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STATE OF NEVADA  
COUNTY OF WASHOE

ss Tana Ciccotti

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:

Ordinance 1156

has published in each regular and entire  
issue of said newspaper on the following  
dates to wit:

March 15, 22, 2002

Signed

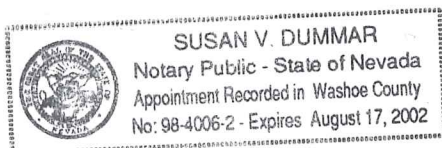
*T. Ciccotti*

Subscribed and sworn to before me this

MAR 27 2002

*Susan V. Dummar*

Notary Public



MAR 29 2002

**PROOF OF PUBLICATION**

**NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1156**

NOTICE IS HEREBY GIVEN THAT: Bill No.1332, Ordinance No. 1156, entitled

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, BY AMENDING ARTICLE 304, USE CLASSIFICATION SYSTEM, BY AMENDING THE DEFINITIONS OF RESIDENTIAL GROUP HOME AND GROUP CARE; ARTICLE 606, PARCEL MAPS, BY AMENDING THE TIME PERIOD FOR ACTION REQUIRED BY THE PARCEL MAP REVIEW COMMITTEE, AMENDING THE TIME PERIOD FOR SUBMITTING A FINAL MAP, BY SPECIFYING TO WHOM AN APPEAL SHALL BE FILED, WHEN AN APPEAL HEARING SHALL BE SCHEDULED, THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES, BY AMENDING THE PERIOD OF TIME FOR RECORDATION OR EXPIRATION OF THE MAP IF AN APPEAL IS FILED, BY SPECIFYING WHEN A REQUEST FOR WAIVER TO FILE A PARCEL MAP MUST BE ACTED UPON; ARTICLE 608, TENTATIVE SUBDIVISION MAP, BY AMENDING THE TIME PERIOD FOR ACTION REQUIRED BY THE PLANNING COMMISSION, BY SPECIFYING THAT AN ACTION ON A TENTATIVE MAP BY THE PLANNING COMMISSION MUST BE BY A MAJORITY OF THE FULL COMMISSION, BY SPECIFYING THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES, BY AMENDING THE AREA FOR NOTICING, BY SPECIFYING THAT A MINIMUM OF 30 SEPARATE PROPERTY OWNERS MUST BE NOTIFIED; 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ARTICLE 806, VACATIONS AND ABANDONMENTS OF EASEMENT OR STREETS, BY INCLUDING A GOVERNMENT PATENT EASEMENT AS BEING QUALIFIED FOR THE PROCESSES ENUMERATED IN THIS ARTICLE, BY SPECIFYING THAT AN ABANDONMENT OR VACATION MUST NOT RESULT IN MATERIAL INJURY TO THE PUBLIC, BY STATING THAT AN ACTION BY THE COUNTY ONLY ADDRESSES ITS INTEREST IN THE EASEMENT OR STREET BEING ABANDONED OR VACATED, BY SPECIFYING THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW; ARTICLE 810, SPECIAL USE PERMITS, BY AMENDING THE TIME PERIOD FOR ACTION REQUIRED BY THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT, BY PERMITTING THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT TO VARY DEVELOPMENT STANDARDS AS PART OF THE REVIEW OF A SPECIAL USE PERMIT, BY AMENDING THE AREA FOR NOTICING, BY SPECIFYING THAT A MINIMUM OF 30 SEPARATE PROPERTY OWNERS MUST BE NOTIFIED, BY SPECIFYING THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES; 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AND OTHER MATTERS PROPERLY RELATING THERETO.

was adopted on Tuesday, March 12, 2002 by Commissioners Pete Sferazza, Joanne Bond, Jim Galloway, Jim Shaw and Ted Short. This ordinance shall be in full force and effect from and after Friday, March 22, 2002.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY,  
Washoe County Clerk

No.995 Mar.15,22, 2002

**SUMMARY:** Amends Washoe County Code, Chapter 110, by amending definitions of group home and group care, amending time periods for action on mapping applications, amending voting requirements for the board of county commissioners on planning applications, clarifying that the board of county commissioners action is final for judicial review purposes, amending noticing requirements for planning applications, adding patent easements as an action item for abandonment, clarifying the purpose of an abandonment or vacation of an easement or street, clarifying the extent that an abandonment affects other parties interests, adding language that permits the variance of standards through a special use permit approval, clarifying how many times the comprehensive plan can be amended, adding language that a moratorium becomes effective at the time of approval of a resolution, adding a definition of patent easement, amending the compensation of members of the planning commission and board of adjustment, permitting the appointment of a hearing officer to be discretionary, deleting references to the building and safety department as a division of the community development department, clarifying the authority of the director of community development to interpret the development code and the appeal process for an interpretation, and other matters properly relating thereto.

BILL NO. 1332

ORDINANCE NO. 1156

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, BY AMENDING ARTICLE 304, USE CLASSIFICATION SYSTEM, BY AMENDING THE DEFINITIONS OF RESIDENTIAL GROUP HOME AND GROUP CARE; ARTICLE 606, PARCEL MAPS, BY AMENDING THE TIME PERIOD FOR ACTION REQUIRED BY THE PARCEL MAP REVIEW COMMITTEE, AMENDING THE TIME PERIOD FOR SUBMITTING A FINAL MAP, BY SPECIFYING TO WHOM AN APPEAL SHALL BE FILED, WHEN AN APPEAL HEARING SHALL BE SCHEDULED, THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES, BY AMENDING THE PERIOD OF TIME FOR RECORDATION OR EXPIRATION OF THE MAP IF AN APPEAL IS FILED, BY SPECIFYING WHEN A REQUEST FOR WAIVER TO FILE A PARCEL MAP MUST BE ACTED UPON; ARTICLE 608, TENTATIVE SUBDIVISION MAP, BY AMENDING THE TIME PERIOD FOR ACTION REQUIRED BY THE PLANNING COMMISSION, BY SPECIFYING THAT AN ACTION ON A TENTATIVE MAP BY THE PLANNING COMMISSION MUST BE BY A MAJORITY OF THE FULL COMMISSION, BY SPECIFYING THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES, BY AMENDING THE AREA FOR NOTICING, BY SPECIFYING THAT A MINIMUM OF 30 SEPARATE PROPERTY OWNERS MUST BE NOTIFIED; ARTICLE 610, FINAL SUBDIVISION MAPS, BY SPECIFYING THE DATE OF FILING A FINAL MAP FOR RECORDATION, BY SPECIFYING WHEN AN APPEAL HEARING SHALL BE SCHEDULED, THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES; ARTICLE 612, DIVISION OF LAND INTO LARGE PARCELS, BY SPECIFYING THE TIME PERIOD FOR SUBMITTING A FINAL MAP, BY AMENDING THE TIME FRAME FOR APPROVING A FINAL MAP BY THE DIRECTOR OF COMMUNITY DEVELOPMENT, BY SPECIFYING THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION; ARTICLE 804, VARIANCES, BY AMENDING THE AREA FOR NOTICING, BY SPECIFYING THAT A MINIMUM OF 30 SEPARATE PROPERTY OWNERS MUST BE NOTIFIED, BY SPECIFYING WHEN AN APPEAL HEARING SHALL BE SCHEDULED, THE TIME FRAME FOR ACTION BY THE BOARD OF COUNTY COMMISSIONERS ON AN APPEAL, THAT AN ACTION ON AN APPEAL BY THE BOARD OF COUNTY COMMISSIONERS MUST BE BY A MAJORITY OF THE FULL COMMISSION, THAT THE COMMISSION'S DECISION IS FINAL FOR JUDICIAL REVIEW PURPOSES; ARTICLE 806, VACATIONS AND

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

SECTION 1.

Article 304, "Use Classification System" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit A which is attached and incorporated by reference.

SECTION 2.

Article 606, "Parcel Maps" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit B which is attached and incorporated by reference.

SECTION 3.

Article 608, "Tentative Subdivision Map" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit C which is attached and incorporated by reference.

SECTION 4.

Article 610, "Final Subdivision Map" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit D which is attached and incorporated by reference.

SECTION 5.

Article 612, "Division of Land into Large Parcels" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit E which is attached and incorporated by reference.

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 and incorporated by reference.

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 and incorporated by reference.

SECTION 8.

Article 810, "Special Use Permits" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit H which is attached and incorporated by reference.

SECTION 9.

Article 818, "Amendment of Development Code" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit I which is attached and incorporated by reference.

SECTION 10.

Article 820, "Amendment of Comprehensive Plan" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit J which is attached and incorporated by reference.

SECTION 11.

Article 902, "Definitions" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit K which is attached and incorporated by reference.

SECTION 12.

Article 912, "Establishment of Commissions, Boards and Hearing Examiners" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit L which is attached and incorporated by reference.

SECTION 13.

Article 914, "Establishment of Department" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit M which is attached and incorporated by reference.

Proposed on the 19th day of February, 2002.

Proposed by Commissioner Bond.

Passed on the 12th day of March, 2002.

Vote:

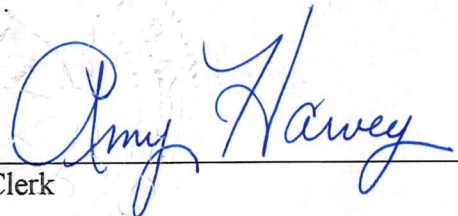
Ayes: Commissioners Sferrazza, Shaw, Galloway, Bond & Short

Nays:

Absent:

  
Peter J. Sferrazza, Chairman  
Washoe County Commission

ATTEST:

  
County Clerk

This ordinance shall be in force and effect from and after the 22nd day of March, 2002

## Article 304

# USE CLASSIFICATION SYSTEM

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*[This Article amended in its entirety by Ord. 875, provisions eff. 8/3/93; Ord. 895, provisions eff. 1/24/94; Ord. 906, provisions eff. 7/27/94; Ord. 1004, provisions eff. 1/30/98; Ord. 1023, provisions eff. 7/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1097, provisions eff. 7/28/00.]*

### Sections:

110.304.00	<b>Purpose</b>
110.304.05	<b>Classification Rules</b>
110.304.10	<b>Authority and Responsibility</b>
110.304.15	<b>Residential Use Types</b>
110.304.20	<b>Civic Use Types</b>
110.304.25	<b>Commercial Use Types</b>
110.304.30	<b>Industrial Use Types</b>
110.304.35	<b>Agricultural Use Types</b>

**Section 110.304.00 Purpose.** The purpose of this article, Article 304, Use Classification System, is to classify uses according to a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Development Code.

**Section 110.304.05 Classification Rules.** Uses will be classified into use types based upon the descriptions in Section 110.304.15 through Section 110.304.35, inclusive. The classifications shall comply with the provisions of this section.

- (a) **Types of Uses Regulated.** Only principal uses are included within the use classification system. Accessory uses and temporary uses are regulated by Article 306, Accessory Uses and Structures, and Article 310, Temporary Uses and Structures, respectively.
- (b) **Typical Uses within Use Types.** The description of the use types in this article often contain usual and customary uses classified within that use type. These usual and customary uses are examples and are not meant to include all uses that may properly be classified within the use type.
- (c) **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics similar to other uses already classified within the use type, subject to the applicable provisions of Subsection (d) of the section.
- (d) **Classifying Several Uses on the Same Parcel.** The principal uses conducted on a single parcel shall be classified separately.

**Section 110.304.10 Authority and Responsibility.** The Director of Community Development shall have the following authority and responsibilities with respect to the use classification system:

- (a) Classifying Uses. The Director of Community Development shall have the authority to classify uses according to use types or to determine that a use does not fit under any use type and, therefore, is not permitted. The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the decision pursuant to Article 808, Administrative Permits.
- (b) List of Uses. The Director of Community Development shall develop and maintain an administrative list of common uses and the use types into which they are classified.

**Section 110.304.15 Residential Use Types.** Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

- (a) Family Residential. The family residential use type refers to the occupancy of living quarters by one (1) or more families. The following are family residential use types:
  - (1) Attached Accessory Dwelling. Attached accessory dwelling refers to 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 shall not exceed twenty-five (25) percent of the total square footage of the main dwelling unit. Typical uses include guest rooms, guest apartments and "granny flats".
  - (2) Detached Accessory Dwelling. Detached accessory dwelling refers to 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 shall be at least six hundred forty (640) square feet, but shall not exceed twelve hundred (1,200) square feet or fifty (50) percent of the floor area of the main unit, whichever is smaller. Typical uses include guest houses, second units, "granny flats" and caretaker's quarters.
  - (3) Detached Accessory Structure. A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed or used for human habitation. Typical uses include storage buildings and sheds, barns and detached garages.
  - (4) Duplex. Duplex refers to the use of a parcel for two (2) dwelling units in a single structure.
  - (5) Multi-Family. Multi-family refers to the use of a parcel for three (3) or more dwelling units within one (1) or more buildings, including condominium developments.

- (6) Single Family, Attached. Single family, attached refers to two (2) or more dwelling units constructed with a common or abutting wall with each located on its own separate parcel.
- (7) Single Family, Detached. Single family, detached refers to the use of a parcel for only one (1) dwelling unit.
- (b) Manufactured Home Parks. Manufactured home parks use type refers to the occupancy of a dwelling unit defined as a mobile home or a manufactured home and which is located in a site defined as a manufactured home park.
- (c) Residential Group Home. Residential group home use type refers to the occupancy of a single family dwelling by and the care for a group of persons on a weekly or longer basis who are not defined as a family. The number of persons who reside in a residential group home excludes any caregivers and their family who also reside in the single family residence. This term includes specifically residential facilities for groups that consist of ten (10) or fewer persons, excluding caregivers and their family, homes for individual residential care and halfway houses for recovering alcohol and drug abusers as defined in Nevada Revised Statutes.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.304.20 Civic Use Types.** Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (a) Administrative Services. Administrative services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.
- (b) Child Care. Child care use type refers to the use of a building or a portion thereof for the daytime care of individuals under eighteen (18) years of age. Child care use types are subject to the regulations and permission of the Washoe County Department of Social Services. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are child care use types:
  - (1) Family Daycare. Family daycare refers to daycare services provided for six (6) or fewer full-time children, including those of the child care facility licensee who are under the age of seven (7) years, except that care may also be provided for up to three (3) additional part-time children for three (3) hours before school and three (3) hours after school, but only during periods when schools are in session, subject to the regulations and permission of the Washoe County Department of Social Services.
  - (2) Large-Family Daycare. Large-family daycare refers to daycare services provided for more than six (6) full-time children, including those of the child care facility licensee who are under the age of seven (7) years.
  - (3) Child Daycare. Child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision, on less than a twenty-four (24) hour basis, but excluding services provided in a private dwelling.



- (c) Community Center. Community center use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to five hundred (500) or fewer. Typical uses include public or private, non-commercial clubs.
- (d) Convalescent Services. Convalescent services use type refers to provision of bed care and in-patient services for persons requiring regular medical attention, but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.
- (e) Cultural and Library Services. Cultural and library services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.
- (f) Education. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education.
- (g) Group Care. Group care use type refers to care services provided in facilities which accommodate eleven (11) or more persons who are not defined as a family; excluding caregivers and their family, halfway houses for recovering alcohol and drug abusers, and those uses classified under hospital services. Typical uses include intermediate care facilities, or senior citizen board and care homes.
- (h) Hospital Services. Hospital services use type refers to medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees or visitors.
- (i) Major Services and Utilities.
  - (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
  - (2) Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.
- (j) Nature Center. Nature center use type refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboretums and gardens.
- (k) Parks and Recreation. Parks and recreation use type refers to publicly owned parks, recreation facilities and open space facilities within the recreation areas.

These may be operated by a concessionaire. The following are park and recreation use types:

- (1) Active Recreation. Active recreation refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.
- (2) Passive Recreation. Passive recreation refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping and sporting activities, are included.
- (l) Postal Services. Postal services use type refers to mailing services, excluding major processing, as provided by the United States Postal Service, including branch post offices and public and private facilities.
- (m) Public Parking Services. Public parking services use type refers to parking services involving building and lots which may be privately and/or publicly owned and operated and is assigned to meet a parking demand. Commercial parking is that which is not designated for any identified use.
- (n) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (o) Safety Services. Safety services use type refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

**Section 110.304.25 Commercial Use Types.** Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types.

- (a) Administrative Offices. Administrative offices use type refers to offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including travel, secretarial services, telephone answering, photo-copying and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
- (b) Adult Characterized Business. Adult characterized business use type refers to uses defined in Washoe County Code, Chapter 25.
- (c) Animal Sales and Services. Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 306, Accessory Uses and Structures. The following are animal sales and services use types:

- (1) Commercial Kennels. Commercial kennels refers to kennel services for dogs, cats and similar animals. Typical uses include commercial animal breeding with four (4) or more animals (dogs), boarding kennels, pet motels, or dog training centers. Commercial kennels require a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located.
  - (2) Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.
  - (3) Grooming and Pet Stores. Grooming and pet stores refers to grooming or selling of dogs, cats and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, or pet stores and shops.
  - (4) Pet Cemeteries. Pet cemeteries refers to services involving the preparation of dead animals for burial and the keeping of animal bodies on cemetery grounds.
  - (5) Veterinary Services, Agricultural. Veterinary services, agricultural refers to veterinary services specializing in the care and treatment of large animals. Veterinary services, agriculture requires a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located. Typical uses include veterinary offices for livestock.
  - (6) Veterinary Services, Pets. Veterinary services, pets refers to veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.
- (d) Automotive and Equipment. Automotive and equipment use type refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
- (1) Automotive Repair. Automotive repair refers to repair of automobiles and the sale, installation and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages or automobile glass shops.
  - (2) Automotive Sales and Rentals. Automotive sales and rentals refers to on-site sales and/or rentals of automobiles, non-commercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.
  - (3) Cleaning. Cleaning refers to washing and polishing of automobiles. Typical uses include automobile laundries or car washes.
  - (4) Commercial Parking. Commercial parking refers to parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Commercial parking is that which is

not designated for any identified use. Typical uses include commercial parking lots or garages.

- (5) Equipment Repair and Sales. Equipment repair and sales refers to repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc.; the sale, installation and servicing of automobile equipment and parts; and body repair, painting and steam cleaning. Typical uses include truck transmission shops, body shops, motor freight maintenance groups or agricultural equipment sales.
  - (6) Fabricated Housing Sales. Fabricated housing sales refers to the sales of new and used modular housing, manufactured homes and/or mobile homes; and ancillary minor repair of modular housing, manufactured homes and/or mobile homes sold from the same location as the new or used units. Typical uses include mobile homes sales lots and minor repairs of units sold on site that do not include changes in walls and do not include changes in undercarriage plumbing or support systems.
  - (7) Storage of Operable Vehicles. Storage of operable vehicles refers to storage of operable vehicles, recreational vehicles and boat trailers. Typical uses include car and truck rental lots.
  - (8) Truck Stops. Truck stops refers to businesses engaged in the sale of fuel and lubricants primarily for trucks, routine repair and maintenance of trucks, and associated uses such as selling food and truck accessories.
- (e) Building Maintenance Services. Building maintenance services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.
- (f) Commercial Centers. Commercial centers use type refers to a group of unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit. The following are commercial center use types:
- (1) Neighborhood Centers. Neighborhood centers refers to sales of convenience goods (foods, drugs and sundries) and personal services, those which meet the daily needs of an immediate neighborhood trade area. A neighborhood center typically includes convenience retail and services a population of 2,500 to 40,000 people, typically has a service area radius of one-half to one-and-one-half miles, and has a typical range of 15,000 to 50,000 square feet of gross leasable area.
  - (2) Community Centers. Community centers refers to shopping establishments containing some services of the neighborhood center plus other services providing a greater depth and range of merchandise than contained in the neighborhood center. A community center may be built around a department store or a variety store as the major tenant. A community center generally serves a trade area population of 40,000 to 50,000 people, typically has a service area radius of one to three miles, and has a typical range of 50,000 to 150,000 square feet of gross leasable area.

- (3) Regional Centers. Regional centers refers to centers that provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. They usually are built around more than one department store. Typical design uses the pedestrian mall, either open or enclosed, as a connector between major anchor stores. A regional center serves as a major commercial center for the entire region and typically has more than 150,000 square feet of gross leasable area.
- (g) Commercial Educational Services. Commercial educational services use type refers to educational services provided by private institutions or individuals with the primary purpose of preparing students for jobs in trade or profession. Typical uses include business and vocational schools, music schools and hair styling schools.
- (h) Commercial Recreation. Commercial recreation use type refers to commercial establishments or places of business primarily engaged in the provision of sports, entertainment or recreation for participants or spectators. The following are commercial recreation use types:
- (1) Commercial Campground Facilities/RV Park. Commercial campground facilities/RV park refers to areas and services for two (2) or more campsites, accommodating camping vehicles and tents, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.
  - (2) Destination Resorts. Destination resorts refers to commercial enterprises for recreation that can include lodging. Typical uses include ski resorts, dude ranches, and hunting and fishing lodges.
  - (3) Indoor Entertainment. Indoor entertainment refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
  - (4) Indoor Sports and Recreation. Indoor sports and recreation refers to predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts and athletic clubs.
  - (5) Limited Gaming Facilities. Limited gaming facilities refers to establishments which contains no more than fifteen (15) slot machines (and no other game or gaming device) where the operation of the slot machine is incidental to the primary business of the establishment.
  - (6) Marinas. Marinas refers to docking, storage, rental and minor repair of recreational and fishing boats. Typical uses include recreational boat marinas and boat rental establishments.
  - (7) Outdoor Entertainment. Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.
  - (8) Outdoor Sports and Recreation. Outdoor sports and recreation refers to predominantly participant sports conducted in open or partially enclosed

or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools and tennis courts.

- (9) Outdoor Sports Club. Outdoor sports club refers to sports clubs using agricultural land or open space for hunting, shooting or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges.
- (10) Unlimited Gaming Facilities. Unlimited gaming facilities refers to an establishment which contains fifteen (15) or more electronic gaming devices or operation of other gaming devices as authorized by the State of Nevada.
- (i) Communication Facilities. Communication facilities use type refers to establishments primarily engaged in the transmission and/or receiving of electromagnetic waves. Typical uses include television stations, radio stations, satellite dishes, antennas and wireless communication facilities. Refer to Article 324, Communication Facilities, for subcategories of communication facilities.
- (j) Construction Sales and Services. Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.
- (k) Convention and Meeting Facilities. Convention and meeting facilities use type refers to establishments which primarily provide convention and meeting facilities.
- (l) Eating and Drinking Establishments. Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:
- (1) Convenience. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and beverages, and have a short customer turnover rate (typically less than one hour). Typical uses include drive-in and fast-food restaurants, ice cream parlors, sandwich shops and delicatessens.
- (2) Full Service. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.
- (m) Financial Services. Financial services use type refers to establishments primarily engaged in the provision of financial and banking services. Typical uses include

banks, savings and loan institutions, loan and lending activities, and check cashing facilities.

- (n) Funeral and Interment Services. Funeral and interment services use type refers to provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:
- (1) Cemeteries. Cemeteries refers to undertaking services and services involving the keeping of bodies provided on cemetery grounds. Typical uses include crematoriums, mausoleums and columbariums.
  - (2) Undertaking. Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (o) Gasoline Sales and Service Stations. Gasoline sales and service stations use type refers to retail sales of petroleum products from the premises of the establishment and incidental sale of tires, batteries, replacement items, lubricating services and minor repair services. Typical uses include automobile service stations.
- (p) Helicopter Services. Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:
- (1) Heliport. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings, and open space.
  - (2) Helistop. Helistop refers to areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.
- (q) Liquor Sales. Liquor sales use type refers to retail sales of alcoholic beverages for consumption either on or off the premises of the establishment, but excludes uses classified under either the retail sales or eating and drinking establishments use types. The following are liquor sales use types:
- (1) Off-Premises. Off-premises refers to sale of liquor for off-site consumption. Typical uses include a packaged liquor sales.
  - (2) On-Premises. On-premises refers to sale of liquor for on-site consumption. Typical uses include taverns, cabarets, service bars, retail beer and wine sales.
- (r) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:

- (1) Bed and Breakfast Inns. Bed and breakfast inns refers to single family dwellings with guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.
  - (2) Hostels. Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.
  - (3) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.
  - (4) Vacation Time Shares. Vacation time shares refers to real properties that are subject to a time share program.
- (s) Medical Services. Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.
- (t) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:
- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
  - (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.
- (u) Personal Services. Personal services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.
- (v) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.
- (w) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.
- (x) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a



refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:

- (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
  - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
  - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (y) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (z) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
- (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
  - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.
  - (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (aa) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.
- (bb) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

**Section 110.304.30 Industrial Use Types.** Industrial use types include the on-site production of goods by methods not agricultural in nature, including certain accessory uses.

- (a) Aggregate Facilities. Aggregate facilities use type refers to the extraction and processing of sand, gravel and rock from the ground. Typical uses include sand and gravel pit and ancillary uses such as concrete and asphalt batch plants.
- (b) Custom Manufacturing. Custom manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, custom cabinet making, candle making shops and custom jewelry manufacturers.
- (c) Energy Production. Energy production use type refers to the commercial production of electricity from geothermal, petroleum, solar or wind sources.
- (d) General Industrial. General industrial use type refers to the on-site production of goods other than those that are agricultural or extractive in nature, but excludes those uses classified under custom manufacturing and high technology use types. The following are general industrial use types:
  - (1) Limited. Limited refers to production processes which use already manufactured components to assemble, print or package a product such as cloth, paper, plastic, leather, wood, glass or stones, but not including such operations as paper, saw or planing mills, steel, iron or other metalworks, rolling mills, or any manufacturing uses involving primary production of commodities from raw materials. By the nature of the activity performed and/or the scale of operation, these uses can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products finishing, furniture production and production of fabricated metal products.
  - (2) Intermediate. Intermediate refers to production processes which can be located near residential or commercial uses only if special control measures are taken to mitigate the land use conflicts which can result from such operations. Typical uses include production of food substances, household appliance manufacturing, prefabrication of manufactured buildings, and major repair/reconstruction and storage of fabricated housing.
  - (3) Heavy. Heavy refers to production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or the scale of operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may be required for some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include motor vehicle assembly, sawmills, textile dyeing, leather tanning, hazardous chemical production, petroleum refining, primary metal processing and production of explosives or propellants.
- (e) High Technology Industry. High technology industry use type refers to the research, development and controlled production of high-technology electronic,

industrial or scientific products. Typical uses include biotechnology firms and computer component manufacturers.

- (f) Inoperable Vehicle Storage. Inoperable vehicle storage use type refers to premises devoted to the parking and/or storage of inoperable vehicles. Typical uses include truck storage yards.
- (g) Laundry Services. Laundry services use type refers to establishments primarily engaged in the provision of large scale laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include laundry agencies, diaper services or linen supply services.
- (h) Mining Operations. Mining operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes uses classified under the petroleum gas extraction use type. Typical uses include the mining of precious metals and industrial minerals.
- (i) Petroleum Gas Extraction. Petroleum gas extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.
- (j) Salvage Yards. Salvage yards use type refers to the collection, storage or sale of rags, scrap metal or discarded material; or the collection, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials. Typical uses include junkyards and auto wrecking facilities.
- (k) Wholesaling, Storage and Distribution. Wholesaling, storage and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage and bulk sale distribution including, but not limited to, open-air handling of material and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:
  - (1) Light. Light refers to wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
  - (2) Heavy. Heavy refers to distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.

*[This Section amended by Ord. 1039, provisions eff. 11/1/98.]*

**Section 110.304.35 Agricultural Use Types.**

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- (a) Agricultural Processing. Agricultural processing use type refers to the processing of foods and beverages from agricultural commodities, but excludes animal slaughtering. Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats from purchased carcasses.

- (b) Agricultural Sales. Agricultural sales use type refers to the sale of agricultural supplies such as feed, grain and fertilizers. Typical uses include feed and grain stores.
- (c) Animal Production. Animal production use type refers to raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis, but excluding commercial slaughtering. Typical uses include grazing, ranching, dairy farming and poultry farming.
- (d) Animal Slaughtering, Agricultural. Agricultural animal slaughtering use type refers to the slaughtering of animals to be used in making meat products on the same premises.
- (e) Animal Slaughtering, Commercial. Commercial animal slaughtering use type refers to the slaughtering of animals to be sold to others or to be used in making meat products on the same premises. Typical uses include slaughter houses.
- (f) Crop Production. Crop production use type refers to raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis, including packing and processing.
- (g) Forest Products. Forest products use type refers to commercial timber harvesting uses and facilities. Typical uses include production of forest products, sawmills and lumber camps.
- (h) Game Farms. Game farms use type refers to boarding or breeding of exotic animals generally considered as wild or not normally domesticated.
- (i) Produce Sales. Produce sales use type refers to the on-site sale of farm produce and/or shell eggs from property owned, rented or leased by the farmers who grow or produce all or part of the farm produce or shell eggs offered for sale. Only products grown or produced on-site may be sold. Typical uses include produce stands, and fruit and vegetable stands.



# Article 606

## PARCEL MAPS

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[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

### Sections:

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110.606.80	Document Required if Parcel Map Waived

**Section 110.606.00 Purpose.** The purpose of this article, Article 606, Parcel Maps, is to prescribe the requirements for, and waiver of, parcel maps.

**Section 110.606.05 Parcel Map Required.** A parcel map shall be required as set forth in this section.

- (a) **Parcel Map Required.** A parcel map shall be required for all subdivisions, merger and re-subdivision of existing lots, and common-interest communities consisting of four (4) or fewer units, except as provided in this section.
- (b) **Exempt Divisions.** A parcel map is not required when the division is for the express purpose of:
- (1) The creation or realignment of a public right-of-way by a public agency;
  - (2) The creation or realignment of an easement;
  - (3) An adjustment of the boundary line between two (2) abutting parcels or the transfer of land between two owners of abutting parcels which does not result in the creation of any additional parcels;
  - (4) The purchase, transfer or development of space within an apartment building or an industrial or commercial building;

- (5) Carrying out an order of any court of dividing land as a result of an operation of law; or
  - (6) Creation of cemetery plots.
- (c) Exempt Transactions. A parcel map is not required for any of the following transactions involving land:
- (1) The creation of a lien, mortgage, deed of trust, or any other security instrument;
  - (2) The creation of 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;
  - (3) Conveying an interest in oil, gas, minerals or building materials which are severed from the surface ownership of real property;
  - (4) Conveying an interest in land acquired by the Department of Transportation pursuant to Chapter 408 of NRS; or
  - (5) Filing a certificate of amendment.
- (d) Waiver. A parcel map may be waived pursuant to Section 110.606.75, Waiver of Parcel Map. The following division is eligible for consideration of a waiver: creation of sites for utility services, such as well sites, pump stations, transformer boxes, as long as the utility is a regulated utility or operated by a government entity. A waiver will require conformance with Section 110.606.80, Document Required if Parcel Map Waived.
- (e) Separate Lots. When two (2) or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this article.
- (f) Conveyance. When lots, parcels, sites, units or plots are resold or conveyed, they are exempt from the provisions of this article until further divided.

**Section 110.606.10 Survey Required.** A parcel map shall be based on a survey made for that purpose, unless this requirement is waived by the County Surveyor within forty-five (45) days of the submittal of an application for the waiver, unless this time is extended by mutual consent. The requirement of a survey may be waived if, in the judgment of the County Surveyor, a survey is not required to accomplish the purposes of this article. Failure of the County Surveyor to act on the waiver request within the time prescribed in this section shall result in approval of the waiver.

**Section 110.606.15 Submittal of Tentative Parcel Map.** A tentative parcel map must be submitted to the Department of Community Development for the purpose of review prior to or concurrent with the final parcel map. Every tentative parcel map shall be prepared by a professional land surveyor and shall contain the following data:

- (a) Existing Parcels. Boundary lines and dimensions of the parcel being divided, regulatory zone designation, and date of creation of the parcel being proposed to be subdivided.

- (b) Pre-Existing Parcels. Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) Proposed Parcels. Proposed division lines using solid lines with dimensions of each parcel being created and proposed yards of each parcel being created that meet the requirements of this chapter using lines that are not solid.
- (d) Area. The area of the original parcel and of each proposed new parcel.
- (e) Rights-of-Way. Names, locations and widths of all streets, alleys or rights-of-way adjoining the property showing relationships to the streets in the proposed minor subdivision.
- (f) Easements. The dimensions and approximate location of all existing or proposed road easements, sight triangles easements that preserve safe sighting at street intersections, slope and curve easements, conservation easements, open space easements, recreation or trail easements, drainage easements, sewer easements, irrigation ditch easements, or public utility easements, whether for public or private purposes.
- (g) Slope. A general indication of the slope of the land.
- (h) North Point and Scale. North arrow and scale of drawing.
- (i) Street Names. All street names, denoting if they are existing or proposed.
- (j) Parcel Data. Parcel designation and a graphic border around the proposed division. The area of each parcel and lot, and the total area of land to be divided. If the area is two (2) acres or more, the area shall be calculated to the nearest one-hundredth of an acre. If the area is less than two (2) acres, then the area shall be calculated in square feet.
- (k) Monuments. All monuments found, set, re-set, replaced or removed, describing their size and location and other data.
- (l) Bearings. Bearing or witness monuments, basis of bearings, bearing and length of lines, and scale of map.
- (m) Legal Designation. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.
- (n) Date of Survey. The date of the survey.
- (o) Owners. The owner or owners of the land to be divided.
- (p) Vicinity Map. A vicinity map of the location of the map.
- (q) Other Data. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, area shown and required yards.

**Section 110.606.20 Data to Accompany Tentative Parcel Map.** The following data shall accompany a tentative parcel map:



- (a) Owner. Name, legal address and telephone number of the owner of the land. In addition, an affidavit from the legal owner of the land acknowledging that a tentative parcel map is being prepared with his permission. If the subdivider of the land is different from the owner of the land, the name, legal address and telephone number of that person shall also be included.
- (b) Preparer. Name, address and telephone number of the person who prepared the map.
- (c) Legal Description. Legal description of original parcel. It is sufficient to give the County Recorder's book and page of deed and the County Assessor's parcel number.
- (d) Proposed Use. Proposed use of each parcel.
- (e) Water Supply and Sewage. Source of water supply and proposed method of sewage disposal for each parcel.
- (f) Survey Computations. A copy of all survey computations.
- (g) Existing Structures. If applicable, a map showing all structures located on the property and their distances from the proposed property lines and each other, and all septic and well locations.

**Section 110.606.25 Form of Tentative Parcel Map.** The tentative parcel map shall be legibly drawn. The size of each sheet must be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

**Section 110.606.30 Tentative Parcel Map Review Procedures.** The review procedures for tentative parcel maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Department of Community Development a complete application and the required supporting materials as outlined in the application packet. The subdivider shall pay the required fees upon the filing of the application.
- (b) Application Review. The Community Development staff will review the submitted packet and accept or reject the application as complete within three (3) working days after the published application submittal date. If the application is complete, the Department of Community Development shall distribute the parcel map application to the Parcel Map Review Committee.
- (c) Action Required by the Parcel Map Review Committee. If the application is determined to be complete, the Parcel Map Review Committee shall approve, conditionally approve, or disapprove the tentative parcel map within sixty (60) days of the date that the application is determined to be complete, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development. Failure of the Parcel Map Review Committee to take action within the time prescribed in this section shall result in approval of the parcel map.

- (d) Notice of Submittal of Tentative Parcel Map (Second or Subsequent Tentative Parcel Maps). If the application for a tentative parcel map is for the subdividing of a lot or lots created within five (5) years of the recording of a map creating the original parcel, notice shall be provided to the following persons within five (5) days of the determination that the application is complete:
- (1) Advisory boards created by the Board of County Commissioners for the subject area; and
  - (2) All owners of real property within three hundred (300) feet of the property which is the subject of the tentative parcel map.
- (e) Contents of Notice. Such notice as required by this section shall describe the proposed tentative parcel map's location and number of new lots to be created, describe the closing date for providing public comment to the Parcel Map Review Committee, and describe the content of public comment allowed to be considered by the Parcel Map Review Committee in making a decision.
- (f) Review Criteria. Prior to approving a tentative parcel map, the Parcel Map Review Committee shall determine that the following are or will be adequately provided for:
- (1) General improvement considerations for all parcel maps including, but not limited to:
    - (i) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
    - (ii) The availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
    - (iii) The availability and accessibility of utilities;
    - (iv) The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
    - (v) Conformity with the zoning ordinances and master plan;
    - (vi) General conformity with the governing body's master plan of streets and highways;
    - (vii) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
    - (viii) Physical characteristics of the land such as floodplain, slope and soil;

- (ix) The recommendations and comments of those entities reviewing the tentative parcel map pursuant to NRS 278.330 and 278.348, inclusive;
  - (x) The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands;
  - (xi) Community antenna television (CATV) conduit and pull wire; and
  - (xii) Recreation and trail easements.
- (2) Subdivision improvement considerations for second or subsequent parcel maps pursuant to Section 110.606.30(d) and which are in addition to the criteria listed above.
- (g) Conditions. An approval of any tentative parcel map may be subject to conditions relating to the items specified in Section 110.606.30(f), Review Criteria, as are reasonably necessary. For all tentative parcel maps subject to the notice required in this article, subdivision improvements shall be required, unless the Parcel Map Review Committee makes a finding that they are not appropriate. In addition, dedications and easement relating to such items may be required as a condition of approval.
- (h) Notice of Action. The applicant shall be notified in writing of the decision of the Parcel Map Review Committee. If the tentative parcel map is conditionally approved, the notice of decision shall contain a statement of all conditions imposed. If the tentative parcel map is disapproved, a statement of the reasons for such disapproval shall be included.
- (i) Appeal. The applicant may appeal any conditions imposed on the tentative parcel map or a disapproval of the parcel map to the Board of County Commissioners as set forth in Section 110.606.55, Appeals.
- (j) No Guarantee of Final Map Approval. Approval or conditional approval of a tentative parcel map imposes no obligation on the part of the Director of Community Development, or the Board of County Commissioners to approve the final parcel map or to accept any public dedication shown on the tentative or final parcel map.
- (k) Cessation of Further Action. Failure to submit a complete final parcel map and pay the required fees within the two (2) year time period shall cease any further action on the map and shall render the tentative map as expired. The provisions of Section 110.606.65 and Section 110.606.70 are also applicable to the filing of a final parcel map.

**Section 110.606.35 Submittal of Final Parcel Map.** After approval or conditional approval of the tentative parcel map, the applicant may submit a final parcel map for review. Within thirty (30) days of submittal of the final map application, the Director of Community Development shall determine whether the conditions placed on the tentative parcel map approval have been met. The final map application shall be considered incomplete if the Director of Community Development cannot make a determination that all of the tentative map conditions have been met.

**Section 110.606.40 Form of Final Parcel Map.** The final parcel map shall be legibly drawn in permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet must be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

**Section 110.606.45 Contents of Final Parcel Map.** In addition to the information required by Sections 110.606.15 and 110.606.20, the following information must be shown on the final parcel map:

- (a) Monuments. All monuments found, set, reset, replaced or removed, describing their kind, location and giving other data relating thereto;
- (b) Oaths. A memorandum of oaths;
- (c) Surveyor. The signature of the surveyor;
- (d) Owners. The signature of the owner or owners of the land to be divided;
- (e) Easements and Dedications. Any easements granted or dedications made including, but not limited to, community water and wastewater systems; and
- (f) Survey. Name of the person or persons for whom the survey on which the map is based was made.

**Section 110.606.50 Review Procedures for Final Parcel Map.** The review procedures for final parcel maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Department of Community Development and County Engineer a final parcel map and the required supporting materials showing that all conditions imposed by the Parcel Map Review Committee have been met within twenty-two (22) months from the date of approval of the tentative parcel map. The subdivider shall pay the required fees upon the filing of the final parcel map.
- (b) Application Review. The Community Development staff and County Engineer will review the submitted final parcel map and supporting materials and recommend to the Director or Community Development acceptance or rejection of the map as complete within fourteen (14) working days after submittal, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development.
- (c) Action Required by Director of Community Development. If the final parcel map is determined to be complete, the Director of Community Development shall approve or disapprove the map within twenty-five (25) working days of the submittal date, unless the time limit is extended in writing by the mutual consent of the subdivider and the Director of Community Development.
- (d) Review Criteria. Prior to approving a final parcel map, the Director of Community Development shall determine that the following have been met:
  - (1) Completion of all conditions imposed on the subdivision prior to approval of the final parcel map or, in the alternative, acceptance by the Director

of Community Development of a satisfactory guarantee of completion and faithful performance of all conditions. The amount of the guarantee shall be in a sum which, in the opinion of the County Engineer, equals one hundred twenty (120) percent of the cost of performance of the conditions. If a subdivider fails to perform any condition within the time specified, the Board of County Commissioners, upon recommendation of the County Engineer, may cause the guarantee to be forfeited in an amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two (2) or more contiguous parcels and those improvements will not be completed because of a merger and subsequent re-subdivision pursuant to this article, a credit on a pro-rata basis of the security posted by the owner shall be credited toward the financial assurance required for the parcel map re-subdivision.

- (2) Completion of all certificates and statements required by Section 110.606.60, excepting (a) of that section.
- (e) Notice of Action. The applicant shall be notified in writing of the decision of the Director of Community Development. If the final parcel map is disapproved, a statement of the reasons for such disapproval shall be included.
- (f) Appeal. The applicant may appeal a disapproval of the final parcel map to the Board of County Commissioners as set forth in Section 110.606.55, Appeals

**Section 110.606.55 Appeals.** All appeals regarding tentative and final parcel maps shall be made as provided in this section.

- (a) Process for Tentative Parcel Map. For thirty (30) days following the notification of the decision, a decision of the Parcel Map Review Committee may be appealed to the Board of County Commissioners.
  - (1) The statement of appeal shall be filed with the Department of Community Development, set forth the particular actions or conditions appealed, the reasons for the appeal, and shall be accompanied by all supporting documentation.
  - (2) The Department of Community Development shall set an appeal hearing before the Board of County Commissioners within thirty (30) days of receipt of a complete statement of appeal .
  - (3) If the Board of County Commissioners fails to render a decision after sixty (60) days of the scheduled appeal hearing, the appeal shall be deemed to have been decided in favor of the appellant.
- (b) Process for Final Parcel Map. For fifteen (15) days following the notification of the decision, a decision of the Director of Community Development to deny a final parcel map may be appealed to the Board of County Commissioners.
  - (1) The statement of appeal shall be filed with the Department of Community Development, set forth the particular actions or conditions appealed, the reasons for the appeal, and shall be accompanied by all supporting documentation.

- (2) The Department of Community Development shall set an appeal hearing before the Board of County Commissioners within thirty (30) days of receipt of a complete statement of appeal.
  - (3) If the Board of County Commissioners fails to render a decision after sixty (60) days of the scheduled appeal hearing, the appeal shall be deemed to have been decided in favor of the appellant.
- (c) Final Action on Appeal. The Board of County Commissioners shall take action on the appeal within the time prescribed in Section 110.606.55, Appeals.
- (1) The Board of County Commissioners may impose additional conditions on the parcel map, provided the conditions are related to the review criteria in Section 110.606.30.
  - (2) Any disapproval or conditional approval must include a statement of the reason for that action and must be acted upon by an affirmative vote of the full membership of the Board of County Commissioners. In the case of a tie vote due to the absence of a member, the appeal shall be scheduled at a future meeting unless requested otherwise by the appellant.
- (d) Notice of Final Action. Within ten (10) days of the final action, the Director of Community Development shall report to the applicant concerning the decision of the Board of County Commissioners. Such report shall contain, at a minimum, any additional conditions placed upon the parcel map, the statement of the reason for the final action, and a statement that the Board of County Commissioners' decision is final for the purposes of judicial review.

**Section 110.606.60 Certificates and Statements.** Language satisfying the intent of the following certificates and statements shall appear on a parcel map before it can be filed for record. Final parcel maps that have been approved for recordation prior to July 31, 1993, but which have not been recorded, shall not be required to comply with this section.

- (a) Certificate of Director of Community Development. A certificate for execution by the Director of Community Development stating that the map has been approved for subdivision purposes and accepted or rejected on behalf of the public any parcel of land, or portion of a parcel, offered for dedication for public use in conformity with the terms of the offer of dedication. If the final parcel map includes a merger of pre-existing lots and the re-subdivision of those lots, the certificate shall acknowledge that any public streets, easements or utility easements that will not remain were abandoned pursuant to Article 806.
- (b) Summary Statement of Conditions Required. A summary statement of the conditions imposed by the Parcel Map Review Committee or Planning Commission.
- (c) Certificate of Surveyor. A certificate by the surveyor responsible for the parcel map giving the date of survey on which the map is based, and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. This certificate shall also state:

- (1) That the monuments are of the character and occupy the position indicated or that they will be set in such positions and at such time as is agreed upon under the provisions of Chapter 278 of NRS;
  - (2) That the monuments are or will be sufficient to enable the survey to be retraced; and
  - (3) The completion date.
- (d) Certificate of Record Title Owner. A certificate signed and acknowledged by all persons having any record title in the land subdivided, evidencing their grant or permanent easements for utility installations and access, as designated on the map.
  - (e) Certificate of Public Utilities Concerning Easements. A statement acknowledging such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the platted parcels. It is the responsibility of the applicant to obtain acknowledgement of serving utility companies as to location of any utility easements which are to be shown on the parcel map.
  - (f) Statement from County Treasurer. A written statement by the County Treasurer indicating that all property taxes on the land have been paid for the period identified in NRS 278.
  - (g) Guarantee of Title. A subdivision guarantee of title, in a form acceptable to the County Engineer and District Attorney, issued by a competent title company to and for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the final map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all public easement being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary.
  - (h) Certificate of Department of Water Resources, Utility Services Division, Concerning Water Right Dedications. A certificate for execution by the Chief Sanitary Engineer stating that the provisions of Article 422, Water and Sewer Resource Requirements, related to the dedication of water resources have been satisfied.

**Section 110.606.65 Recordation.** The approved parcel map with the certificates and statements set forth in Section 110.606.60 and the required filing fee advanced by the owner shall be transmitted to the County Recorder by the County Engineer for recording and filing. The land division is complete when the approved parcel map with its required certificates and statements have been filed in the Office of the County Recorder within two (2) years from the date of approval of the tentative map. There shall be no extension of this time period. The recordation time shall be extended as a part of the two (2) year time period set forth in this section should an appeal be filed until the date of the Board of County Commissioners action on the appeal plus an additional ten (10) days.

**Section 110.606.70 Expiration Date.** Failure of the applicant to record an approved parcel map within two (2) years from the date of approval of the tentative parcel map requires that all proceedings on the parcel map terminate, and a new application shall be required. There shall

be no extension of this time frame. The expiration date shall be extended as part of the two (2) year time period set forth in this section should an appeal be filed until the date of the Board of County Commissioners action on the appeal plus an additional ten (10) days.

**Section 110.606.75 Waiver of Parcel Map.** The requirement for filing a parcel map for minor subdivisions may be waived by the Planning Commission, or an authorized subcommittee of the Planning Commission, if it finds all the following:

- (a) Conformity with Laws. That the proposed minor subdivision conforms with Chapter 278 of NRS and this Development Code;
- (b) Conformity with Regulations. That the proposed minor subdivision conforms to state and County requirements as to area, improvement and design, and flood water drainage control;
- (c) Environmental Effects. That the proposed minor subdivision will not have an adverse effect on the environment;
- (d) Conformity with Comprehensive Plan. That the proposed minor subdivision conforms to the Washoe County Comprehensive Plan, including the area plans and any specific plans adopted by the County;
- (e) Change in Nonconformity. That no existing nonconformity with the other divisions in this Development Code will be increased;
- (f) Conformity with Other Ordinances. That the proposed minor subdivision conforms with all other County ordinances;
- (g) Lack of Need. That unusual circumstances exist so that a parcel map is not necessary to insure proper legal description of property, location of property lines and monumenting of property lines; and
- (h) Facilities. That appropriate improved public roads, adequate sanitary disposal facilities, and adequate water supplies are available.

**Section 110.606.80 Document Required if Parcel Map Waived.** If the requirement for a parcel map is waived by the Planning Commission or an authorized subcommittee of the Planning Commission, said requirement having been waived within sixty (60) days of the date of the request to waive the tentative map requirement, the applicant shall comply with the provisions of this section.

- (a) Document Recordation. The County Surveyor may require the applicant to prepare and record a document which contains:
  - (1) A legal description of all parts based on a system of rectangular surveys;
  - (2) A provision for the dedication or reservation of any road right-of-way or easement; and
  - (3) The approval of the authority which granted the waiver.
- (b) Description of Metes and Bounds. The County Surveyor shall require a description of metes and bounds if necessary to describe the parcel division.



The description shall be prepared by a professional land surveyor with a signature and stamp.

- (c) Waiver. The person preparing the document shall include the following statement:

"This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any prior documents."

- (d) Statement Indicating That No Property Taxes Delinquent. A document recorded pursuant to this section shall be accompanied by a written statement by the County Treasurer indicating that all property taxes on the land have been paid pursuant to NRS 278.

# Article 608

## TENTATIVE SUBDIVISION MAPS

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[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]

### Sections:

110.608.00	Purpose
110.608.05	Requirement for Application
110.608.10	Contents
110.608.15	Review Procedures
110.608.16	Notice
110.608.20	Review Considerations
110.608.25	Findings
110.608.30	Expiration Date

**Section 110.608.00 Purpose.** The purpose of this article, Article 608, Tentative Subdivision Maps, is to prescribe rules and procedures for the regulation and approval of tentative subdivision maps.

**Section 110.608.05 Requirement for Application.** A tentative subdivision map shall be required for all requests for a subdivision, merger and re-subdivision of existing lots, or a common-interest community consisting of five (5) or more units, as defined in Article 902, Definitions, except for divisions of land into large parcels as defined in Article 612, Divisions of Land into Large Parcels.

**Section 110.608.10 Contents.** Tentative maps shall show the proposed subdivision's design and improvements and conditions existing in and around the subdivision, and shall contain information sufficient to allow the Planning Commission to make the findings required by Section 110.608.25. Tentative maps shall meet all requirements of NRS 278. The following information shall be shown on the tentative map and/or accompanying drawings:

- (a) **Names and Addresses.** Name and address of legal owner, subdivider, and person preparing the map and certificate of registration serial number of the person preparing the map;
- (b) **Pre-existing Parcels.** Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) **Legal Description.** Sufficient legal description to define the boundary of the proposed subdivision and evidence of ownership of the property to be subdivided;
- (d) **Subdivision Name.** Name of subdivision (not to conflict with existing recorded subdivision maps);
- (e) **Property Lines.** Property lines, approximate distances and bearings;

- (f) Contours. Contours at five (5) foot intervals, or where, in the opinion of the County Engineer or the Director of Community Development, topography is a major factor in the subdivision design at two (2) foot contour intervals;
- (g) Land Uses. Existing and proposed land uses, existing regulatory zone designations;
- (h) Landmarks. Indication of prominent landmarks, areas of unique natural beauty, rock outcroppings, vistas and natural foliage which will be deciding considerations in the design of the subdivision;
- (i) Rights-of-Way. The width of right-of-way, proposed name and approximate grade of each highway, street, alley or public way within the proposed subdivision and approximate radius of all curves and diameter of each cul-de-sac;
- (j) Numbering Blocks. All blocks shall be numbered and block numbers shall be consecutive and shall begin with the number "one" or the letter "A";
- (k) Yards. The yards that are proposed for each lot in the subdivision shall be designated on the map;
- (l) Easements. The width, type and approximate locations of all existing or proposed road easements, sight triangles easements that preserve safe sighting at street intersections, slope and curve easements, conservation easements, open space easements, recreation or trail easements, drainage easements, sewer easements, irrigation ditch easements, or public utility easements, whether for public or private purposes;
- (m) Public Use Lands. Location and size of any land to be reserved or dedicated for parks, recreation areas, common open space area, schools or other public uses;
- (n) Flooding Potential. If any portion of the land within the boundary of the subdivision is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps or as shown by a Nevada registered engineer's hydrologic analysis for the 100-year storm, that fact and the land so affected shall be clearly shown on the map by a prominent note on each sheet;
- (o) Flood Elevation. Information indicating the 100-year flood elevation as well as width and direction of flow of each water course within the boundaries of the subdivision;
- (p) Septic Tanks. If septic tanks are proposed, consistency with FEMA requirements as set forth in Article 416, Flood Hazards;
- (q) Existing Structures. The location and outline of each existing building or structure which is not to be moved in the development;
- (r) Vicinity Map. Vicinity map showing the proposed subdivision in relation to the surrounding area;

- (s) Dimensions and Acreage of Lots. Dimensions of each lot. Accurate measurements in square feet or acreage of the amount of land utilized in streets, parking, building site, and open space and/or recreation;
- (t) Date, North Point and Scale. Date, north point, scale and number of sheet in relation to the total number of sheets;
- (u) Snow Storage Areas. Location of snow storage area sufficient to handle snow removed from public and private streets, if applicable;
- (v) Potential Hazards. All known potential hazards including, but not limited to, earth slide areas, Holocene era geologic faults, avalanche areas or otherwise hazardous slopes shall be clearly designated on the map;
- (w) Master Plan of Storm Drainage. Preliminary master plan of storm drainage system, including pipe sizes, detention/retention/infiltration areas, and the location and magnitude of the ten (10) and one hundred (100) year storm flows entering and leaving the site;
- (x) Preliminary Grading Plan. Preliminary grading plan showing areas of phased excavation and fill including the depth of excavation or height of fill from the natural grade, the amounts of material estimated to be excavated and/or used for fill, the destination of excavated material not to be used on site and how it is to be used at its end destination, origin of material to be imported and used for fill, and the location of any temporary material storage site(s);
- (y) Soil Erosion and Sediment Control Plan. Preliminary plan for soil erosion and sediment control; and
- (z) Phasing Plan. Preliminary plan for the phased recordation of lots, if said phasing is contemplated by the subdivider.

**Section 110.608.15 Review Procedures.** The review procedures for tentative maps shall be as set forth in this section.

- (a) Filing. The subdivider shall file with the Director of Community Development a complete application and the required supporting materials as outlined in the application packet.
- (b) Review. If the application is found to be complete, the Director of Community Development shall transmit one print of each tentative map to the County Engineer, any other public agency which may be affected by the proposed subdivision, and such other persons as the Director of Community Development may deem appropriate.
- (c) Action Required by the Planning Commission. The Planning Commission shall, within sixty (60) days after receipt of the complete tentative map application by the Director of Community Development, conduct a public hearing on the application and following the public hearing, approve, conditionally approve or deny the proposed map; said action being an affirmative vote of the majority of the full membership of the Planning Commission. Notice of the public hearing conducted by the Planning Commission shall be in accordance with the provisions of this article. Review time may be extended by mutual consent of the Director of Community Development and the applicant.

- (d) Appeal. Within ten (10) days after issuance of the decision, the decision of the Planning Commission may be appealed to the Board of County Commissioners by submitting the appropriate form and fee to the Director of Community Development.
- (e) Board of County Commissioners' Consideration of Appeals. Appeals of any Planning Commission decision shall be scheduled before the Board of County Commissioners within thirty (30) days of receiving the appeal. Action by the Board of County Commissioners on the appeal shall be by an affirmative vote of the full membership of the Board of County Commissioners. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. The final action by the Board of County Commissioners shall be considered final for purposes of judicial review.
- (f) Time Limits. The time limits set forth in this section are suspended for a period, not to exceed one (1) year, during which the State of Nevada or the federal government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map.
- (g) No Guarantee of Final Map Approval. Approval by the Planning Commission or the Board of County Commissioners of a tentative map imposes no obligation on the part of the Planning Commission or the Board of County Commissioners to approve the final map or to accept any public dedication shown on the final map.

**Section 110.608.16 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 that are the subject of the tentative subdivision map application;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the tentative subdivision map application is located;
  - (3) All owners of real property within five hundred (500) feet of the property which is the subject of the tentative subdivision map application;
  - (4) All tenants of any mobile home or manufactured home park that is located within five hundred (500) feet of the property which is the subject of the tentative subdivision map application; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the tentative subdivision map application is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.

- (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. 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.
- (d) Compliance with Noticing Requirements. 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 sent 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 110.608.20 Review Considerations.** Prior to approving an application for a tentative map, the Planning Commission or the Board of County Commissioners shall consider:

- (a) Environmental and Health Laws. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) Availability of Water. The availability of water which meets applicable health standards as well as requirements for water rights, quality or will-serve commitments;
- (c) Utilities. The availability and accessibility of utilities;
- (d) Public Services. The availability and accessibility of public services such as schools, police and fire protection, transportation, recreation and parks;
- (e) Plan Consistency. General conformance with the Development Code and the Comprehensive Plan;
- (f) Impact on Existing Streets. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (g) Physical Characteristics. Physical characteristics of the land such as flood plain, slope and soil;
- (h) Agency Review. The recommendations and comments of the entities reviewing the tentative map; and
- (i) Impact on Existing Drainage System. The effect of the proposed subdivision on the existing natural and man-made drainage system.

**Section 110.608.25 Findings.** Prior to approving an application for a tentative map, the Planning Commission shall find that all of the following are true:

- (a) Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and any specific plan;

- (b) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and any specific plan;
- (c) Type of Development. That the site is physically suited for the type of development proposed;
- (d) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- (e) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- (f) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- (g) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- (h) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- (i) Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan; and
- (j) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

**Section 110.608.30 Expiration Date.** If the subdivider fails to record a final map for any portion of the tentative map within the time required by NRS 278, all proceedings are terminated and a new application is required. The Planning Commission may grant extensions as allowed by NRS.

# Article 610

## FINAL SUBDIVISION MAPS

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*[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]*

### Sections:

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110.610.20	<b>Required Certificates and Statements</b>
110.610.25	<b>Dedication of Facilities and Water Rights</b>
110.610.30	<b>Improvements at the Expense of the Subdivider</b>
110.610.35	<b>Provision of CATV</b>
110.610.40	<b>Guarantee of Completion</b>
110.610.45	<b>Preliminary Submittal</b>
110.610.50	<b>Approval by the Director of Community Development</b>

**Section 110.610.00 Purpose.** The purpose of this article, Article 610, Final Subdivision Maps, is to control the practices and procedures regarding the preparation and approval of final subdivision maps.

**Section 110.610.05 Requirement of Final Map.** A subdivider shall prepare a final map, in accordance with the tentative map, for the entire area for which a tentative map has been approved, or a series of final maps, each covering a portion of the approved tentative map.

**Section 110.610.10 Form.** The final map shall be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession, but affidavits, certificates and acknowledgement must be legibly stamped or printed upon the map with opaque ink. The size of each sheet shall be twenty-four (24) by thirty-two (32) inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension.

**Section 110.610.15 Contents.** Every final map shall show all data required for the tentative map except contour lines, position of buildings and prominent landmarks, relationship to streets and highways beyond the area shown on the map and the proposed use of lots, and shall contain the following additional data:

- (a) **Street Monuments.** Where the centerline has been established for any street, highway, alley or public way within an adjoining subdivision, all monuments along such street, highway, alley or public way within the proposed subdivision shall be located with reference to that centerline which is shown on the map;
- (b) **Centerlines.** The centerline of each highway, street, alley or public way within the proposed subdivision and the width on each side of the centerline and the



width to be dedicated. There shall also appear the bearing, length of tangent, radius and central angle, and length of each curve for all centerlines;

- (c) Monuments. The location and description of monuments or other evidence formed upon the ground and used in determining the boundaries of the subdivision. If other subdivisions adjoin, the map shall show sufficient corners of such subdivisions sufficiently identified to locate precisely the limits of the proposed subdivision;
- (d) Block, Lot and Boundary Lines. The length and bearing of each block line, lot line and boundary line; the length, radius and central angle of each curve or the length of the curve and that portion of the central angle lying within each lot. Such data shall be shown in a manner satisfactory to the County Engineer;
- (e) Flooding Potential. If any portion of the land within the boundaries of a final map is subject to inundation or storm water overflow, as shown on the adopted Federal Emergency Management Agency's Flood Boundary and Floodway Maps or as shown by a Nevada registered engineer's hydrologic analysis for the 100-year storm, that fact and the land so affected shall be clearly shown on the final map by a prominent note on each sheet;
- (f) Seismic Hazard. If any portion of land within the boundaries of a final map is bisected by a post-Holocene era fault line, any such fault line shall be clearly shown on the final map and a prominent note shall indicate the fact the fault line exists and that any habitable structure shall be set back a minimum of ten (10) feet from the fault line;
- (g) Lot and Total Area. The area of each lot and total area of the land in the subdivision. If the area is two (2) acres or more, the area shall be to the nearest one-hundredth of an acre. If the area is less than two (2) acres, it shall be in square feet;
- (h) Easements. All easements approved on the tentative subdivision map; and
- (i) Phasing Plan. The phasing plan for the recordation of lots as approved by the Planning Commission or Board of County Commissioners.

**Section 110.610.20 Required Certificates and Statements.** Language shall be provided on the final map that satisfies the intent of the following certificates. Other certificates and statements may be required in addition to those enumerated in this section. Final subdivision maps which have been approved for recordation prior to July 31, 1993, but which have not been recorded, shall not be required to comply with this section.

- (a) Certificate of Owner. A certificate signed and acknowledged by all persons having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the map.
- (b) Certificate of Professional Land Surveyor. A certificate of the surveyor responsible for the survey. The certificate must be in the following form:

**SURVEYOR'S CERTIFICATE**

I, ..... (Name of Surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

- 1. This plat represents the results of a survey conducted under my direct supervision at the instance of ..... (Owner, Trustee, Etc.)
- 2. The lands surveyed lie within .....  
 (Section, Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less),  
 and the survey was completed on ..... (Date)
- 3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval.
- 4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(OR)

- 4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by ..... (A day certain) and an appropriate financial guarantee will be posted with the governing body before recordation to assure the installation of the monuments.

.....  
(Name of Surveyor)

Registration Number and Seal:

- (c) County Engineer or Surveyor Certificate. A certificate by the County Engineer or the County Surveyor stating that he or she has examined the final map; and that the map is technically correct and that if the monuments have not been set, that a proper performance bond has been deposited guaranteeing their setting on or before a day certain.
- (d) District Board of Health Certificate. A certificate by the local District Board of Health indicating that the final map is approved concerning sewage disposal, wafer pollution, water quality and water supply facilities.
- (e) Division of Water Resources Certificate. A certificate by the Division of Water Resources of the State Department of Conservation and Natural Resources, showing that the final map is approved concerning water supply.
- (f) Certificate of Director of Community Development. A certificate by the Director of Community Development stating that the final map was approved.
- (g) Statement from the County Treasurer. A statement from the County Treasurer indicating that all property taxes on the land have been paid for the period identified in NRS 278.
- (h) Guarantee of Title. A subdivision guarantee of title, in a form acceptable to the County Engineer and the District Attorney, issued by a competent title company for the benefit and protection of the County. Said guarantee of title shall be continued complete up to the instant of filing the final map with the County Recorder, guaranteeing that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided; the fact there are no encumbrances, liens, delinquent taxes or assessments; and all public easements being offered for dedication, and all acknowledgements thereto, appear on the proper statements and are correctly shown on the map, both as to contents as to the making thereof and affidavits of dedication where necessary. Said guarantee of title also shall guarantee that there are no encumbrances, liens, delinquent taxes or assessments on the property.
- (i) Utility Companies' Certificate. A certificate by the appropriate public utility and (CATV) television companies that the shown utility easements have been checked and approved.
- (j) Certificate of the Department of Water Resources, Utility Services Division, Concerning Water Right Dedications. A certificate for execution by the Chief Sanitary Engineer stating that the provisions of Article 422, Water and Sewer Resource Requirements, related to the dedication of water resources have been satisfied.
- (k) Certificate of Director of Community Development or Board of County Commissioners. A certificate for execution by the Director of Community Development, or Board of County Commissioners if the tentative map was approved by that body, stating that the map conforms to all of the requirements of NRS 278.010 to NRS 278.630, inclusive, and any applicable Washoe County Code provisions; and accepting or rejecting any or all offers of dedications offered to Washoe County by the subdivider. If the final map includes a merger of pre-existing lots and the re-subdivision of those lots, the certificate shall acknowledge that any public streets, easements or utility easements that will not remain were abandoned pursuant to Article 806.

**Section 110.610.25 Dedications of Facilities and Water Rights.** In addition to any land which is required to be dedicated pursuant to this Development Code, a subdivider shall be required to offer for dedication those facilities and water rights prescribed in this section prior to final map approval. The form of the offer of dedication shall be to the satisfaction of the Water Resources Department.

- (a) Acceptance of Dedication. The Department of Water Resources may accept a dedication pursuant to this section in a form acceptable to that department when the department has determined that the facilities conform to the requirements of this section and perform as designed.

**Section 110.610.30 Improvements at the Expense of the Subdivider.** The subdivider shall make the improvements prescribed in this section at his own expense.

- (a) Required Improvements. The subdivider shall improve at his own expense, within a stated time, all land dedicated on a final map for streets, highways, public ways and easement(s) with such improvements as the Planning Commission or Board of County Commissioners may determine to be necessary for the general use of lot owners in the subdivision and local neighborhood traffic, water distribution, sanitary sewer and drainage needs.
- (b) Utility Distribution System. The subdivider shall provide for utility distribution service and facilities to service each lot of a subdivision including gas, water, electricity and communication. The subdivider shall make the necessary arrangements with the utility company or companies involved for the installation of the facilities in accordance with such applicable tariffs, rules and regulations of the companies as may be on file with the Public Services Commission of the State of Nevada and in accordance with any pertinent franchise arrangements, agreements or contracts.
- (c) Improvements Not Normally Required. Storm drain trunk lines, channels for general flood control purposes, improvements not solely for the benefit of the subdivision and full improvement of those routes shown on the Streets and Highways System Plan map for each of the area plans included within the Comprehensive Plan are not required by this section, unless agreed to by the subdivider.
- (d) Street Lighting. Street lighting installation is the financial responsibility of the subdivider. The subdivider shall make all necessary arrangements with the utility company involved for the installation of such street lights as are approved and required by the County Engineer.
- (e) Street Improvement Standards. All street improvements shall be graded, drained and surfaced in accordance with improvement plans approved by the County Engineer. All streets shall be surfaced with asphaltic concrete paving meeting the requirements of the Standard Specifications for Public Works Construction sponsored by Washoe County and be designed in accordance with the most recently adopted Washoe County Structural Pavement Section Design Manual unless an alternative method of street surfacing is approved by the Board of County Commissioners at the time of approval of the tentative subdivision map.
- (f) Ditch or Watercourse Hazard. Where any ditch or natural watercourse constitutes or creates a hazard, whether within or contiguous to a development, the subdivider shall provide and install a six (6) foot chain link or equivalent

fence, the location and construction of which shall be approved by the County Engineer.

**Section 110.610.35 Provision of CATV.** The subdivider shall provide for the installation of community antenna television (CATV) as prescribed in this section.

- (a) **Installation.** The subdivider shall provide, at his own expense, for the installation of community antenna television (CATV) cable conduit and pull wire to serve each dwelling in the subdivision. The installation of the conduit and pull wire must be accomplished as follows:
- (1) If a single CATV franchise exists to serve that area in which the subdivision is located, the subdivider shall install the conduit and pull wire in a manner which is compatible with and meets the standards of the franchise;
  - (2) If more than one CATV franchise exists to serve the area in which the subdivision is located, the subdivider shall select from among the franchisees and shall install the conduit and pull wire in a manner which is compatible with and meets the standards of the franchisee selected; or
  - (3) If no CATV franchise exists to serve the area in which the subdivision is located, the subdivider shall determine which CATV franchisee is closest geographically to the subdivision and shall install the conduit and pull wire in a manner which is compatible with and meets the standards of that franchisee.
- (b) **Dedication.** Upon completion of installation, ownership of the CATV cable conduit and pull wire shall be determined as follows:
- (1) If the subdivider applies to the Board of County Commissioners for a franchise to operate and actually operates a CATV system within the subdivision, the conduit and pull wire remain the property of the subdivider until such time as he determines not to operate or is unable to operate the system. At that time, the subdivider shall immediately offer for dedication all CATV cable, conduit and other appurtenant equipment he has installed to the franchisee; or
  - (2) If the subdivider does not operate a CATV system within the subdivision, he shall dedicate the conduit and pull wire to the franchisee immediately upon completion of installation.
- (c) **Waiver/Modification.** The Director of Community Development may recommend, and the Board of County Commissioners may grant, a waiver or modification of Subsection (a) if geographic, economic or other conditions make installation of CATV conduit and pull wire unreasonable or impractical. It is the responsibility of the subdivider to demonstrate, through adequate factual evidence, that the installation requirement is unreasonable or impractical.

**Section 110.610.40 Guarantee of Completion.** Each agreement made by the subdivider shall be accompanied by a faithful performance bond or other satisfactory guarantee of completion insuring the faithful performance of all work. The penal sum of the bond shall be in a sum which in the opinion of the County Engineer equals the cost, plus a contingency amount, of the improvements to which the subdivider has agreed. If any subdivider fails to complete any

improvement as agreed within the time specified, the Board of County Commissioners may cause the bond to be forfeited in the amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two or more contiguous parcels and those improvements will not be completed because of a merger and subsequent re-subdivision pursuant to this article, a credit on a pro-rata basis of the security posted by the owner shall be credited toward the financial assurance required for the map re-subdivision.

**Section 110.610.45 Preliminary Submittal.** The Preliminary Submittal procedures for the final map shall be as set forth in this section.

- (a) **Submittal Requirements.** Not less than sixty (60) days prior to the filing of any final map with the Department of Community Development, the subdivider shall submit to the County Engineer:
- (1) Three (3) prints of the proposed final map accompanied by the map checking fee;
  - (2) Data concerning closure calculations, constructions plans, estimates of quantities and the like, if the situation warrants;
  - (3) Plans and specifications for subdivision street improvements;
  - (4) Plans, profiles, specifications and necessary details of the proposed construction for streets, curb and gutter, water mains, culverts, bridges, sanitary sewers or storm drains which are to be installed as part of the subdivision; and
  - (5) Faithful performance bond estimate prepared by a Nevada registered engineer.
- (b) **Review by County Engineer or County Surveyor.** The County Engineer or County Surveyor shall check the map as to accuracy of dimensions, placing of monuments, establishment of survey records shown thereon and conformance of the final map with the tentative map approved by the Planning Commission or Board of County Commissioners. The County Engineer shall review the plans, specifications and bond estimates for the subdivision improvements for conformance with the tentative map conditions and Washoe County standards. The subdivider shall make corrections and/or additions until acceptable to the County Engineer or County Surveyor.
- (c) **Inspection Costs.** Prior to commencing any work, the subdivider shall deposit with the County Engineer a sum which the County Engineer estimates to be necessary to cover the inspection costs of all improvements under his jurisdiction.
- (d) **Subdivision Improvement Agreement.** Prior to approval of the final map by the County Engineer, a subdivision improvement agreement shall be submitted to the County Engineer.
- (e) **Faithful Performance Guarantee.** Prior to approval of the final map by the County Engineer, a bond or other form of faithful performance guarantee shall be submitted to the County Engineer.

- (f) Review by the Department of Community Development. The County Engineer, following his review and approval, shall transmit the map to the Department of Community Development for their review. The subdivider shall make corrections and/or additions until acceptable to the Department of Community Development.

**Section 110.610.50 Approval by the Director of Community Development.** The approval procedures for final maps shall be as set forth in this section.

- (a) Submittal. The subdivider shall submit to the Department of Community Development the original tracing of the map and any duplicates per County requirements, corrected to its final form and signed by all parties required to execute the statement on the map. Original signatures shall appear on the original drawing. The original tracing and any duplicates shall be forwarded to the County Engineer for a final review.
- (b) Approval. Upon notification by the County Engineer that the final map is correct and upon receipt of all required certificates and submittals, the Director of Community Development shall, before the expiration date of the tentative map, approve the map if it conforms to all the requirements of NRS 278 and the provisions of this Development Code. This approval shall include acceptance of financial assurances, subdivision agreements and offers of dedication. Upon approval by the Director of Community Development, the map shall be returned to the County Engineer for recording as soon as practicable in the Office of the County Recorder. The date of the signing of the final map by the Director of Community Development shall constitute the date of presentation of the final map for purposes of NRS 278.
- (c) Time Limits. The time limits set forth in this section are suspended for the following circumstances:
- (1) The time limits set forth in this section are suspended for a period, not to exceed one (1) year, during which the State of Nevada or the federal government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development, processing or recordation of a final map.
  - (2) The time limit for recording a final map is extended to ten (10) days after the date of a hearing by the Board of County Commissioners of an appeal of a decision by the Director of Community Development.
  - (3) The time limit for recording a final map is suspended for that period of time between the issuance of a court order halting any further action by the subdivider or the County and the time that the court vacates that order.
- (d) Water Meters. The Director of Community Development shall not approve any final maps for a subdivision served by a public water system, unless the subdivider has submitted plans which provide for the installation of water meters or other device which will measure water delivered to each water user in the subdivision.
- (e) Fees. Fees applicable to final maps shall be as established by the Board of County Commissioners through separate ordinance.

(f) Appeal. A decision of the Director of Community Development to deny or add additional requirements to a final map may be appealed to the Board of County Commissioners within ten (10) days after action of the Director of Community Development by submitting the appropriate form and fee to the Department of Community Development.

- (1) The Department of Community Development shall schedule an appeal hearing before the Board of County Commissioners within thirty (30) days of the submittal of a complete appeal form and fees.
- (2) The Board of County Commissioners may approve or deny the recordation of the final map within sixty (60) days of the filing of the appeal with the Department of Community Development. The action shall be by an affirmative vote of the full membership of the Board of County Commissioners. In the case of a tie due to the absence of a member, the appeal hearing shall be scheduled at a future meeting unless requested otherwise by the appellant. Final action by the Board of County Commissioners is considered final for the purposes of judicial review.





## Article 612

# DIVISION OF LAND INTO LARGE PARCELS

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*[This Article amended in its entirety by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94; Ord. 1041, provisions eff. 12/1/98; Ord. 1088, provisions eff. 1/28/00.]*

### Sections:

110.612.00	Purpose
110.612.05	Requirement for Application
110.612.10	Contents of Tentative Map
110.612.15	Waiver of Requirement to File Tentative Map
110.612.20	Review Procedures for Tentative Map
110.612.25	Water Rights
110.612.30	Requirement for a Final Map
110.612.35	Contents of Final Map
110.612.40	Review Procedures for a Final Map
110.612.45	Recordation

**Section 110.612.00 Purpose.** The purpose of the article, Article 612, Division of Land into Large Parcels, is to prescribe rules and procedures for the regulation and approval of tentative and final maps for the division of land into large parcels.

**Section 110.612.05 Requirement for Application.** This article applies to division of land or the merger and re-subdivision of existing parcels if each proposed lot is forty (40) acres or larger in area, including roads and easements, or at least one-sixteenth (1/16) of a section as described by a government land office.

**Section 110.612.10 Contents of Tentative Map.** Tentative maps submitted pursuant to this section shall be prepared and certified by a professional land surveyor. The tentative maps shall be entitled "Tentative Map of Division into Large Parcels". The following information shall be shown on the tentative map:

- (a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided;
- (b) Pre-existing, contiguous parcels, held under the same ownership, may be merged into a single parcel with a simultaneous re-subdivision of that parcel as proposed in the tentative parcel map.
- (c) All roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land;
- (d) Any easements for public utilities which exist or which are proposed;
- (e) The location of any existing road or easement which the owner does not intend to dedicate;

- (f) The name and address of the owner of the land; and
- (g) The regulatory zone of the land for which the map has been submitted and all surrounding properties.

**Section 110.612.15 Waiver of Requirement to File Tentative Map.** The Director of Community Development may waive the requirement of filing the tentative map.

**Section 110.612.20 Review Procedures for Tentative Map.** The review procedures for tentative maps shall be as set forth in this section:

- (a) **Filing.** The subdivider shall submit an application to the Department of Community Development for action by the Director of Community Development.
- (b) **Review.** The Community Development staff shall review the submitted packet and accept or reject the application as complete within five (5) working days from the date of application.
- (c) **Action Required by the Director of Community Development.** The Director of Community Development shall, within sixty (60) days after the tentative map application has been filed, approve, conditionally approve or deny the tentative map. The Director of Community Development may, within sixty (60) days but not after the expiration of the sixty (60) day period, designate the location and width of any easements for roads and public utilities as shown on the master plan if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided if there is no master plan. The Director of Community Development shall make the following findings when approving the tentative map:
  - (i) Existing easements have been retained or, if relocated, are to the satisfaction of the person to whom the easement benefits.
  - (ii) Access to the property has been identified and is suitable to the passage of an emergency vehicle.
  - (iii) Water resources sufficient to support the additional development have been identified.

**Section 110.612.25 Water Rights.** Prior to final map approval, the subdivider shall be required to dedicate to Washoe County any water rights necessary to insure an adequate water supply to the lots proposed through the tentative map. The amount of water rights necessary shall be determined through the application of written criteria and approved by the Board of County Commissioners.

**Section 110.612.30 Requirement for a Final Map.** The requirements for final maps shall be as set forth in this section:

- (a) **Filing of Final Map.** A final map shall be filed with the Department of Community Development within one (1) year of the date of submitting an application to the department for a tentative map.
- (b) **Survey Requirements.** The final map shall be prepared by a professional land surveyor. The final map shall be based upon an actual survey by the preparer

and show the date of the survey or based upon the most recent government survey and show the date of approval of the government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel.

- (c) Form. The final map shall be clearly and legibly drawn in black waterproof ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The final map shall be twenty-four (24) by thirty-two (32) inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of one (1) inch at the top, bottom and right edges, and of two (2) inches at the left edge along the twenty-four (24) inch dimension. The final map shall be of a scale large enough to show clearly all details.

**Section 110.612.35 Contents of Final Map.** The following information shall be shown and defined on the final map:

- (a) The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown;
- (b) All lots approved through the tentative map shall be identified numerically and state actual acreage of each lot;
- (c) All roads or easements of access which exist and which the owner intends to offer for dedication, all roads or easements of access which are shown on the applicable master plan and all roads or easements of access which are specially required by the Director of Community Development;
- (d) The title "Map of Division into Large Parcels";
- (e) Any easements for public utilities which exist or are proposed; and
- (f) Any existing easements for irrigation or drainage, and normally continuously flowing watercourses.

**Section 110.612.40 Review Procedures for a Final Map.** The review procedures for final maps shall be as set forth in this section.

- (a) Filing. After the Director of Community Development has approved the tentative map or waived the requirement for its filing or sixty (60) days after the date of its filing, whichever is sooner, the subdivider, upon fulfillment of any condition of approval, may file a final map of the division with the Department of Community Development. The map shall be filed with the Department of Community Development no later than one (1) year after the tentative map was first filed with the Department of Community Development or that the requirement for its filing was waived.
- (b) Action Required by Director of Community Development. The Director of Community Development must approve or disapprove the final map within sixty (60) days of its filing. If the map is disapproved, the Director of Community Development shall return the map to the subdivider with the reason for the action

and a statement of what changes would be necessary to render the map acceptable. If the Director of Community Development neither approves nor disapproves the map within sixty (60) days, the map shall be deemed approved unconditionally.

- (c) Review Criteria. Prior to approving a final parcel map, the Director of Community Development shall determine that the following have been met:
- (1) Completion of all conditions imposed on the subdivision prior to approval of the final map, or in the alternative, acceptance by the Director of Community Development of a satisfactory guarantee of completion and faithful performance of all conditions. The amount of the guarantee shall be in a sum which, in the opinion of the County Engineer, equals one hundred twenty (120) percent of the cost of performance of the conditions. If a subdivider fails to perform any condition within the time specified, the Board of County Commissioners, upon recommendation of the County Engineer, may cause the guarantee to be forfeited in an amount necessary to finish the uncompleted portion of the work. If a security was previously posted to guarantee completion of improvements for two (2) or more contiguous parcels and those improvements will not be completed because of a merger and subsequent re-subdivision pursuant to this article, a credit on a pro-rata basis of the security posted by the owner shall be credited toward the financial assurance required for the parcel map re-subdivision.
  - (2) Completion of all certificates and statements required by Section 110.612.45, excepting (a) of that section.
- (d) Appeals. The decision of the Director of Community Development on the tentative or final map may be appealed to the Board of County Commissioners within ten (10) days after issuance of the decision. An appeal is initiated by submitting the appropriate form and fee to the Department of Community Development. Appeals of any Director of Community Development decision shall be scheduled before the Board of County Commissioners within thirty (30) days of receiving the appeal. The Board of County Commissioners shall render its final decision within sixty (60) days of the filing of the appeal. The Board of County Commissioner's decision shall be a majority of the full membership of the Board; in the case of a tie due to the absence of a member, the appeal shall be scheduled at a future meeting unless requested otherwise by the appellant. The final action by the Board of County Commissioners shall be considered final for the purposes of judicial review.

**Section 110.612.45 Recordation.** Upon approval, the final map shall be filed with the County Recorder. The map filed with the County Recorder shall include:

- (a) A certificate signed and acknowledged by the owner of the land consenting to the preparation and recording of the map and the granting of necessary access, drainage and public utility easements. If the final parcel map includes a merger of pre-existing lots and the re-subdivision of those lots, the certificate shall acknowledge that any public streets, easements or utility easements that will not remain were abandoned pursuant to Article 806.
- (b) A certificate signed by the Director of Community Development that the map was approved, or the affidavit of the person presenting the map for filing that the time

specified by Section 110.612.40 for action by the Director of Community Development has expired.

- (c) A written statement signed by the Treasurer of Washoe County that no property taxes on the land are delinquent and all taxes have been paid pursuant to NRS 278.
- (d) A certificate by the surveyor who prepared the map acknowledging that the map was prepared by him or under his supervision.

# Article 804

## VARIANCES

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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93. Section 110.804.35 entitled "Conformance with Chapter" repealed by Ord. 1040, provisions eff. 11/1/98; Ord. 1088, provisions eff. 1/28/00.]*

### 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
110.804.40	Appeals
110.804.45	One Year Wait on Denials
110.804.50	Modification of a Variance
110.804.55	Expiration
110.804.60	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 with the identical regulatory zone because of special 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 Five, Signs, of this Development Code. Additionally, this article cannot be used to vary the maximum size of a detached accessory dwelling except as stipulated in Article 306, Accessory Uses and Structures.

*[This Section amended by Ord. 939, provisions eff. 11/1/95.]*

**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 Community Development. 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 in this article can be met. No variance shall be processed until the information necessary to review and decide upon the proposed variance is deemed complete by the Director of Community Development.

**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 Community Development 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, the Planning Commission or a hearing examiner shall review variances in accordance with the provisions of this section.

- (a) General Provisions. The Board of Adjustment, the Planning Commission or a hearing examiner 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. A variance request related to additional Development Code action(s) which requires Board of Adjustment, Planning Commission or hearing examiner review shall be consolidated into one hearing before the appropriate approval authority for the major request being considered.
- (c) Time Period for Hearing. Public hearings conducted by the Board of Adjustment, the Planning Commission or a hearing examiner 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, the Planning Commission or a hearing examiner 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 the Board of Adjustment, the Planning Commission or hearing examiner action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (e) Action. The Board of Adjustment, the Planning Commission or hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the variance request. Failure of the Board of Adjustment, the Planning Commission or hearing examiner to hold a public hearing or take action within the time frames provided in this 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.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**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 that are the subject of the variance;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the variance is located;
  - (3) All owners of real property:



- (i) within one hundred (100) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty (30%) percent or less;
  - (ii) within five hundred (500) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty-one (31%) or more.
- (4) All tenants of any mobile home park that is located:
- (i) within one hundred (100) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty (30%) percent or less;
  - (ii) within five hundred (500) feet of the property which is the subject of the variance when the variance request is for a deviation of thirty-one (31%) percent or more.
- (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the variance is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. 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.
- (d) Compliance with Noticing Requirements. 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 sent 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.

*[This Section amended by Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96.]*

**Section 110.804.25 Findings.** Prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner shall find that all of the following apply to the property:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
  - (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or

- (2) By reason of exceptional topographic conditions, or
- (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,

the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) 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
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

*[This Section amended by Ord. 959, provisions eff. 7/26/96; Ord. 1108, provisions eff. 12/15/00.]*

**Section 110.804.30 Projects of Regional Significance.** 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 110.804.40 Appeals.** An action of the Board of Adjustment, Planning Commission or hearing examiner 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, the Planning Commission's or hearing examiner'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 the following:
  - (1) Board of County Commissioners;
  - (2) The applicant or the applicant's authorized agent; or
  - (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 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 Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the findings made by the

Board of Adjustment, the Planning Commission or hearing examiner. Such reasons shall be based upon the evidence presented to the Board of Adjustment, the Planning Commission or hearing examiner 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, the Planning Commission's or hearing examiner's final decision before the Board of County Commissioners within sixty (60) days of the date of the filing of the appeal with the Director of Community Development.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.804.20. The notice shall state that an appeal of the Board of Adjustment's, the Planning Commission's or hearing examiner'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. The action of the Board of County Commissioners shall be by an affirmative vote of the entire membership of the Board. The Board of County shall render a final decision within sixty (60) days of the appeal hearing. In the case of a tie due to the absence of a member, the appeal shall be scheduled at a future meeting unless requested otherwise by the appellant; said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.
- (g) Effective Date. The decision of the Board of County Commissioners on an appeal from the Board of Adjustment, the Planning Commission or hearing examiner shall be effective immediately.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.804.45 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 110.804.50 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 110.804.55 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 extended or 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 or hearing examiner. 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.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.804.60 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 this article. The 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 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 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. The action of the Board of County Commissioners shall be by an affirmative vote of the entire membership of the Board. In the case of a tie due to the absence of a member, the action shall be scheduled at a future meeting, unless requested otherwise by the person to whom the variance was granted. The final action of the Board of County Commissioners shall be considered final for the purposes of judicial review.

# Article 806

## VACATIONS AND ABANDONMENTS OF EASEMENTS OR STREETS

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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1041, provisions eff. 12/1/98.]*

### Sections:

110.806.00	Purpose
110.806.05	Requirements for Application
110.806.10	Supplemental Guidelines, Standards and Criteria
110.806.15	Review Procedures of Planning Commission
110.806.20	Findings
110.806.25	Hearing of Appeal by Board
110.806.30	Notice of Board Hearing
110.806.35	Action by Board
110.806.40	Utility Easement
110.806.45	Legal Description
110.806.50	Recordation
110.806.55	Sale of Vacated Portion
110.806.60	Payments
110.806.65	Light and Air
110.806.70	Reservations
110.806.75	Consistency with Plan
110.806.80	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 Requirements for Application.** Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Community Development or an owner of real property abutting an easement or public street right-of-way through an application to the Department of Community Development or as part of a tentative subdivision map application if the abandonment or vacation application is related to the tentative map proposal. If the application for the vacation or abandonment of an easement or street is included as part of a tentative subdivision application, the noticing of the tentative subdivision map application shall include a description of the street or easement to be vacated or abandoned. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Community Development.

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

**Section 110.806.15 Review Procedures of Planning Commission.** The Planning Commission shall review applications for abandonments and vacations in accordance with the provisions of this section.

- (a) General Provisions. The Planning Commission shall conduct a public 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. The Planning Commission 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 below is first published.
- (c) Notice of Planning Commission Hearing. Notice of a vacation or abandonment application to be heard by the Planning Commission 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.
- (d) Action by the Planning Commission. Except as provided in Section 110.806.40, if, upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Planning Commission may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.
- (e) Appeal of Final Action of Planning Commission. An appeal of the Planning Commission's final action on an abandonment or vacation application may be appealed to the Board of County Commissioners within ten (10) days of the date of the final decision of the Planning Commission.

**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 result in a material injury to the public; and
- (c) 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 Hearing of Appeal by Board.** The Board of County Commissioners shall hold a public hearing on the appeal of the Planning Commission's final action on an 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 Section 110.806.30 is first published.

**Section 110.806.30 Notice of Board Hearing.** Notice of an appeal of the Planning Commission's final action on 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 110.806.35 Action by Board.** Except as provided in Section 110.806.40, if, upon public hearing on the appeal of the Planning Commission's final action on an abandonment or vacation of an easement or street, 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. The action of the Board of County Commissioners shall be final for the purposes of judicial review.

**Section 110.806.40 Utility Easement.** If a utility has an easement over the property, the Planning Commission or the Board, after a hearing on the appeal of the Planning Commission final action, shall provide in its order for the continuation of that easement.

**Section 110.806.45 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 110.806.50 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 110.806.55 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 110.806.60 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 Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines to be reasonable. If the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, 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 110.806.65 Light and Air.** Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

**Section 110.806.70 Reservations.** In any vacation or abandonment of any street or portion of it, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, 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. The abandonment or vacation of a

government patent easement pursuant to this section addresses only the county's interest in the subject easement and cannot be relied upon for purposes of clearing title to the property.

**Section 110.806.75 Consistency with Plan.** No procedures or approvals that are provided for in this article may be in contravention to the Comprehensive Plan.

**Section 110.806.80 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 Planning Commission or Board of County Commissioners, whichever is later.



# Article 810

## **SPECIAL USE PERMITS**

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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93. Section 110.810.45 entitled "Conformance with Chapter" repealed by Ord. 1040, provisions eff. 11/1/98; Ord. 1088, provisions eff. 1/28/00.]*

### 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
110.810.50	Appeals
110.810.55	One Year Wait on Denials
110.810.60	Modification of a Special Use Permit
110.810.65	Expiration
110.810.70	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 Community Development. A request for a special use permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. 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 Director of Community Development.

**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 Community Development 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. 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 hearing before the appropriate approval authority for the major request being considered.
- (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-five (95) 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 Director of Community Development.
- (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. The Planning Commission or Board of Adjustment may also vary standards of the Development Code as part of the approval of a special use permit application. Failure of the Planning Commission or Board of Adjustment to hold a public hearing or take action within the time frames provided in this 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 that are the subject of the special use permit;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the special use permit is located;
  - (3) All owners of real property:
    - (i) within five hundred (500) feet of the property which is the subject of the special use permit; or

- (ii) within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
- (4) All tenants of any mobile home park that is located:
  - (i) within five hundred (500) feet of the property which is the subject of the special use permit; or
  - (ii) within seven hundred fifty (750) feet of the property which is the subject of a special use permit for a project of regional significance.
- (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the special use permit is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. 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.
- (d) Compliance with Noticing Requirements. 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 sent 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.

*[This Section amended by Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96.]*

**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:

- (a) Consistency. The proposed use is consistent with the action programs, policies, 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 Seven;
- (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 110.810.35 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 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:

- (a) That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
- (b) That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- (c) That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

**Section 110.810.40 Projects of Regional Significance.** 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 110.810.50 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.

- (a) 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.
- (b) Who Can Appeal. Appeals may 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 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.
- (c) Contents of Appeal. An appeal shall be filed with the Director of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the 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.

- (d) 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 sixty (60) days of the date of the filing of the appeal with the Director of Community Development.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.810.25. 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 the subject of the special use permit 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. The action of the Board of County Commissioners shall be by an affirmative vote of the entire membership of the Board. A final decision by the Board of County Commissioners shall be rendered within sixty (60) days of the appeal hearing. In the case of a tie vote due to the absence of a member, the appeal shall be scheduled at a future meeting unless requested otherwise by the appellant; said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for purposes of judicial review.
- (g) 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 110.810.55 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 110.810.60 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 Community Development may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
- (1) The building or use alteration is incidental to the existing use;
  - (2) The building or use alteration does not result in a change of use;
  - (3) The building alteration involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
  - (4) The use alteration involves more than ten (10) percent increase in the overall site area covered by the existing use;

- (5) The building or use alteration, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and
  - (6) The building or use alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.
- (b) Conditions Not Met. If a proposed 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 110.810.65 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.
- (b) Extension. The time period in Subsection (a) of this section may be extended 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 110.810.70 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 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 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. The action of the Board of County Commissioners shall be by an affirmative vote of the entire membership of the Board. In the case of a tie vote due to the absence of a member, the appeal shall be scheduled at a future meeting unless requested otherwise by the appellant; said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.

# Article 818

## AMENDMENT OF DEVELOPMENT CODE

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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00.]*

### 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	Effective Date
110.818.45	One Year Wait on Denials
110.818.50	Modification of a Development Code Amendment
110.818.55	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 advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment to the Development Code.
- (b) **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 Director of Community Development.

**Section 110.818.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director of Community Development 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 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) 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.
- (c) 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 Director of Community Development.
- (d) 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 this article shall constitute a recommendation of approval of the Development Code amendment application.
- (e) Findings. When making its recommendation to the Board of County Commissioners for approval, 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 amendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
    - (ii) Denial: The proposed Development Code amendment is not in substantial compliance with the policies and action programs of the Comprehensive Plan.
  - (2) Promotes the Purpose of the Development Code.
    - (i) Approval: The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
    - (ii) Denial: The proposed Development Code amendment 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 amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

(ii) Denial: The proposed Development Code amendment 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 create a more desirable utilization of land within the regulatory zones.

(4) No Adverse Affects.

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

(ii) Denial: The proposed Development Code 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.

(f) 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.

(g) Planning Commission Report. Within sixty (60) 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 in the Newspaper. A notice setting forth 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. 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.

(b) Notice to Citizen Advisory Boards.

- (1) Notice to Citizen Advisory Board Chairperson. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board chairperson, by electronic means if receipt of such an electronic notice can be verified, to every chairperson 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, include the specific amendment language, and other pertinent information in such a manner that the Development Code amendment request and its effect(s) can be clearly identified.
- (2) Notice to Citizen Advisory Board Members. A notice setting forth the date, time and place shall be sent either by mail or, if requested by the citizen advisory board member, by electronic means if receipt of such electronic notice can be verified, 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 manner that the Development Code amendment request and its effect(s) can be clearly identified. Upon request, a complete copy of the specific amendment language will be forwarded to any citizen advisory board member. This request shall not be considered a violation of the time period enumerated in this subsection.

**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 Director of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the 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 Development Code amendment request shall be processed pursuant to 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 the 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 sixty (60) 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 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 a 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 vote 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 this article. If the Planning Commission does not recommend approval, approval of the proposed modification shall require a two-thirds (2/3) vote of the total membership of the Board.
  - (4) The final action by the Board of County Commissioners shall be considered final for purposes of judicial review.

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

- (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 state the code may be examined by the general public at the Office of the County Clerk.

**Section 110.818.45 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 110.818.50 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 110.818.55 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. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) 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 sixty (60) 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 sixty (60) 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. The final action of the Board of County Commissioners shall be final for purposes of judicial review.
- (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 that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required in (j) hereinabove, 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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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00.]*

### 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
110.820.65	Certification of Maps by Electronic Means

**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 Board of County 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 Community Development. For purposes of this article, the restriction on the number of times that the Comprehensive Plan may be amended does not restrict the number of applications that may be submitted, but only refers to the number of times each component of the Comprehensive Plan may be modified by the Board of County Commissioners. The restriction on the number times the Comprehensive Plan may be amended does not apply to information being updated for each component of the Comprehensive Plan.
- (b) **Initiation of Amendments.** A Comprehensive Plan amendment may be initiated by the Board of County Commissioners or the Planning Commission through resolution. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Department of



Community Development. Citizen 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) 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 Director of Community Development.

**Section 110.820.10 Supplemental Guidelines, Standards and Criteria.** In addition to the standards and findings set forth in the Development Code, the Director of Community Development 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 Community Development 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 Director of Community Development.
- (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 this article shall constitute a recommendation of approval of the Comprehensive Plan amendment application.

- (f) Findings. When making its recommendation to the Board of County Commissioners for approval, 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.

**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, map or physical description of the land involved, existing and proposed land use designations, and a brief summary of the proposed change shall be sent by mail at least ten (10) days before the meeting to the following persons:
- (1) All owners of real property that are the subject of the Comprehensive Plan amendment;
  - (2) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the Comprehensive Plan amendment is located;
  - (3) All owners of real property within seven hundred fifty (750) feet of the property which is the subject of the Comprehensive Plan amendment;
  - (4) All tenants of any mobile home park that is located within seven hundred fifty (750) feet of the property which is the subject of the Comprehensive Plan amendment; 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) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
- (c) Number of Notices. If the number of notices sent pursuant to this section does not identify thirty (30) or more separate property owners, the County shall send out additional notices to achieve a total of at least thirty (30) separate property owners. 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.
- (d) Notice in the Newspaper. A notice setting forth 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. The notice shall describe the proposed Comprehensive Plan amendment request, describe the lot, parcel, properties or areas that are 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.
- (e) Compliance with Noticing Requirements. 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 sent 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.
- (f) 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.
- (g) Amendment Reducing Density/Intensity. Notice to property owners as set forth in subsections (a) and (b) of this section shall include a ballot that an owner of property may complete and return to the Board of County Commissioners to indicate his/her approval of or opposition to the proposed amendment to reduce the density or intensity with which a parcel of land may be used. The ballot must be returned prior to the date and time of the public hearing listed on the notice.

**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 Director of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the 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 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 the 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 sixty (60) 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 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 a 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 vote 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 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) vote of the total membership of the Board.

- (4) The final action by the Board of County Commissioners shall be final for purposes of judicial review.

**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 determination 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. A moratorium of no more than ninety (90) days shall exist from the date of approval of a resolution.
- (b) **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing within sixty (60) days after it has resolved to declare a moratorium or within sixty (60) 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 sixty (60) 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 sixty (60) 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. The final action of the Board of County Commissioners shall be considered final for purposes of judicial review.
- (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 that the Board of County Commissioners takes action on the recommendation of the Planning Commission. The Board of County Commissioners may extend the moratorium, upon an affirmation of findings as required in (j) hereinabove, for two (2) additional consecutive periods before holding another public hearing pursuant to the provisions of this section.

**Section 110.820.65 Certification of Maps By Electronic Means.** Adopted land use maps may be certified by the Director of Community Development as true and accurate originals and copies through an electronic signature.



# Article 902

## DEFINITIONS

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*[This Article amended in its entirety by Ord. 867, provisions eff. 5/27/93; Ord. 873, provisions eff. 6/7/93; Ord. 890, provisions eff. 11/29/93; Ord. 893, provisions eff. 3/4/94; Ord. 899, provisions eff. 5/31/94; Ord. 916, provisions eff. retro. to 5/26/93; Ord. 942, provisions eff. 4-1-96; Ord. 965, provisions eff. 10-1-96; Ord. 1088, provisions eff. 1/28/00; Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1091, provisions eff. 4/28/00; Ord. 1102, provisions eff. 8/11/00; Ord. 1112, provisions eff. 2/15/01.]*

**Sections:**

<b>110.902.00</b>	<b>Purpose</b>
<b>110.902.05</b>	<b>Applicability</b>
<b>110.902.10</b>	<b>Rules of Interpretation</b>
<b>110.902.15</b>	<b>General Definitions</b>

**Section 110.902.00 Purpose.** The purpose of this article, Article 902, 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 Community Development shall have the authority to determine the applicable definition source (e.g. Webster's Collegiate Dictionary, Uniform Building Code, Uniform Fire Code, etc.) in the event of a conflict.
- (c) **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.
- (d) **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.
- (e) **Gender.** The masculine gender includes the feminine and neuter.

- (f) Number. The singular number includes the plural, and the plural the singular.
- (g) Tense. The present tense includes the past and future tenses, and the future tense includes the present tense.
- (h) Oath and Affirmation. "Oath" includes "affirmation".
- (i) Shall and May. "Shall" is mandatory and "may" is permissive.
- (j) 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.
- (k) 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 Building. "Accessory building" means a 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).

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) percent 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 a 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 Envelope. "Building envelope" means the area to be occupied by any structure and associated development.

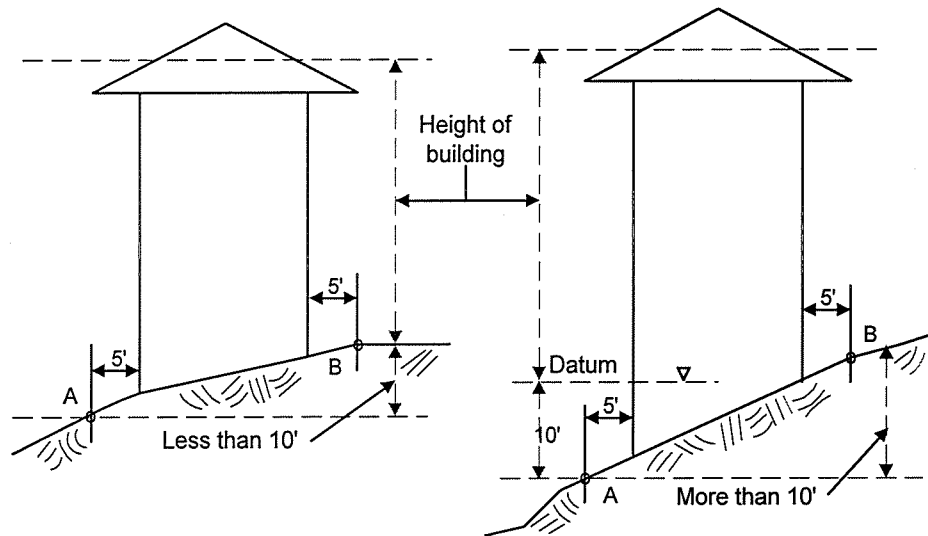
Building Height. "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the 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 five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

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

Figure 110.902.15.BH1

**DETERMINATION OF BUILDING HEIGHT IN FEET**



Source: Uniform Building Code Interpretation Manual.

**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.

**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.

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

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

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

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

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.

Company Town. "Company town" means employee housing and supporting commercial, office, recreational, professional, administrative and other ancillary uses associated with the functioning of an isolated industrial, mining, energy production, utilities, resorts or agricultural based use. This development may occur on a single parcel or multiple parcels.

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 or actions which cannot be taken or which must be taken.

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

Contiguous Parcel of Land. "Contiguous parcel of land" means a parcel of land either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation of another parcel of land.

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" 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.

Cut. "Cut" means shaping of the land surface by removing soil, rock or other materials.

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.

Dormitory/Bunkhouse. "Dormitory/bunkhouse" means a building or a portion of a building where, for compensation or a benefit of employment, meals and lodging are provided.

Drainage, Natural. "Natural drainage" means any channel, swale or depression which conducts water as part of the natural drainage pattern of a site.

Driveway, Residential. "Residential driveway" means a private paved or unpaved area used for ingress or egress of vehicles, and allowing access extending from a property line to a building or other structure or facility on the subject parcel.

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 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.

Electronic Notice. "Electronic notice" means any notice required by law that is transmitted via electronic means and which provides a method of verifying receipt to the sender that the receiver has received the notice. Electronic includes, but is not limited to, e-mail, facsimile transmission that identify the receiver and have a time and date stamp.

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.

Ephemeral Stream. "Ephemeral stream" means a stream that flows only in direct response to precipitation, and thus discontinues its flow during dry seasons. Such flow is usually of short duration. Most of the dry washes of more arid regions may be classified as ephemeral streams.

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

Fabricated Home. "Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. 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.

Fill. "Fill" means shaping of the land surface by depositing soil, rock or other materials.

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, One Hundred (100) Year. "One hundred (100) year flood" also called the "base flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. The boundaries of the one hundred (100) year flood include both the floodway and the flood

fringe areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

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

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

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, AE 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.

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

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.

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.

Government Patent Easement. "Government patent easement" means an easement granted through a patent by the federal government for a public purpose, generally for public access and utility purposes.

Grade. "Grade" 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.

Gradient. "Gradient" is the slope of a lot measured as the difference in elevation of finished grade between the midpoint of the front property line and the farthest opposite point of the lot depth.

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.

Ground Water Recharge. "Ground water recharge" means the infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish the groundwater supply depleted through pumping or natural discharge. The natural or intentional infiltration of surface water into the Zone of Saturation (i.e. into the Ground Water). Also, the inflow of water to a ground water reservoir (Zone of Saturation) from the surface. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

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 slopes greater than fifteen (15) percent on twenty (20) percent or more of the site.

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.

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. Junkyard shall be synonymous with salvage yard.

Kitchen. "Kitchen" 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" 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 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" 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" 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" 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).

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.

Natural Area. "Natural area" means a land area which is unimproved and not occupied by any structures or man-made elements, and set aside for the conservation of permanent, undisturbed open space.

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.

Non-municipal Air Strips and Glider Ports. "Non-municipal air strips and glider ports" means any Federal Aviation Administration (FAA) recognized public use landing area, privately owned and operated for scheduled or non-scheduled air transportation activities, where commercial uses and aviation related commerce can occur. Such use may include provision of landing privileges, hangar and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service including helicopter rides, glider plane rides, air balloon

rides, ultra-light and experimental aircraft activities and aircraft charters. The term "non-municipal air strips and glider ports" does not apply to public airports operated by any federal, state or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

NRS. "NRS" means Nevada Revised Statutes.

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.

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.

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.

Permanent Employee Housing. "Permanent employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a permanent basis year round. This development may occur on a single parcel or multiple parcels.

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.

Perennial Stream. "Perennial stream" means a stream that flows from source to mouth throughout the year. This definition does not apply to a man-made watercourse constructed for irrigation, aesthetic or other purposes.

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

Personal Landing Field. "Personal landing field" means a private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established allowable land uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

Personal landing fields do not engage in scheduled or non-scheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "non-municipal air strips and glider ports", or to public airports operated by any federal, state or local government agencies.

Placement. "Placement" means the issuance of a set-up permit by the Building and Safety Department for a manufactured home or mobile home.

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 Communication Antenna. "Private communication antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators, 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 Line. "Rear line" means the lot line most directly opposite the front line. A parcel of land may have only one (1) rear line.

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.

Revegetation. "Revegetation" means stabilizing disturbed or graded soils after construction by replanting with indigenous or natural appearing plants.

Ridgeline. "Ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, running center and parallel to the long axis of the ridge and from which all water drains down.

Ridgeline, Significant. "Significant ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, as identified on the Development Suitability map for each planning area included in Volume Two: Area Plans of the Washoe County Comprehensive Plan.

Right-of-Way. "Right-of-way" 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" 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.

Runoff. "Runoff" means that part of precipitation which flows over the land without filtering into the soil.

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

Section 404 (Clean Water Act). "Section 404 (Clean Water Act)" means that section of the Clean Water Act delineating restrictions on the dredging and filling (only) of Wetlands in the United



States. While Section 404 Permits are issued by the U.S. Army Corps of Engineers (COE), Section 404 regulations are written by the U.S. Environmental Protection Agency (EPA).

Section 404 (Clean Water Act) Permit. "Section 404 (Clean Water Act) Permit" means the Wetland dredge and fill permit issued under regulations written to conform to Section 404 of the Clean Water Act. The permit is actually granted by the U.S. Army Corps of Engineers (COE).

Sedimentation. "Sedimentation" means the act or process of depositing sediment from suspension in water. All the processes whereby particles of rock material are accumulated to form sedimentary deposits. Sedimentation, as commonly used, involves not only aqueous but also glacial, aeolian, and organic agents. (Water Quality) Letting solids settle out of wastewater by gravity during treatment.

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 lot line of the lot on which the structure(s) is located.

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

Side Yard. See "Yard, Side".

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.

Slope. "Slope" means an inclined ground surface expressed as a ratio of horizontal distance to vertical distance.

Slaughter House, Agricultural. "Agricultural slaughter house" means a building used as an ancillary structure on a farm or ranch for the non-profit slaughtering of animals raised on-site and the processing and storage of animal products and waste that results from a slaughtering process.

Slaughter House, Commercial. "Commercial slaughter house" means a building used for the for-profit slaughtering of animals that are either raised on-site or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

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" 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 six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (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 (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Stream. "Stream" means a general term for a body of flowing water; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural channel as distinct from a canal. Some classifications of streams include, in relation to time:

- (a) Ephemeral Streams. Streams that flow only in direct response to precipitation and whose channel is at all times above the water table.
- (b) Intermittent or Seasonal Streams. Streams that flow only at certain times of the year when it receives water from springs, rainfall, or from surface sources such as melting snow.
- (c) Perennial Streams. Streams that flow continuously.

Streambanks. "Streambanks" mean the usual boundaries, not the flood boundaries, of a stream channel. Right and left banks are named facing downstream (in the direction of flow).

Street. "Street" means a public right-of-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 Development Code or would have the effect of evading this Development Code, 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; or
  - (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 Regulatory Zones. "Suburban regulatory zones" means the Low Density Suburban Regulatory Zone, Medium Density Suburban Regulatory Zone, and High Density Suburban Regulatory 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.

Temporary Employee Housing. "Temporary employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a seasonal basis not more than six (6) months per year. This development may occur on a single parcel or multiple parcels.

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.

Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance and/or development purposes.

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".

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

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

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.

Unladen Weight. "Unladen weight" means the weight of any vehicle without load, but fully equipped with accessories and appliances belonging to and used by such vehicle in the transportation of persons or property.

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

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

Vegetation, Native. "Native vegetation" means plants that grow naturally in Washoe County, Nevada and have adapted to the climate, soil, location and rainfall patterns of their area.

Vegetation, Natural. "Natural vegetation" means plants which exist on a site before clearing or grading.

Viewshed. "Viewshed" means the surface area that can be seen from a specific viewpoint.

Vista. "Vista" means an area of high ground or projecting earth from which there is a dominant and unobstructed view of surrounding areas.

Watercourse. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, arroyo or wash in which water flows in a definite channel, bed or bank.

Waters of the State (Defined) (Nevada Revised Statutes 445A.415). "Waters of the State" means all waters situated wholly or partly within or bordering upon the State of Nevada, including, but not limited to:

- (a) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
- (b) All bodies or accumulations of water, surface and underground, natural or artificial.

Wetland. "Wetland" means an area that is periodically inundated or saturated by surface or groundwater on an annual or seasonal basis, that displays hydric soils, and that typically supports or is capable of supporting hydrophytic vegetation.

Wetlands (COE and EPA) (Regulatory). "Wetlands (COE and EPA)" means the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) have adopted a regulatory definition for administering the Section 404 permit program of the Clean Water Act (CWA) as follows: [Wetlands are] those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands (NRCS) (Technical). "Wetlands (NRCS)" mean the (U.S. Department of Agriculture) Natural Resources Conservation Service (NRCS) [formerly the Soil Conservation Service (SCS)] uses the following definition for identifying wetlands on agricultural land in assessing farmer eligibility for U.S. Department of Agriculture program benefits under the "Swampbuster" provision of the Food Security Act (FSA) of 1985. As amended in 1990, the FSA states that the term "wetland", except when such term is part of the term "converted wetland", means land that:

- (a) Has a predominance of hydric soils;
- (b) Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

- (c) Under normal circumstances does support a prevalence of such vegetation.

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 lot 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 lot line and extending across the full width of the lot or parcel.

Yard, Side. "Side yard" means a yard lying between the setback line and the side lot 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 Community Development, charged with the responsibility of administering the Development Code and issuing other permits.

*[This Section amended by Ord. 1076, provisions eff. 10/1/99.]*

# Article 912

## **ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINERS**

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*[This Article amended in its entirety by Ord. 906, provisions eff. 7/27/94; Ord. 959, provisions eff. 7/26/96.]*

### **Sections:**

110.912.00	<b>Purpose</b>
110.912.05	<b>Washoe County Planning Commission</b>
110.912.10	<b>Washoe County Board of Adjustment</b>
110.912.15	<b>Hearing Examiner</b>

**Section 110.912.00 Purpose.** The purpose of this article, Article 912, Establishment of Commissions, Boards and Hearing Examiners, is to specify the establishment and authority of the Washoe County Planning Commission, Board of Adjustment and any hearing examiner employed by Washoe County.

### **Section 110.912.05 Washoe County Planning Commission.**

- (a) **Creation.** The Washoe County Planning Commission is hereby created, pursuant to NRS 278.030, to perform all the duties and functions delegated to a County Planning Commission by the terms of NRS 278.010 to 278.630, inclusive.
- (b) **Membership and Terms of Office.**
- (1) The Washoe County Planning Commission shall consist of seven (7) members.
  - (2) The term of office of each member shall be four (4) years, or until his or her successor takes office, except that the terms of two (2) of the members first appointed shall be three (3) years, the terms of two (2) of the members first appointed shall be two (2) years and the term of one (1) of the members first appointed shall be one (1) year.
- (c) **Appointment and Qualifications.**
- (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Planning Commission.
  - (2) The members shall hold no other public office, with the exception that one (1) member may also be a member of the Board of Adjustment.
  - (3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.

- (4) Members of the Planning Commission shall be appointed based on representation of the County Commission Districts as described below. If qualified applicants are not available from the following County Commission Districts, appointments can be made from the County Commission District which would experience the next vacancy.
- (i) Two members from County Commission District One.
  - (ii) Two members from County Commission District Two.
  - (iii) One member from County Commission District Three.
  - (iv) Two members from County Commission District Five.
- (d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.
- (e) Compensation. All members of the Washoe County Planning Commission shall be compensated at a rate of \$80.00 per meeting (up to \$400.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.
- (f) Removal from Office. Any member of the Washoe County Planning Commission may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.
- (g) Meetings and Records.
- (1) The Washoe County Planning Commission shall hold at least one (1) regular meeting in each month.
  - (2) The Washoe County Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.
  - (3) Complete records of official actions of the Washoe County Planning Commission shall be kept on file in the office of the Department of Community Development.
- (h) Chairman and Other Officers.
- (1) The Washoe County Planning Commission shall elect its Chairman from among the appointed members.
  - (2) In addition to electing its Chairman, the Washoe County Planning Commission shall create and fill such other of its offices as it may determine.
- (i) Employees.
- (1) The Washoe County Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion,



demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the County.

- (2) The Washoe County Planning Commission may contract with County planners, engineers, architects and other consultants for such services as it may require.
- (j) Funding. The expenditures of the Washoe County Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of County Commissioners, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

**Section 110.912.10 Washoe County Board of Adjustment.**

- (a) Creation. The Washoe County Board of Adjustment is hereby created, pursuant to NRS 278.270, to perform all the duties and functions delegated to a County Board of Adjustment by the terms of NRS 278.010 to 278.630, inclusive.
- (b) Membership and Terms of Office.
  - (1) The Washoe County Board of Adjustment shall consist of five (5) members.
  - (2) The term of office of each member shall be four (4) years, or until his or her successor takes office, except that the terms of two (2) of the members first appointed shall be three (3) years and the term of one (1) of the members first appointed shall be two (2) years.
  - (3) The term of office enumerated in this section shall commence for all appointments taking effect on or after June 30, 1996.
- (c) Appointment and Qualifications.
  - (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Board of Adjustment.
  - (2) The members shall hold no other public office, with the exception that one (1) member may also be a member of the Planning Commission.
  - (3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.
  - (4) Members of the Board of Adjustment shall be appointed based on representation of the County Commission Districts as described below. If qualified applicants are not available from the following County Commission Districts, appointments can be made from the County Commission District which would experience the next vacancy.
    - (i) Two members from County Commission District One.
    - (ii) One member from County Commission District Two.

- (iii) One member from County Commission District Three.
- (iv) One member from County Commission District Five.
- (d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.
- (e) Removal from Office. Any member of the Washoe County Board of Adjustment may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.
- (f) Powers of Board.
  - (1) The Washoe County Board of Adjustment shall hear and decide appeals from regulations and requirements of the Development Code and shall sit and decide upon all matters referred to it or property of concern in the administration of the Development Code.
  - (2) The Washoe County Board of Adjustment shall also have all the powers pursuant to NRS 278.290 to 278.310, inclusive.
- (g) Meetings and Records.
  - (1) The Washoe County Board of Adjustment shall hold at least one (1) regular meeting in each month.
  - (2) The Washoe County Board of Adjustment shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.
  - (3) Complete records of official actions of the Washoe County Board of Adjustment shall be kept on file in the office of the Department of Community Development.
- (h) Chairman and Other Officers.
  - (1) The Washoe County Board of Adjustment shall elect its Chairman from among the appointed members.
  - (2) In addition to electing its Chairman, the Washoe County Board of Adjustment shall create and fill such other of its offices as it may determine.
- (i) Compensation. All members of the Washoe County Board of Adjustment shall be compensated at a rate of \$80.00 per meeting (up to \$200.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.

**Section 110.912.15 Hearing Examiner.**

- (a) Creation. The position of hearing examiner is hereby created, pursuant to NRS 278.262, to perform all the duties and functions delegated to a hearing examiner

by the Board of County Commissioners pursuant to NRS 278.010 to 278.630, inclusive.

(b) Number of Hearing Examiners and Term of Appointment.

- (1) The Chairman of the Board of County Commissioners may appoint as many hearing examiners as deemed necessary to fulfill the responsibilities of that position as enumerated in this section.
- (2) The term of a hearing examiner shall be four (4) years.

(c) Appointment and Qualifications.

- (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, hearing examiners.
- (2) A hearing examiner shall hold no other public office.
- (3) A hearing examiner shall be one of the following:
  - (i) Licensed architect.
  - (ii) Licensed attorney.
  - (iii) Registered engineer.
  - (iv) Member of the American Institute of Certified Planners.

(d) Removal. A hearing examiner may be removed, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance.

(e) Powers of Hearing Examiner. A hearing examiner is empowered to conduct a public hearing and make a decision on a variance application submitted in accordance with the provisions of Article 804, Variances.

(f) Compensation. A hearing examiner shall be compensated at a rate of \$100.00 per meeting and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of his or her official duties.

(g) Meetings and Records.

- (1) At least one (1) regular meeting in each month shall be held by a hearing examiner to review and act upon variance applications submitted in accordance with Article 804, Variances.
- (2) Rules for the transaction of business by a hearing examiner shall be adopted by the Board of County Commissioners.
- (3) Complete records of official actions by a hearing examiner shall be kept on file in the office of the Department of Community Development, such records to be a public record.



## Article 914

# **ESTABLISHMENT OF DEPARTMENT**

### Sections:

110.914.00	<b>Purpose</b>
110.914.05	<b>Washoe County Department of Community Development</b>

**Section 110.914.00 Purpose.** The purpose of this article, Article 914, Establishment of Department, is to specify the establishment and authority of the Department of Community Development.

### **Section 110.914.05 Washoe County Department of Community Development.**

(a) **Department Created.**

- (1) There is hereby created the Washoe County Department of Community Development.
- (2) The department shall be responsible for the development and administration of comprehensive planning programs, as well as development review programs, including business licensing, for the County in accordance with relevant local, state and federal ordinances, laws and regulations, as well as such other functions as may be assigned by the Board of County Commissioners.

(b) **Director's Position Created.**

- (1) The position of the Director of Community Development is hereby created. The Director shall be appointed by the Board of County Commissioners, upon recommendation of the County Manager, and shall serve at the pleasure of the Board of County Commissioners.
- (2) The Director shall appoint, pursuant to any applicable provisions of law regulating County personnel, such technical, clerical and operating staff as the execution of the duties of the Director and operation of the department may require.

(c) **Director's Powers and Duties.** As the executive head of the department, the Director shall direct and supervise all administrative, technical and operational activities of the department. In addition to such activities as may be required in the daily administration of the department, the Board of County Commissioners may make additional assignments as deemed necessary. The Director shall have the authority to interpret the provisions of the Development Code.

(d) **Zoning Administrator.** The Director may appoint a Zoning Administrator to exercise the responsibilities set forth in this Development Code. The Zoning Administrator shall be a County employee assigned to the Department of

Community Development. The Director may appoint himself or herself as Zoning Administrator.

(e) Compensation.

(1) Except as provided in Subsection (d)(2) of this section, the salaries and other fringe benefits of the Director and employees of the Department of Community Development shall be established in accordance with the provisions of the Merit Personnel Ordinance or any other applicable laws regulating the employment of County personnel.

(2) The salary for the position of Director shall be established by the Board of County Commissioners.

(f) Divisions. The department shall consist of such divisions created upon the recommendation of the Director of the Department of Community Development, as are deemed necessary to the efficient performance of the duties of the department.

(g) Appeal of Director's Interpretation of Development Code. The following procedures shall be followed if an appeal is made to an interpretation by the Director of the Development Code.

(1) A statement and the appropriate fee shall be filed with the Department of Community Development Department.

(i) The statement shall identify the code section(s) and Director's interpretation that is being appealed. In addition, the statement shall identify the reasons why the appellant believes the interpretation is incorrect and any additional supporting information.

(ii) The Department of Community Development shall schedule a hearing before the Board of Adjustment within sixty (60) days of the receipt of a complete statement and fees.

(2) After the completion of the hearing by the Board of Adjustment, the Board of Adjustment shall render a decision on the appeal of the interpretation within sixty (60) days of the hearing, either supporting the interpretation of the Director or supporting the appellant's position.

(3) The decision of the Board of Adjustment on the appeal of the Director's interpretation may be appealed to the Board of County Commissioners by the appellant. The Department of Community Development shall schedule a hearing before the Board of County Commissioners within sixty (60) days of receipt of a request to appeal the Board of Adjustment's decision and the appropriate fee.

(4) The Board of County Commissioners shall render a final decision on the appeal of the Board of Adjustment's decision within sixty (60) days of the appeal hearing. The decision shall be by a majority of the entire membership of the Board of County Commissioners. In the case of a tie, the matter shall be scheduled for a future meeting. The final decision of

the Board of County Commissioners shall be considered final for purposes of judicial review.