Tentative subdivision map" means a preliminary map made to show lot lines, roads, buildings, rights-of-ways and other design factors of a proposed subdivision.

Threatened Species. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and which has been designated in the Federal Register as a threatened species.

Through Lot. See "Lot, Through".

Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon".

Topography. "Topography" means configuration of a surface, including its relief and the position of natural and man-made features.

Total Developed Land Area. "Total developed land area" means that portion of a property which is disturbed for development purposes including, but not limited to, areas covered by buildings, landscaping, impervious surfaces and other areas graded or excavated to support the development.

Trailer Coach. See "Mobile Home".

Travel Trailer. See "Recreational Vehicle".

Tree. "Tree" means a large, woody perennial plant with one main trunk or multiple trunks, and many branches.

Uplighting. "Uplighting" means a source of light where the center of the light beam is at an angle greater than the horizontal.

Urban Zones. "Urban zones" means the Low Density Urban Zone, Medium Density Urban Zone, and High Density Urban Zone.

Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s).

Used. "Used" includes "arranged", "designed" or "intended to be used".

Will Serve Letter. "Will serve letter" means a letter from a utility purveyor assuring the provision of services for proposed development.

Yard. "Yard" means an open space on the same lot or parcel used with the building, extending from the setback line to the nearest lot line, to be unoccupied and unobstructed except as provided in the Development Code.

Yard, Front. "Front yard" means a yard lying between the setback line and the front line and extending across the full width of the lot or parcel.



Yard, Rear. "Rear yard" means a yard between the setback line and the rear line and extending across the full width of the lot or parcel.

Yard, Side. "Side yard" means a yard lying between the side lot line and the setback line and extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. "Zone" or "regulatory zone" means a portion of the unincorporated area of Washoe County which is specifically designated in Article 106 of this Development Code.

Zoning Administrator. "Zoning administrator" means an official, designated by the Director of Development Review, charged with the responsibility of administering the Development Code and issuing other permits.

~~Zoning Enforcement Officer. "Zoning enforcement officer" means an official possessing citation powers applicable to the enforcement of land development regulations.~~



# Article 916

## **ESTABLISHMENT OF COMMITTEES**

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### Sections:

<b>110.916.00</b>	<b>Purpose</b>
<b>110.916.05</b>	<b>Parcel Map Review Committee</b>
<b>110.916.10</b>	<b>Design Review Committee</b>

**Section 110.916.00 Purpose.** The purpose of this article, Article 916, Establishment of Committees, is to specify the establishment of a Parcel Map Review Committee and a Design Review Committee.

### **Section 110.916.05 Parcel Map Review Committee.**

- (a) **Committee Created.** A Parcel Map Review Committee is created when the land division occurs within three (3) miles of the city boundary of Reno or Sparks as set forth in NRS 278.340.
- (b) **Committee Membership.** A Parcel Map Review Committee shall consist of a member from the staff of the Department of Development Review, Department of Comprehensive Planning, County Engineer's Office, District Health Department, Building and Safety Division, Utility Division, Truckee Meadows Fire Protection District or Nevada Division of Forestry, Regional Transportation Commission, and City of Reno or Sparks.
- (c) **Committee Chairman.** The Chair of the Committee shall be the staff member from the Department of Development Review.

### **Section 110.916.10 Design Review Committee.**

- (a) **Committee Created.** There is hereby created a Design Review Committee.
- (b) **Committee Membership.** The chair of the Planning Commission shall appoint one ~~(1) member of person to represent the Planning Commission who shall be a member of the Planning Commission, or a former member of the Planning Commission;~~ one (1) member representing the planning profession; one (1) member representing the landscape architecture profession; and one (1) member representing the architecture profession. In addition, the Board of Adjustment will appoint (1) of its members to the committee.
- (c) **Terms.** Terms of the three (3) members representing the planning, landscape architecture, and architecture professions shall be one (1) year.
- (d) **Meetings.** The Design Review Committee shall meet on an as need basis.



*Washoe County Comprehensive Planning*  
**PLANNING COMMISSION STAFF  
 REPORT**

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April 21, 1993

**APRIL 26, 1993 MEETING: AGENDA ITEM 2**

**PUBLIC HEARING:** DEVELOPMENT CODE AMENDMENT CASE NO. DCA93-2 (WASHOE COUNTY CODE, CHAPTER 110, DIVISION 1 INTRODUCTION AND ORGANIZATION, DIVISION 7 INFRASTRUCTURE AVAILABILITY AND FINANCING, DIVISION 8 PROCEDURES, AND DIVISION 9 GENERAL PROVISIONS) - To consider a request to amend the Washoe County Development Code, to modify the currently adopted divisions to correct procedural and typographical errors and to modify sections to streamline and simplify permitting requirements. Proposed changes include amendments to Article 106 - REGULATORY ZONES, Article 702 - ADEQUATE PUBLIC FACILITIES MANAGEMENT SYSTEM, Article 802 - ADMINISTRATIVE WAIVERS, Article 804 - VARIANCES, Article 806 - VACATION AND ABANDONMENT OF EASEMENTS OR STREETS, Article 808 - ADMINISTRATIVE PERMITS, Article 810 - SPECIAL USE PERMITS, Article 812 - PROJECTS OF REGIONAL SIGNIFICANCE, Article 814 - DEVELOPMENT AGREEMENTS, Article 816 - SPECIFIC PLANS, Article 818 - AMENDMENT OF DEVELOPMENT CODE, Article 820 - AMENDMENT OF COMPREHENSIVE PLAN, and Article 902 - DEFINITIONS. Additional changes to these divisions may be approved by the Washoe County Planning Commission. (Dean Diederich)

**RECOMMENDATION AND FINDINGS**

**RECOMMENDATION: Approval**

Staff recommends approval of the proposed Development Code amendment. Staff recommends that the Planning Commission conduct a public hearing to determine:

1. If the request is an appropriate amendment to the Washoe County Development Code; and
2. If the proposed amendment is consistent with the goals, policies and standards of the elements of the Washoe County Comprehensive Plan; and
3. If any modifications, revisions, additions, or deletions are necessary to the proposed refinements to Divisions One, Seven, Eight, or Nine to replace the current text in the Washoe County Development Code.

Based upon staff analysis and comments received, staff recommends the following motion and findings for your consideration:

The Washoe County Planning Commission approves the Development Code amendment to incorporate the refinements to Divisions One, Seven, Eight, or Nine to replace the current text in the Washoe County Development Code. The Washoe County Planning Commission authorizes the Chairman to sign the appropriate resolution and forwards the Development Code amendment to the

Washoe County Commission for their concurrence of approval. This recommended action is based upon the following findings:

1. The proposed amendments to the Washoe County Development Code is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendment to the Washoe County Development Code for Divisions One, Seven, Eight and Nine will not adversely impact the public health, safety, or welfare and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of the Development Code.
3. The proposed amendment to the Washoe County Development Code responds to changed conditions and further studies that have occurred since the Development Code was adopted by the County Commission. The Washoe County Planning Commission reviewed the potential changes to Divisions One, Seven, Eight and Nine at a workshop conducted on March 6, 1993 and directed staff to prepare the necessary edits to the Washoe County Development Code.
4. The proposed amendments to the Washoe County Development Code will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. The Washoe County Planning Commission public hearing prior to the adoption of the proposed amendment to the Development Code has been properly noticed in a newspaper of general circulation in the County as prescribed under Development Code Section 110.820.(c) and Nevada Revised Statutes 278.260.
6. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).

If the Planning Commission is compelled to recommend denial of the Washoe County Development Code Plan amendment request for refinements to Divisions one, Seven, Eight and Nine, then staff would recommend the following findings be considered as part of that action:

- A. The proposed amendment to the Washoe County Development Code is not in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
- B. The proposed amendment to the Washoe County Development Code would adversely impact the public health, safety or welfare and will not promote the original purposes for the Development Code as expressed in Article 918, Adoption of the Development Code.
- C. The proposed amendment to the Washoe County Development Code will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

- D. Public testimony provided during the public hearing before the Washoe County Planning Commission has demonstrated that the proposed amendments to the Washoe County Development Code does not result in the least amount of natural resource impairment for the County.

A motion for approval or denial of an amendment to the Washoe County Development Code requires a simple majority vote by the Planning Commission.

## **BACKGROUND AND ANALYSIS**

The Washoe County Development Code was adopted by the Board of County Commissioners on December 22, 1992, with an effective date for implementation of the Development Code of May 26, 1993. The time between adoption and implementation was intended to be used by Washoe County staff and the interested public to review the entire document and identify any potential problems that may need to be corrected. The following divisions are contained in the Washoe County Development Code:

Division One	Introduction and Organization
Division Two	Area Plan Regulations
Division Three	Regulation of Uses
Division Four	Development Standards
Division Five	Signs
Division Six	Subdivision Regulations
Division Seven	Infrastructure Availability and Financing
Division Eight	Procedures
Division Nine	General Provisions

The Washoe County Planning Commission conducted a workshop on March 6, 1993 to review the Divisions which required immediate review, resulting in the current proposed amendments to the Development Code. An additional workshop will be scheduled in the near future to review potential edits to Divisions 2, 3, 4 and 6. The proposed amendments for Divisions 1, 7, 8 and 9 will eventually be incorporated into the Washoe County Development Code after it has been endorsed by the Planning Commission, and adopted by the County Commission.

The purpose for the Development Code, as stated in Article 918, is to:

- (a) Promote the public health, safety, morals, convenience, and general welfare;
- (b) Lessen traffic congestion in the streets;
- (c) Provided light and air for all buildings;
- (d) Avoid undesirable concentrations of population;
- (e) Prevent overcrowding of land and to facilitate adequate provision of transportation, water, sewage, schools, parks, and other requirements;
- (f) Provide for the division of land; and
- (g) Promote the economic and social advantages gained from an appropriately regulated use of land resources.

The proposed Development Code amendments to Divisions One, Seven, Eight and Nine are intended to accomplish three broad goals, including;

- A. Ensure that all application processing and permitting requirements, as contained in Division Eight, are fair and efficient for the applicant and the public, with a level of review appropriate to the nature of the request;
- B. Ensure that all text, including definitions and regulations, are consistent with and supportive of the Washoe County Comprehensive Plan and the Nevada Revised Statutes; and
- C. Ensure that all typographical errors, incorrect references, and poor wording is removed from the Development Code prior to its implementation.

The proposed amendments to Divisions One, Seven, Eight and Nine are included in Attachment 1 to this staff report.

The overall options available to the Planning Commission in the review of the proposed amendments to the Washoe County Development Code include:

- 1) Return the proposed amendments to staff with further instructions on the desired regulatory approach and related language changes for Divisions One, Seven, Eight and Nine;
- 2) Edit and/or modify the proposed amendments to Divisions One, Seven, Eight and Nine based on community input at the Planning Commission hearing(s) which reflect the County's ability to promote land use regulation and development processing consistent with Comprehensive Plan and Regional Plan policies;
- 3) Adopt the proposed amendments to Divisions One, Seven, Eight and Nine as attached to this report to the Planning Commission.

### **COMPREHENSIVE PLAN CONSISTENCY**

The proposed amendments to Divisions One, Seven, Eight and Nine of the Development Code are consistent with the goals, policies and action programs of the Washoe County Comprehensive Plan. The proposed revisions do not significantly change or modify the regulatory approach or development standards created to implement the Comprehensive Plan.

### **AREA PLAN CONSISTENCY**

The proposed amendments to Divisions One, Seven, Eight and Nine of the Development Code are consistent with the goals, policies and action programs of the area plans. The proposed revisions do not significantly change or modify the regulatory approach or development standards created to implement the Comprehensive Plan. Changes to Division Two, Area Plan Regulations are not a part of this Development Code amendment request.



## **CITIZEN INVOLVEMENT AND ISSUES**

The proposed amendments to Divisions One, Seven, Eight and Nine of the Development Code were mailed to every current member of the Washoe County Citizen Advisory Boards (CAB), all members of the Board of Adjustment (BOA) and the Design Review Committee (DRC). Consulting firms that are on the mailing lists of the BOA or the DRC were also sent a copy of all of the proposed Development Code changes. Two workshops were scheduled for Wednesday, April 20, and Thursday April 21, 1993 with the CAB members, the BOA, the DRC and the consulting firm representatives to review and discuss the proposed changes, and to solicit any further edits to respond to the three general goals listed above. The comments and suggestions offered at the two workshops will be presented at the Planning Commission public hearing.

The proposed Development Code amendments reflect the general direction and language suggestions offered by the Planning Commission during their public workshop conducted on Saturday, March 6, 1993. At that workshop, staff presented the concerns of the Department of Development Review which were identified after the review and critique of the adopted Washoe County Development Code. Staff also presented options and suggestions for correcting the problems that were identified, and solicited Planning Commission direction for further refinements. The public review and input process followed to prepare this Development Code amendment request is intended respond to the major edits needed for the Development Code in a timely manner.

## **ATTACHMENTS**

1. Proposed Development Code Divisions One, Seven, Eight and Nine Amendments.

cc: John Hester, Director, Department of Comprehensive Planning  
Michael Harper, Director, Department of Development Review  
Rusty Nash, Deputy District Attorney, Washoe County District Attorney Office  
403-04

For more information on this staff report, please contact Dean Diederich (328-3621) at the Washoe County Department of Comprehensive Planning.

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