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**STATE OF NEVADA
COUNTY OF WASHOE**

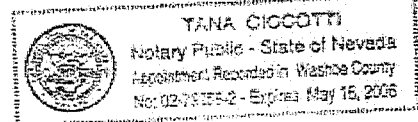
ss: Julia Ketcham

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 referenced below has published in each regular and entire issue of said newspaper between the dates: **05/14/04 - 05/21/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

MAY 21 2004



Tana Cicchetti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1234 NOTICE IS HEREBY GIVEN THAT: Bill No. 1413, Ordinance No. 1234 entitled An Ordinance amending the Washoe County Code, Chapter 110, Development Code, Article 104, Growth Management System, by deleting the reference to zoning administrator and adding a reference to hearing examiner; Article 324, Communication Facilities, by deleting the reference to zoning administrator and adding a reference to hearing examiner; Article 414, Noise and Lighting Standards, by deleting the reference to zoning administrator and adding a reference to hearing examiner; Article 808, Administrative Permits, by deleting the reference to zoning administrator and adding a reference to hearing examiner, amending review, noticing and appeal procedures, and defining when a permit becomes null and void; Article 810, Special Use Permits, by deleting the reference to zoning administrator and adding a reference to hearing examiner, amending the review period from 95 days to 65 days; Article 902, Definitions, by deleting the definition of zoning administrator; Article 912, Establishment of Commissions, Boards and Hearing Examiner, by amending who may serve as a hearing examiner, the powers of a hearing examiner, and the review period of applications acted upon by a hearing examiner; and Article 914, Establishment of Department, by deleting the reference to zoning administrator; and other

Ad Number: 278982

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matters relating thereto. was adopted on May 11, 2004 by Commissioners Galloway, Humke, Sferrazza, Shaw and Weber. This ordinance shall be in full force and effect from and after May 21, 2004. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners
No.278982 May 14, 21, 2004

SUMMARY: Amends Washoe County Code by substituting hearing examiner for zoning administrator, conforming noticing requirements with Nevada Revised Statute, enumerating the responsibilities of the hearing examiner for administrative permits, and other matters properly relating thereto.

BILL NO. 1413

ORDINANCE NO. 1234

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 104, GROWTH MANAGEMENT SYSTEM, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 324, COMMUNICATION FACILITIES, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 414, NOISE AND LIGHTING STANDARDS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER; ARTICLE 808, ADMINISTRATIVE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING REVIEW, NOTICING AND APPEAL PROCEDURES, AND DEFINING WHEN A PERMIT BECOMES NULL AND VOID; ARTICLE 810, SPECIAL USE PERMITS, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR AND ADDING A REFERENCE TO HEARING EXAMINER, AMENDING THE REVIEW PERIOD FROM 95 DAYS TO 65 DAYS; ARTICLE 902, DEFINITIONS, BY DELETING THE DEFINITION OF ZONING ADMINISTRATOR; ARTICLE 912, ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINER, BY AMENDING WHO MAY SERVE AS A HEARING EXAMINER, THE POWERS OF A HEARING EXAMINER, AND THE REVIEW PERIOD OF APPLICATIONS ACTED UPON BY A HEARING EXAMINER; AND ARTICLE 914, ESTABLISHMENT OF DEPARTMENT, BY DELETING THE REFERENCE TO ZONING ADMINISTRATOR; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1.

Article 104, "Growth Management 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 324, "Communication Facilities" 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 414, "Noise and Lighting Standards" 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 808, "Administrative Permits" 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 810, "Special Use Permits" 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 902, "Definitions" 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 912, "Establishment of Commissions, Boards and Hearing Examiner" 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 914, "Establishment of Department" of Chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit H which is attached and incorporated by reference.

Proposed on the 13th day of April, 2004.

Proposed by Commissioner Sferrazza.

Passed on the 14th day of May, 2004.

Vote:

Ayes: Shaw, Weber, Hume, Jalloway & Sferrazza

Nays: (none)

Absent: (none)

James M. Shaw
James M. Shaw, Chairman
Washoe County Commission

ATTEST:

Amy L. [Signature], Chief Deputy
County Clerk

This ordinance shall be in force and effect from and after the 21st day of May, 2004

Article 104 COUNTY GROWTH MANAGEMENT SYSTEM

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93.]

Sections:

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

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

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

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

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

Section 110.104.20 Washoe County Comprehensive Plan. The Washoe County Comprehensive Plan is the first major element of the County's Growth Management System. The Comprehensive Plan has been adopted by the Washoe County Board of County Commissioners

pursuant to NRS 278. This plan covers the entire unincorporated area of Washoe County and includes both elements and area plans. The Comprehensive Plan is required to be in conformance with the Truckee Meadows Regional Plan for all areas except the Lake Tahoe Basin, and the Tahoe Regional Plan for the Lake Tahoe Basin. The purpose of the Comprehensive Plan is to conserve and promote the public health, safety and general welfare of residents of Washoe County.

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

Section 110.104.30 Washoe County Development Code. The Washoe County Development Code is the third major element in the County's Growth Management System. The Development Code has been adopted by the Washoe County Board of County Commissioners pursuant to NRS 278 and 278A. The Development Code regulates the subdivision and development of land, and the use of land and structures. The Development Code must conform to the Comprehensive Plan pursuant to NRS 278.

[This Section amended by Ord. 1065, provisions eff. 7/1/99.]

Section 110.104.35 Washoe County Departments.

- (a) **Department of Community Development.** The Washoe County Department of Community Development is responsible for managing the division dealing with building and safety, for information systems, strategic planning, preparing the elements of the Growth Management System, conservation and administering the Development Code and issuing other permits. Hearing Examiners may be appointed to assist in administering the Development Code. The Department of Community Development is established by Article 914.
- (b) **Department of Public Works.** The Washoe County Department of Public Works is responsible for managing divisions dealing with engineering and roads. The Department of Public Works is established by Chapter 80 of the Washoe County Code.
- (c) **Department of Water Resources.** The Washoe County Department of Water Resources is responsible for managing divisions dealing with the resource planning and management, and operation of water resources, including, but not limited to, water, sewer, flood control and drainage. The Department of Water Resources is established by Chapter 40 of the Washoe County Code.

Section 110.104.40 Other Agencies.

- (a) **District Health Department.** The Washoe County District Health Department, which has its own governing board, enforces regulations on subjects such as solid and hazardous waste, wastewater, safe drinking water, and air quality. The District Health Department is established by NRS 439 and by an interlocal agreement.

- (b) Regional Transportation Commission. The Regional Transportation Commission is the designated Metropolitan Planning Organization (MPO) and is responsible for regional transportation planning such as developing standards for arterial roads, and operating transit service. The Regional Transportation Commission is established by NRS 373.
- (c) Park Commission. The Washoe County Park Commission is the designated appointed body for review of park and recreation plans for the unincorporated portion of Washoe County. The Park Commission is a recommending body to the Board of County Commissioners. The Park Commission is established by NRS 244. For the purpose of this Development Code, the Park Commission is authorized to approve discretionary permits for Active Recreation Uses, provided that its noticing and meeting procedures are equal to, or exceed, the minimum requirements enumerated in this Development Code for the issuance of said permit.

Article 324

COMMUNICATION FACILITIES

[This Article amended in its entirety by Ord. 875, provisions eff. 8/3/93; Ord. 890, provisions eff. 11/29/93; Ord. 1004, provisions eff. 1/30/98.]

Sections:

110.324.00	Purpose
110.324.05	Exemptions
110.324.10	Satellite Dish Antennas: General
110.324.15	Satellite Dish Antennas: Ground Mounted
110.324.20	Satellite Dish Antennas: Roof Mounted
110.324.25	Private Communication Antennas: General
110.324.30	Private Communication Antennas: Front Yard
110.324.35	Private Communication Antennas: Height
110.324.40	Commercial Antennas
110.324.45	Wireless Communication Facilities: Definitions
110.324.50	Wireless Communication Facilities Placement Standards
110.324.55	Wireless Communication Facilities: Setbacks
110.324.60	Wireless Communication Facilities Permitting Requirements

Section 110.324.00 Purpose. The purpose of this article, Article 324, Communication Facilities, is to set forth the regulations for antenna systems and wireless communication facilities consistent with applicable directives and standards issued by the Federal Communication Commission and the Federal Aviation Administration. Health and safety concerns related to antennas and wireless communication facilities include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along rights-of-way and discouraging access to attractive nuisances by unauthorized people.

Section 110.324.05 Exemptions. The following antenna systems are exempt from this article:

- (a) **Residential Television Reception Aerial Antennas.** Television reception aerial antenna systems that are designed to receive locally transmitted television signals for personal use within a residential dwelling unit are exempt from the provisions of this article.
- (b) **Small Diameter TVRO Satellite Dish Antenna Systems.** Television reception only (TVRO) satellite dish antenna systems that are thirty-six (36) inches or less in diameter are exempt from the provisions of this article.

Section 110.324.10 Satellite Dish Antennas: General. Satellite dish antennas are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) **Location.** Satellite dish antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Satellite dish antennas may be placed in the front area of the parcel between the property line and the face of the building provided the setback from

the front property line listed in this article is maintained, and if an administrative permit consistent with this article is obtained.

- (b) Setbacks. Satellite dish antennas shall be erected a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
- (c) Color. Solid satellite dish antennas shall be colored light or dark brown, tan, grey, black or dark green unless another color is justified by the physical setting or the color of the building. Designs on solid dishes may cover up to thirty-five (35) percent of the background color. Mesh satellite dish antennas may be colored off-white or muted silver in addition to the colors listed above.
- (d) Building Code. Satellite dish antennas attached to any building require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code.
- (e) Department of Community Development Authorization. The Department of Community Development shall authorize the placement and installation of all satellite dish antennas after reviewing a plot plan submitted by the property owner to ensure compliance with this article.

Section 110.324.15 Satellite Dish Antennas: Ground Mounted. A satellite dish antenna may be mounted on the ground in accordance with this section.

- (a) Residential Ground Mounted TVRO Satellite Dish Antennas. A television reception only (TVRO) satellite dish antenna may be ground mounted in residential regulatory zones provided:
 - (1) It is physically or electronically linked only to a receiver located on the same parcel of land.
 - (2) The satellite dish antenna shall not exceed ten (10) feet in diameter.
 - (3) The satellite dish mounting support structure shall not exceed a height of twelve (12) feet above the ground surface.
 - (4) Any driving motor is encased in protective guards and is muffled against noise.
 - (5) A satellite dish antenna may be placed in the front area of a parcel pursuant to Section 110.324.10, and in accordance with the provisions of this subsection:
 - (i) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of Hearing Examiner;
 - (ii) The applicant shall demonstrate that locating the satellite dish antenna in the side or rear yard area of the parcel would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant; and

- (iii) The applicant shall demonstrate that locating the satellite dish antenna in the front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets.
- (6) In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna in the front area of a parcel, the Hearing Examiner shall make the following findings:
- (i) Location in the area between the face of the building and the side or rear property line prevents the private satellite dish antenna from receiving a complete signal;
 - (ii) Location of the satellite dish antenna in the area between the face of the building and the front property line does not visually impact surrounding properties; and
 - (iii) Location of the satellite dish antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.
- (b) Non-Residential Ground Mounted Satellite Dish Antennas. A satellite dish antenna may be ground mounted in non-residential regulatory zones provided:
- (1) It is physically or electronically linked only to a receiver located on the same parcel of land.
 - (2) The satellite dish antenna shall not exceed thirty-six (36) feet in diameter.
 - (3) The satellite dish mounting support structure shall not exceed a height of seventeen (17) feet above the ground surface.
 - (4) Any driving motor is encased in protective guards and is muffled against noise.
 - (5) Screening is required for all satellite dish antennas located in non-residential regulatory zones that exceed ten (10) feet in diameter, and are located adjacent to a residentially zoned property. The required screening shall shield views of the satellite dish antenna from the adjacent residential parcels. The satellite dish antenna may be screened around the base of the antenna or along the common property line. A waiver from the screening requirement can be obtained pursuant to Article 804, Variances, if the satellite dish antenna is sufficiently set back from the residential parcel to minimize its impact.
 - (6) A satellite dish antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this subsection:
 - (i) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of the Hearing Examiner;
 - (ii) The applicant shall demonstrate that locating the satellite dish antenna in the area between the face of the building and the side

or rear property line would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant; and

- (iii) The applicant shall demonstrate that locating the satellite dish antenna in the required front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets.
- (7) In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna in the front area of a parcel, the Hearing Examiner shall make the following findings:
- (i) Location in the area between the face of the building and the side or rear property line prevents the private satellite dish antenna from receiving a complete signal;
 - (ii) Location of the satellite dish antenna in the area between the face of the building and the front property line does not visually impact surrounding properties; and
 - (iii) Location of the satellite dish antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.

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

Section 110.324.20 Satellite Dish Antennas: Roof Mounted. A satellite dish antenna may be mounted on the roof of a building structure in accordance with the provisions of this section.

- (a) Residential Roof Mounted TVRO Satellite Dish Antennas. A television reception only (TVRO) satellite dish antenna may be roof mounted in residential regulatory zones provided:
 - (1) The satellite dish mounting support structure shall not exceed a height of six (6) feet above the roof surface regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line.
 - (2) The satellite dish antenna shall not exceed ten (10) feet in diameter.
- (b) Non-residential Roof Mounted Satellite Dish Antennas. A satellite dish antenna may be roof mounted in non-residential regulatory zones if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this subsection:
 - (1) It is physically or electronically linked only to a receiver located on the same parcel of land;
 - (2) In all non-residential regulatory zones, the dish shall not exceed thirty-six (36) feet in diameter;
 - (3) The satellite dish antenna mounting support structure shall not exceed a height of seventeen (17) feet above the roof surface, regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line;

- (4) The base of the satellite dish antenna and driving motor shall be screened at the discretion of the Hearing Examiner; and
- (5) In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna on a roof in a non-residential regulatory zone, the Hearing Examiner shall make the following findings:
 - (i) The size of the satellite dish antenna is necessary to receive or send a signal that meets the applicant's needs;
 - (ii) The size of the satellite dish antenna will not pose a hazard to air navigation; and
 - (iii) The satellite dish antenna, including guy wires, supporting structures and accessory equipment, is located and designed so as to minimize the visual impact on surrounding properties and from public streets.

Section 110.324.25 Private Communication Antennas: General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) **Location.** Private communication antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Private communication antennas may be placed in the front area of the parcel between the property line and the face of the building provided the setback from the front property line listed in this article is maintained, and if an administrative permit consistent with this article is obtained.
- (b) **Setback.** Private communication antennas shall be erected a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
- (c) **Building Code.** All private communication antenna support structures require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code.

Section 110.324.30 Private Communication Antennas: Front Yard. A private communication antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section.

- (a) **Application.** In addition to the submittal requirements as stated in Article 808, Administrative Permits, the applicant shall demonstrate that:
 - (1) Locating the private communication antenna in the area between the face of the building and the front property line does not impair the required line-of-sight from adjacent driveways or streets;
 - (2) Security fencing or other suitable methods will be provided to prevent climbing on the private communication antenna structure by unauthorized persons; and

- (3) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna.
- (b) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for placement of a private communication antenna in the front area of a parcel, the Hearing Examiner shall make the following findings:
- (1) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna; and
- (2) Locating the private communication antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.

Section 110.324.35 Private Communication Antennas: Height. A private communication antenna support structure may exceed sixty-five (65) feet if ground mounted or thirty-five (35) feet if roof mounted if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section:

- (a) Additional Setback Requirements. A private communication antenna support structure in excess of sixty-five (65) feet in height shall be located a minimum distance from all property lines equal to forty (40) percent of the height of the antenna support structure [i.e. a seventy (70) foot tall private communication antenna support structure shall be a minimum of $(0.40 \times 70 =)$ 28 feet from any property line].
- (b) Application. In addition to the submittal requirements in Article 808, Administrative Permits, the application shall state the reason why the additional height of the private communication antenna support structure is necessary.
- (c) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for a private communication antenna support structure in excess of sixty-five (65) feet, the Hearing Examiner shall make the following findings:
- (1) The height of the private communication antenna support structure is necessary to receive or transmit a signal that meets the applicant's needs; and
- (2) The height of the private communication antenna support structure will not pose a hazard to air navigation.

Section 110.324.40 Commercial Antennas. Commercial antennas, excluding wireless communication facilities, but including satellite dishes, used for commercial broadcasting/receiving purposes are a principal use and are classified under the commercial

Article 414

NOISE AND LIGHTING STANDARDS

Sections:

110.414.00	Purpose
110.414.05	Standards
110.414.10	Measurement
110.414.15	Airport Noise
110.414.20	Exceptions
110.414.21	Light and Glare
110.414.25	Nonconforming Use

Section 110.414.00 Purpose. The purpose of this article, Article 414, Noise and Lighting Standards, is to allow for a pattern of land uses that minimizes the exposure of community residents to excessive noise.

Section 110.414.05 Standards. Sound levels shall not exceed the standards set forth in this section.

- (a) **Industrial Development.** For property being developed within any industrial zone: seventy-five (75) Ldn at the property line.
- (b) **Residential Abutment.** For property abutting areas developed residentially, or shown as residential on the area plan maps: sixty-five (65) Ldn at the property line.
- (c) **Public/Quasi-Public Facility Abutment.** For property abutting local parks, schools, hospitals, group care facilities or facilities providing child care services: sixty-five (65) Ldn at the property line. Interior noise levels shall not exceed 45 Ldn.
- (d) **Development with Public/Quasi-Public Facility.** For property being developed with a group care facility, school or hospital: sixty (60) Ldn at three (3) feet from any of the building's exterior walls. Interior noise levels shall not exceed 45 Ldn.
- (e) **Noise Abatement Near Highways and Railroads.** Prior to approving any residential development, applicant(s) shall provide site plans indicating that outside noise levels at the residences shall not exceed a maximum of 65 dB when trains are passing or 65 Ldn next to highways.
- (f) **Other.** If the sound levels affecting a project are greater than those allowed for project development, the developer or subdivider shall construct a noise attenuation barrier to bring sound levels down to required standards.

Section 110.414.10 Measurement. Measurement of sound levels shall be in accordance with the provisions of this section.

- (a) A-Weighting. Sound levels shall be measured on the A-weighting network of a sound level meter meeting the requirements of USA Standards S14-1971 for General Purpose Sound Level Meters, or the latest revision published by the American National Standards Institute, Inc., using the slow meter response. An additional 10 dB weighting shall be imposed on the sound levels occurring during nighttime hours (10 p.m. to 7 a.m.) to determine the day-night average sound level (Ldn). The meter shall be calibrated and used according to the manufacturer's instructions.
- (b) Location of Measurement. Measurements shall be taken with the microphone located at any point on the property line of the noise source, but no closer than three (3) feet from any wall and not less than three (3) feet above the ground.
- (c) Timing and Number of Measurements. A twenty-four (24) hour measurement shall be taken. The sound level shall be the average of the hourly readings with the Ldn or day-night average sound level weighting.

Section 110.414.15 Airport Noise. All development proposed within the noise contours established for any airport by the Airport Authority of Washoe County shall conform to the Federal Aviation Regulation, Part 150, Land Use Compatibility Guidelines. Prior to the issuance of a building permit for any new structure within the established noise contour area and flight corridors, the property owner shall dedicate an aviation easement to the Airport Authority of Washoe County in such form and substance as established by the Airport Authority.

Section 110.414.20 Exceptions. The following sources of noise are exempt from the regulations of this article:

- (a) Motor vehicles and other noise-generating equipment not under the control of the property;
- (b) Emergency vehicles and equipment;
- (c) Temporary construction, repair or demolition activities occurring between 7:00 a.m. and 7:00 p.m. on any day except Sunday; and
- (d) Any use approved through a variance that specifically reviewed the issue of noise created by the use.

[Amended by Ord. 959, provisions eff. 7/26/96.]

Section 110.414.21 Light and Glare. This section sets forth criteria and standards to mitigate impacts caused by lighting and glare.

- (a) Light. All light sources shall be located and installed in such a way as to prevent spillover lighting onto adjoining properties. The following provisions shall apply to all existing and proposed development:
 - (1) Any lighting facilities shall be so installed as to reflect away from adjoining properties. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover.
 - (2) Light standard in or within one hundred (100) feet of residential zones shall not exceed twelve (12) feet in height. Additional standard height

may be permitted by the Director of Community Development provided such lights are a sharp cutoff lighting system.

- (3) No permanent rotating searchlights shall be permitted in any regulatory zone, except that an administrative permit may be issued by the Hearing Examiner for a period not to exceed three (3) days for a temporary searchlight. The administrative permit shall be limited to a maximum of three (3) times in any one (1) calendar year.
- (b) Lighting Design. The style and intensity of lighting shall consider not only function and appearance, but shall reflect the existing character of surrounding areas and shall replicate natural light as much as possible.
- (c) Glare. Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided by incorporating overhangs and awnings, using non-reflective building materials for exterior walls and roof surfaces, controlling angles of reflection, and placing landscaping and screening in appropriate locations.
- (d) Interior Lighting. Where residential uses abut non-residential uses, interior lighting of the non-residential uses shall be controlled at night through the use of timers, window blinds, or other acceptable means. This provision shall apply to all existing and proposed development.
- (e) Conflict with Other Portions of the Development Code. Where another provision of the Development Code may conflict with the provisions of this section, the more restrictive provision shall control.

[Amended by Ord. 919, provisions eff. 2/1/95.]

Section 110.414.25 Nonconforming Use. Any development which was permitted by or conformed to the requirements of the zoning ordinance in effect prior to the effective date of this section shall be considered a nonconforming use subject to the provisions of Article 904, Nonconformance, except for the provisions of Section 110.414.21, Light and Glare.

[Amended by Ord. 919, provisions eff. 2/1/95.]

Article 808

ADMINISTRATIVE PERMITS

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1040, provisions eff. 11/1/98; Ord. 1088, provisions eff. 1/28/00.]

Sections:

110.808.00	Purpose
110.808.05	Requirements for Application
110.808.10	Supplemental Guidelines, Standards and Criteria
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Section 110.808.00 Purpose. The purpose of this article, Article 808, Administrative Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Hearing Examiner, as established in Article 912, Establishment of Commissions, Boards and Hearing Examiners, may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

Section 110.808.05 Requirements for Application. Applications for administrative permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Department of Community Development. A request for an administrative permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit shall be processed until the information necessary to review and decide upon the proposed administrative permit is deemed complete by the Department of Community Development.

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

Section 110.808.15 Concurrent Processing. An administrative permit application which also requires additional action by the Board of Adjustment or Planning Commission, such as a variance or special use permit, shall be consolidated into one review before the appropriate approval authority. Subsequent references to the Hearing Examiner or the Board of Adjustment

within this article will also apply to the Planning Commission when that body is the approval authority.

Section 110.808.20 Projects of Regional Significance. If an administrative permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the administrative permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

Section 110.808.25 Findings. Prior to approving an application for an administrative permit, the Hearing Examiner or the Board of Adjustment shall find that all of the following, if applicable, are true:

- (a) **Consistency.** The proposed use is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plan;
- (b) **Improvements.** Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be 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 the development; and
- (d) **Issuance Not Detrimental.** Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Section 110.808.30 Review Procedures. Two separate review procedures are available for the processing of administrative permits. These review procedures shall not be administered concurrently.

- (a) **Hearing Examiner Review.** The first procedure, review by the Hearing Examiner, requires an applicant for an administrative permit to obtain the written consent of the administrative permit from each owner of any real property that would be affected and, unless appealed, does not require a public hearing. The procedures in Section 110.808.35 shall be followed.
- (b) **Board of Adjustment Review.** The second procedure requires a public hearing before the Board of Adjustment and is similar to the process for a special use permit, although the review time is shortened. The procedures in Section 110.808.40 shall be followed.

Section 110.808.35 Review by the Hearing Examiner. The Hearing Examiner shall review administrative permits and take the appropriate action in accordance with the provisions of this section. The Hearing Examiner may approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. All decisions of the Hearing Examiner shall be in writing.

- (a) Affected Property Owners. Upon receipt of a complete application, the Hearing Examiner shall determine the owners of real property that may be affected by the proposed use and provide the applicant with a written list and a consent form for signature within five (5) working days of receipt. All property owners within five hundred (500) feet of the proposed use and homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division of the County will be considered affected property owners.
- (b) Written Consent. The applicant for the administrative permit shall obtain the signature of all affected property owners on the consent forms provided by the Hearing Examiner. Once all signatures have been obtained, the applicant shall submit the consent forms to the Department of Community Development.
- (c) Processing. Upon receipt of all of the signed consent forms forwarded to affected property owners, the Hearing Examiner shall commence processing the administrative permit. The Hearing Examiner shall review the administrative permit to determine its consistency with existing policies, standards and required findings. A decision shall be rendered within five (5) working days of receipt of all of the signed consent forms. An extension of time for Hearing Examiner action may be granted in writing if mutually agreed upon by the applicant and the Hearing Examiner. No hearing is required for the completion of this process.
- (d) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (e) Notice of Decision.
- (1) Recipients of Notice - Approval. Within five (5) working days of approval or conditional approval by the Hearing Examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
 - (ii) All affected property owners for whom consent signatures were required.
 - (iii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
 - (iv) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
- (2) Recipients of Notice - Denial. Within five (5) working days of the denial of the request by the Hearing Examiner, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
 - (ii) All affected property owners for whom consent signatures were required.

- (3) Contents of Notice - Approval or Denial. Such notice shall describe the proposed administrative permit request; describe the lot, parcel, properties, or area that are the subject of the administrative permit; describe the decision of the Hearing Examiner and, if the administrative permit has been approved, any conditions made part of the administrative permit; the appellate procedures that can be taken regarding the decision of the Hearing Examiner; and the closing date of filing an appeal of the decision.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.

Section 110.808.40 Review by the Board of Adjustment. The Board of Adjustment, or the Planning Commission on concurrent applications requiring their review, shall review administrative permits in accordance with the provisions of this section.

- (a) General Provisions. The 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) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed fifty (50) days.
- (c) Notice. Notice shall be given in accordance with the provisions of this section.
- (1) 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:
- (i) All owners of real property that are the subject of the administrative permit.
 - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
 - (iii) All owners of real property within five hundred (500) feet of the property which is the subject of the administrative permit.
 - (iv) All tenants of any mobile home park that is located within five hundred (500) feet of the property which is the subject of the administrative permit.

- (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
- (2) 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.
- (3) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners engaged in acquiring the administrative permit.
- (4) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the County Assessor. Compliance with the noticing requirements is established when notice is sent to the last known address on the records of the County Assessor.
- (d) Time Period for Action. The Board of Adjustment shall take action on the proposed administrative permit at the conclusion of the public hearing. An extension of time for the Board of Adjustment action may be granted if mutually agreed upon by the applicant and the Board of Adjustment.
- (e) Action. The Board of Adjustment may take action to approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. Failure of the Board of Adjustment to hold a public hearing or take action within the specified time frames shall constitute an automatic appeal to the Board of County Commissioners.
- (f) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

Section 110.808.45 Appeals. An action of the Hearing Examiner 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 decision of the Hearing Examiner or Board of Adjustment may be made to the Board of County Commissioners within fifteen (15) days from the date of the decision by the Board of Adjustment or the date of the notice of decision of the Hearing Examiner was mailed. 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 authorized agent; or
 - (2) A person who may be adversely affected by the decision.

- (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 Hearing Examiner or Board of Adjustment. Such reasons shall be based upon the evidence presented to the Hearing Examiner or Board of Adjustment prior to the original decision. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Director of Community Development shall schedule a public hearing before the Board of County Commissioners on the appeal within thirty (30) days of the date of the filing of the appeal.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the administrative permit; describe the final decision on the request; and note 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 action based upon its interpretation of the findings required and the evidence submitted. The action of the Board of County Commissioners shall be final.
- (g) Effective Date. The decision of the Board of County Commissioners on an appeal shall be effective immediately.

Section 110.808.50 One Year Wait on Denials. After the denial of an administrative permit, no application for an administrative permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

Section 110.808.55 Modification of an Administrative Permit. Proposed modifications of approved administrative permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of 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 expansion is incidental to the existing use;
 - (2) The building or use expansion does not result in a change of use;
 - (3) No building expansion involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
 - (4) No use expansion involves more than ten (10) percent increase in the overall site area covered by the existing use;
 - (5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and

- (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.
- (b) Conditions Not Met. If a proposed expansion does not comply with the conditions in Subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved administrative permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

Section 110.808.60 Expiration. An administrative permit shall expire as provided in this section.

- (a) Time Period. An administrative permit shall expire and become null and void at the time specified in the permit, or if not specified, two years from the final date of approval.
- (b) Extension. The time specified in the administrative permit may be extended by the 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.
- (c) Discontinuance. An administrative permit shall expire and become null and void twelve (12) months after the purpose for which it was granted has been discontinued or abandoned. During this twelve month period, any operational conditions of approval shall remain in force and effect.

Section 110.808.65 Revocation. Revocation of an administrative permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The Hearing Examiner, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an administrative permit.
- (b) Grounds for Revocation. An administrative permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
- (1) That the administrative permit approval was fraudulently obtained or extended;
 - (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) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of the administrative permit. The hearing shall be noticed in accordance with Section

110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of County Commissioners may take action to revoke the administrative permit.

Article 810

SPECIAL USE PERMITS

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, Board of Adjustment or hearing examiner may require conditions of approval necessary to eliminate or minimize to an acceptable level any potentially adverse effects of the use.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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, the Board of Adjustment or a hearing examiner 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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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, Board of Adjustment, or a hearing examiner shall review special use permits in accordance with the provisions of this section.

- (a) **General Provisions.** The Planning Commission, Board of Adjustment, 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 special use permit 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 Planning Commission, Board of Adjustment, 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 Planning Commission, Board of Adjustment, or a hearing examiner may take action on the proposed special use permit at the conclusion of the public hearing, but shall take action no later than sixty-five (65) days after the complete application was accepted. An extension of time for Planning Commission, Board of Adjustment, or hearing examiner action may be granted if mutually agreed upon between the applicant and the Director of Community Development.
- (e) **Action.** The Planning Commission, Board of Adjustment, or a hearing examiner may take action to approve, approve with conditions, modify, modify with conditions, or deny the special use permit request. The Planning Commission, Board of Adjustment, or a hearing examiner may also vary standards of the Development Code as part of the approval of a special use permit application. Failure of the Planning Commission, Board of Adjustment, or a 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 special use permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02]

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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02.]

Section 110.810.30 Findings. Prior to approving an application for a special use permit, the Planning Commission, Board of Adjustment, or a hearing examiner 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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

Section 110.810.50 Appeals. An action of the Planning Commission, Board of Adjustment, or a 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 Planning Commission's, Board of Adjustment's, or a 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) 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, Board of Adjustment, or a hearing examiner. Such reasons shall be based upon the evidence presented to the Planning Commission, Board of Adjustment, or a 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 Planning Commission's, Board of Adjustment's, or a 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 110.810.25. The notice shall state that an appeal of the Planning Commission's, Board of Adjustment's, or a hearing examiner's 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 a majority 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 continued to 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 of the Planning Commission's, Board of Adjustment's, or a hearing examiner's final decision shall be effective immediately.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02]

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.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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.

[Amended by Ord. 873. provisions eff. 6/7/93.]

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, or if not specified, two years from the final date of approval.
- (b) **Extension.** The time period in Subsection (a) of this section may be extended by the Planning Commission, Board of Adjustment, or a hearing examiner only for a special use permit originally acted upon by the Planning Commission, Board of Adjustment or a 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.
- (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. During this twelve month period, any operational conditions of approval shall remain in force and effect.

[Amended by Ord. 873, provisions eff. 6/7/93.]

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. A hearing examiner or Board of County Commissioners may initiate an action to revoke a special use permit originally reviewed by a hearing examiner.
- (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, Board of Adjustment, or a hearing examiner shall hold a public hearing upon the revocation of the special use permit on which it had authority to review. The hearing shall be noticed in accordance with this article. The Planning Commission, Board of Adjustment, or hearing examiner 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, Board of Adjustment, or the hearing examiner, 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 a majority 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 continued to 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.

[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1156, provisions eff. 3/22/02.]

[Section 110.810.50 entitled "Standard Conditions" repealed by Ord. 873, provisions eff. 6/7/93. Section 110.810.45 entitled "Conformance with Chapter" amended by Ord. 873, provisions eff. 6/7/93 and repealed by Ord. 1040, provisions eff. 11/1/98.]

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.

[Amended 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. 1076, provisions eff. 10/1/99; 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; Ord. 1140, provisions eff. 12/31/01; Ord. 1156, provisions eff. 3/22/02.]

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) **Number of Hearing Examiners.**
 - (i) The Chairman of the Board of County Commissioners, subject to the approval of the Board, may appoint as many hearing examiners as deemed necessary to fulfill the responsibilities of that position as enumerated in section (e) (1).
 - (ii) The Chairman of the Board of County Commissioners shall appoint the Director of Community Development to be a hearing examiner to fulfill the responsibilities of that position as enumerated in section (e) (2). If the Director of Community Development is not qualified to serve as a hearing examiner pursuant to section (c) (3), the Director shall appoint a member of the Department of Community Development who does meet the qualifications to serve as a hearing examiner.
 - (2) A hearing examiner appointed to fulfill the responsibilities of that position as enumerated in section (e) (1) shall have a term of four (4) years and may be re-appointed to successive four (4) year terms.
- (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, except as provided in section (b) (1) (ii).
 - (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.**

- (1) Variances and Special Use Permits: A hearing examiner appointed pursuant to section (b) (1) (i) 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 and on a special use permit application submitted in accordance with the provisions of Article 810, Special Use Permit.
- (2) Administrative Permits: A hearing examiner appointed pursuant to section (b) (1) (ii) is empowered to conduct a public hearing and make a decision on an administrative permit application submitted in accordance with the provisions of Article 808, Administrative Permit.
- (f) Compensation. A hearing examiner appointed pursuant to section (b) (1) (i) shall be compensated at a rate of \$80.00 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) A meeting shall be held by a hearing examiner appointed pursuant to section (b) (1) (i) within sixty-five (65) days from the date of submittal of an application to review and act upon variance applications submitted in accordance with Article 804, Variances and special use permit applications submitted in accordance with Article 810, Special Use Permit
- (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.

[Added by Ord. 959, provisions eff. 7/26/96.]

Article 914

ESTABLISHMENT OF DEPARTMENT

Sections:

110.914.00 Purpose
110.914.05 Washoe County Department of Community Development

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) 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.
- (e) 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.
- (f) 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.
 - (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 continued to a future meeting. The final decision of the Board of County Commissioners shall be considered final for purposes of judicial review.

[Amended by Ord. 1156, provisions eff. 3/22/02.]