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Summary: Amends WCC Section 110.106.15 Regulatory Zones to repeal and replace the current description of specific Plan Regulatory Zone; adds Article 442 Specific Plan Standards and Procedures to provide regulations for planned development consistent with NRS 278A Planned Development.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) to provide a better discussion of the intent of the Specific Plan Regulatory Zone and adding Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto.

WHEREAS :

- A. NRS 278A enables local governments to adopt regulations governing the use of planned development as a land use planning tool and Washoe County has determined that this tool should be available in the unincorporated areas of the county; and
- B. In accordance with NRS 278A.010-590 inclusive this Commission desires to amend Washoe County Code Section 110.106.15 (Regulatory Zones) to provide a clear description of the intent of the Specific Plan Regulatory Zone; and,
- C. Because NRS 278A requires local jurisdictions wishing to utilize planned development to adopt an ordinance setting forth the standards and conditions by which proposals for planned development can be evaluated, this board desires to add Article 106 Specific Plan Standards and Procedures; and,
- D. This ordinance is adopted pursuant to a provision in NRS Chapter 278 and therefore is not a "rule" as defined in NRS 237.060.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Subsection 110.106.15 (u) (Regulatory Zones, Specific Plan) is hereby repealed and replaced as follows.

Section 110.106.15 Regulatory Zones.

- (u) ~~Specific Plan Regulatory Zone. The Specific Plan (SP) Regulatory Zone is intended to identify areas where detailed study and planning are required to address the unique conditions and needs of an area, the landowners, and the community. The Specific Plan Regulatory Zone is appropriate for redeveloping existing suburban, urban, commercial and industrial areas; re-planning areas that have already begun to develop in an unplanned or uncoordinated manner; planning environmentally sensitive areas, planning for a mixture of land uses and planning new communities. When adopted by the Washoe County Board of County Commissioners, the Specific Plan Regulatory Zone identifies areas where unique planning conditions and needs have been shown to exist and where special considerations are required to more effectively implement the Master Plan. The availability of the Specific Plan Regulatory Zone is not subject to exclusion from specific Character Management Areas and remains available for potential application anywhere in the unincorporated county regardless of its appearance or lack of appearance on lists of available regulatory zones contained within individual Area Plans.~~
- (1) ~~All lands in the Specific Plan Regulatory Zone must be accompanied by a Design Standards Manual (DSM) before any use of the land will be authorized, unless the property is currently subject to a Specific Plan document that is part of Volume Three of the Washoe County Master Plan or contained within the applicable Area Plan. The Design Standards Manual, or specific plan document if one exists, serves as the regulatory framework and vision for development within the Specific Plan area by~~

identifying the appropriate land uses and associated infrastructure necessary to support development.

- ~~(2) An important function of an adopted Design Standards Manual within the Specific Plan Regulatory Zone is to tailor the design guidelines and specific development regulations for the proposed land uses to address the unique conditions and needs identified on the property and for the specific mix of uses and development patterns proposed. The required Design Standards Manual shall be submitted as a component of the application for Specific Plan Regulatory Zone. The DSM will be reviewed as a component of the zone change request. Amendments to an adopted DSM are Regulatory Zone amendment requests and as such will be processed in accordance with Article 821, Amendment of Regulatory Zone, of the Washoe County Development Code.~~
- ~~(3) At a minimum, the Design Standards Manual shall include the following components:~~
 - ~~(i) A land use map depicting the distribution of land uses throughout the proposed development.~~
 - ~~(ii) Statement of the plan and purpose of the development and how the proposal is consistent with the community character as articulated in the Area Plan.~~
 - ~~(iii) Policies to implement specific goals contained within the development plan.~~
 - ~~(iv) Provision and timing of utilities.~~
 - ~~(v) Traffic access, parking, and a traffic and pedestrian circulation plan.~~
 - ~~(vi) Architectural guidelines;~~
 - ~~(vii) Building siting and setbacks;~~
 - ~~(viii) Landscape and fencing guidelines;~~
 - ~~(ix) Land use compatibility within the proposed development, and with adjacent land uses and zoning. Where adjacent land uses are not compatible (according to the Washoe County Master Plan), a list of appropriate measures that shall be taken for buffering, screening, including the use of open space, for the purpose of protecting adjacent uses shall be detailed;~~
 - ~~(x) Energy supply and conservation;~~
 - ~~(xi) Land grading, erosion and flood control;~~
 - ~~(xii) Natural features of and natural hazards on the site;~~
 - ~~(xiii) Fire protection;~~
 - ~~(xiv) Maintenance and enhancement of air quality;~~
 - ~~(xv) Wildlife and fisheries preservation;~~
 - ~~(xvi) Historic, cultural and archaeological resources preservation;~~
 - ~~(xvii) Recreation amenities;~~

- ~~(xviii) Trails and open space provisions and maintenance;~~
 - ~~(ixx) Infrastructure financing plan; and~~
 - ~~(xx) Procedures for the implementation of the development standards and for minor amendments of the development standards manual.~~
- ~~(4) All discretionary permit applications processed for the subject area must be consistent with the provisions of the approved Design Standards Manual and the types of uses that have been approved during the Specific Plan Regulatory Zone approval process. While the Specific Plan Regulatory Zone is allowed within all Master Plan categories, the resulting Design Standards Manual must demonstrate general consistency with the Master Plan categories assigned to the subject area and compatibility with surrounding land uses and community character. There is no minimum lot area for this regulatory zone.~~

Specific Plan Regulatory Zone. NRS 278A authorizes local jurisdictions to utilize Planned Development as a means to achieve goals and policies enumerated in the Washoe County Master Plan that may otherwise be constrained by the strict application of the development standards found in the Washoe County Development Code (WCC Chapter 110). In Washoe County planned development is accomplished through the use of the Specific Plan Regulatory Zone. The Specific Plan Regulatory Zone is a planning tool that allows certain development to waive or modify development standards and regulations related to design, residential density and intensity in exchange for advancing the goals and policies of the Master Plan. Washoe County's Master Plan articulates numerous goals and policies that may be more readily achieved through the application of the Specific Plan Regulatory Zone. Many of the planning theories promoted by the Washoe County Master Plan, including New Urbanism, Smart Growth, and Character Planning and Design, encourage the use of flexible, performance driven standards to achieve the more sustainable and efficient land development patterns desired by Washoe County.

The greater flexibility allowed with the Specific Plan regulatory zone shall be utilized to create a coordinated development that provides public benefits not otherwise part of the development process. These public benefits are derived from better and more comprehensive implementation of the goals and policies of the Master Plan. Proposed Specific Plans shall demonstrate how they will advance Master Plan goals and policies and achieve these public benefits, particularly as they relate to sustainability, natural resource conservation, desired land use patterns and community character. Article 442 of the Washoe County Development Code articulates the minimum development standards and application process, including the required Development Standards Manual required of a Specific Plan Regulatory Zone Amendment request. Some examples of development types that may be appropriate for the Specific Plan Regulatory zone include mixed commercial and residential projects, rural resorts, industrial campuses, technology parks and other uses that typically require significant land and resources, but which also require flexibility in the application of development standards.

Because each planned development will vary in size, location, types of uses, purpose and community impact, creating specific development guidelines for this category is difficult. In general, each planned development should seek to maintain existing levels of services for the area it will impact, and to establish minimum

levels of services for the new development that are consistent with Washoe County's existing codes and plans.

SECTION 2. A new article 110.442 is added to the Washoe County Code to read in its entirety as follows:

Article 442

SPECIFIC PLAN STANDARDS AND PROCEDURES

Sections:

110.442.00	Purpose
110.442.05	Applicability
110.442.10	Definitions
110.442.15	Applications
110.442.20	Allowed Uses
110.442.25	Size, Density and Intensity
110.442.30	Specific Plan Development Standards Manual
110.442.35	Standards for the Creation and Maintenance of Common Open Space
110.442.40	Flexibility of Subdivision Standards
110.442.45	Flexibility of Standards Applied by Other Agencies
110.442.50	Specific Plan Evaluation Criteria and Conditions of Approval
110.442.55	Application and Tentative Approval of Specific Plan
110.442.60	Final Approval and Implementation of Plan
110.442.65	Enforcement and Modification of Approved Plan

Section 110.442.00 Purpose. The purpose of this article, Article 442, Specific Plan Standards and Procedures, is to implement the provisions of NRS chapter 278A, Planned Development, by, among other things, setting forth the standards and conditions to evaluate a proposal to create planned unit developments. A planned unit development is referred to herein as a Specific Plan and is effected through adopting the Specific Plan Regulatory Zone over a parcel or group of parcels. Flexibility of development is a prime directive of the Specific Plan Regulatory Zone. This regulatory zone is a specialized regulatory zone that allows Washoe County to provide greater flexibility in allowed uses, design, lot size, density and intensity and other development standards than may otherwise be allowed in other regulatory zones. This greater flexibility shall be utilized to create a coordinated development that provides public benefits that are not likely to be available through the standard development process. These public benefits are derived from better and more comprehensive implementation of the goals and policies of the Master Plan, particularly as they relate to sustainability, natural resource conservation, desired land use patterns, economic development and community character. All provisions in this article shall be interpreted in a manner consistent with NRS chapter 278A, and all provisions required by NRS chapter 278A shall be applicable to the implementation of this article.

Section 110.442.05 Applicability. Article 408, Common Open Space Development, affords considerable flexibility for residential or primarily residential projects. This Article is intended for projects with a mix of use types not permitted by Article 408 and which require considerably more attention to internal compatibility, consistency and buffering. The Specific Plan Regulatory Zone

is only available under all Master Plan Categories with the exception of Open Space (see table 110.442.01.1). The Specific Plan Regulatory Zone may be applied when the Board identifies a significant opportunity to advance the goals and policies of the Master Plan through specialized regulatory zone regulations that permit more flexibility than those found for standard development in other regulatory zones.

Section 110.442.10 Definitions. Consistent with NRS chapter 278A, the following definitions apply:

1. “Board” means the Washoe County Board of Commissioners
2. “Commission” means the Washoe County Planning Commission.
3. “Director” means the Director of the Division or the person or persons designated by the Director to do the action.
4. “Division” means the Planning and Development Division of the Department of Community Services for Washoe County.
5. “Secretary” means the Secretary to the Commission.
6. “Development Code” means Washoe County Code Chapter 110.
7. “Specific Plan” (SP) carries the same meaning ascribed to “Planned unit development” by NRS 278A.065 and 278A.070 and means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both. Unless otherwise stated, this includes the a “planned unit residential development,” which means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any regulatory zone ordinance enacted pursuant to law.
8. “Plan” means the provisions for development of a specific plan, including a plat of subdivision, all covenants related to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the plan” means the written and graphic materials referred to in this section.
9. “Development Standards Manual (DSM)” means a document that contains the complete regulatory framework, vision, and purpose of a Specific Plan. This includes all necessary maps, graphics, or other non-narrative information necessary to describe the Specific Plan and to review any proposal for development within the Specific Plan.
10. “Common Open Space” means a parcel or parcels of land or an area of water or a combination of land and water or easements, licenses or equitable servitudes within the site designated for a specific plan which is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.
11. “Landowner” means the legal or beneficial owner or owners of all the land proposed to be included in a specific plan. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another

person having an enforceable proprietary interest in the land is a landowner for the purposes of this Article.

Section 110.442.15 Applications. An application for a Specific Plan is an application for a regulatory zone amendment as contemplated in NRS 278.250 and NRS 278.260. In addition to the requirements of applicable regulatory zone amendments including Article 821, Amendment of Regulatory Zone, the additional application requirements contained in this article must be followed.

Section 110.442.20 Allowed Uses. All use-types permitted by the Washoe County Development Code may be proposed for a Specific Plan, with the exception of certain industrial use types (See table 110.302.05.4.) Use types not shown in the Development Code may be proposed provided a definition of the use is approved by the Director.

Section 110.442.25 Density; Mixed Uses; Lot Size and Width and Setbacks; Height; Minimum Area; and Industrial Use Types. This section establishes the standards governing the density or intensity of land use to include design, bulk, and location, in a specific plan consistent with NRS 278A.110 and 278A.220. The standards may vary the density or intensity of land use otherwise applicable to the land within the specific plan in consideration of the factors in NRS 278A.110. Otherwise, the standards governing the density or intensity of land use in a specific plan are as follows:

1. **Residential Density.** The maximum density allowed for a Specific Plan and the maximum density allowed on any one parcel within a Specific Plan through the transfer of density from common open space within the Specific Plan is determined by the underlying Master Plan Category as shown in Table 110.442.01.1. The maximum density for a Specific Plan is calculated over the entire Specific Plan area, except for constrained lands within the Specific Plan as identified in the adopted *Development Suitability Map* within the applicable area plan.
2. **Mixed Uses.** Residential and non-residential uses within a Specific Plan may be developed on the same parcel and/or within the same building. Residential densities can be increased in these mixed use areas by transferring density from common open space areas. Mixed use areas must include measures to address incompatibilities between existing and proposed uses.
3. **Lot Size.** The minimum lot size for any parcel in a Specific Plan is 3,700 square feet.
4. **Lot Width and Yard Setbacks.** The complete specific plan must comply with the minimum lot width, front yard setbacks, side yard setbacks, and rear yard setbacks for parcels of similar size as found in Table 110.406.05.1, Standards, of this code. As an alternative, typical building envelopes shall be shown on a tentative subdivision map or parcel map submitted as a plan component where these standards are proposed to be varied below the minimum standard. The Specific Plan's DSM must demonstrate how these building envelopes will contribute to the overall consistency of the plan and will implement the goals and policies of the master plan more effectively than the general provisions of the development code.
5. **Height.** All development shall comply with the height standards for parcels of similar size as found in Table 110.406.05.1, Standards. Buildings that will accommodate joint mixed residential and non-residential uses shall use the height limit for the regulatory zone that most closely matches the allowed uses in the non-residential component of the mixed use.

6. **Minimum Area.** Consistent with NRS 278A.250, the minimum site area within a Specific Plan Regulatory Zone area is 5 acres, except that the governing body may waive this minimum when proper planning justification is shown.
7. **Industrial Use Types.** Industrial use types in a Specific Plan are limited to those identified in table 110.302.05.4 – Industrial Use Types for a Specific Plan regulatory zone. At a minimum, all industrial use types must conform to Article 340, Industrial Performance Standards, unless alternative standards are approved as part of the DSM.

Table 110.442.01.1

MASTER PLAN CATEGORIES AND MAXIMUM SPECIFIC PLAN RESIDENTIAL DENSITIES

Master Plan Category	Rural	Rural Residential	Suburban Residential	Urban Residential	Commercial	Industrial
Maximum Overall Specific Plan Density	1 unit per forty acres	1 unit per 5 acres outside the Truckee Meadows Services Area. 1 unit per 2.5 acres inside the Truckee Meadows Services Area.	3 units per acre	3 units per acre	3 units per acre.	3 units per acre.
Maximum Specific Plan density per individual parcel with density transfer from common open space within the Specific Plan.	1 unit per forty acres	1 unit per 5 acres outside the Truckee Meadows Services Area. 1 unit per 2.5 acres inside the Truckee Meadows Services Area.	14 units per acre.	42 units per acre.	42 units per acre.	42 units per acre.

Section 110.442.30 Specific Plan Development Standards Manual. In addition to the application submittal requirements for a regulatory zone amendment, all applications for a Specific Plan regulatory zone amendment must include a DSM. An adopted Specific Plan DSM functions as the regulatory framework and vision for all development within the Specific Plan. All development permit applications processed pursuant to Chapter 100 and 110 of this code for the area within a Specific Plan must be consistent with the provisions of the approved DSM and the use types approved within the Specific Plan. In instances where the DSM is silent concerning a particular standard, the standards of the Development Code shall be used. Amendments to an adopted DSM are an amendment to an adopted Specific Plan Regulatory Zone and as such will be processed in accordance with Section 110.442.55, Application and Tentative Approval of Specific Plan; and Article 821, Amendment of Regulatory Zone, of this Code.

1. At a minimum, the Development Standards Manual shall include the following components:
 - (a) A general location map providing the context of location, size and vicinity of the Specific Plan;
 - (b) A list of all proposed use types, including the number and type of housing units. Areas or buildings identified for mix use types must be clearly identified and described. For use types not included in the current Development Code, a definition and examples of typical uses for the proposed use type must be provided;
 - (c) The allowed uses of any common open space;
 - (d) A land use map depicting the distribution of all allowed land uses throughout the proposed development within the Specific Plan, to include constrained areas, common open space, lot size, and proposed residential densities;
 - (e) Statement of the plan and purpose of the development and how the proposal is consistent with the Master Plan, with an emphasis on the land use and transportation element, the conservation element and the area plan within which the Specific Plan is proposed;
 - (f) A general indication of the expected schedule of development, including progressive phasing and a time schedule;
 - (g) A description of existing, available or proposed public or private utilities and infrastructure and proposed timing of all utilities and infrastructure to be provided including water, sewer, electricity, gas, communications, storm drain and flood control facilities, public transportation access, parks, and schools. The description shall include an analysis of the appropriate proposed locations for utilities and infrastructure facilities within the Specific Plan;
 - (h) Traffic access, parking, and a traffic and pedestrian circulation plan;
 - (i) Architectural guidelines that contribute to the creation of a unified, internally consistent development within the Specific Plan;
 - (j) Lot width and yard setbacks for proposed building envelopes;
 - (k) Landscaping and fencing requirements;
 - (l) The form of homeowners association or other entity which will to own and maintain the open space, including draft enabling documents (Articles of Incorporation or Operating Agreement and By-Laws);
 - (m) All covenants, restrictions, grants or easements (including public utility easements or grants) to be recorded against all the properties in the planned development, which must include the provisions regarding use and maintenance of common open space as stated in NRS 278A.120 through 278A.190, and must include provisions regarding enforcement and modification as provided for in NRS 278A.380 through NRS 278A.420;
 - (n) The ratio of residential to non-residential use;
 - (o) The extent to which the plan departs from regulatory zone and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are in the public interest;

- (p) Land use compatibility within the proposed development and with adjacent land uses and regulatory zones. Where mixed uses are proposed or adjacent land uses are not compatible (according to the Washoe County Master Plan), a list of appropriate measures that shall be utilized for buffering and screening, including the use of open space, for the purpose of protecting adjacent uses shall be detailed;
- (q) A description of the type and location of any current and proposed easements within the Specific Plan;
- (r) Land grading, erosion and flood control plans of sufficient detail to determine if conditions should be placed on any grading activity within the Specific Plan to ensure it is consistent with the standards and intent described in Article 438, Grading Standards, of this Code;
- (s) Natural features and natural hazards on the site;
- (t) Fire prevention and protection measures;
- (u) Maintenance and enhancement of air quality;
- (v) Wildlife and fisheries preservation;
- (w) Historic, cultural and archaeological resources preservation;
- (y) Recreation amenities;
- (z) Industrial Performance Standards, if applicable (see Section 110.442.25(g) Industrial Use Types);
- (aa) Trails and open space provisions and a maintenance infrastructure financing plan, if applicable;
- (bb) Sufficient Maps and Graphics to clearly and accurately communicate these components;
- (cc) Procedures for minor modifications of the Development Standards Manual; and
- (dd) Other information that may be requested in order to evaluate and discuss the evaluation criteria set forth in Section 110.442.50, Evaluation Criteria and Conditions of Approval and the findings set forth in Section 110.442.55.10, Application and Tentative Approval of Specific Plan.

2. **Site Analysis to Determine Common Open Space and Lot Size Variations.** This section describes the provisions for determining the amount and location of common open space per 278a.120. The creation of Common Open space is a critical tool for both Washoe County and the land owner to achieve respective goals within a Specific Plan. Common Open space enables both flexible development standards and density transfers to areas within the Specific Plan. A site analysis showing development opportunities and constraints, and project design objectives shall be prepared as a component of a proposed Specific Plan. The site analysis will include the total area covered by lots and roads, lot areas, and the total area to be designated as common open space. The site analysis shall also include information and maps, including a site opportunities and constraints map, describing all significant physical and contextual features or factors which may affect the development within the proposed Specific Plan. In addition to any relevant items in the DSM, the elements of the site analysis shall include, at a minimum, the following information:

- (a) **Adjacent Land Use.** Current use types on immediately adjacent land;

- (b) **Existing Structures.** A description of the location, physical characteristics, condition and proposed use of any existing structures within the Specific Plan;
- (c) **Existing Vegetation.** A description of existing vegetation, including limits of coverage, and major tree sizes and types within the Specific Plan. In the instance of heavily wooded sites, typical tree sizes, types and limits of tree coverage may be substituted;
- (d) **Prevailing Winds.** An analysis of prevailing winds;
- (e) **Topography.** An analysis of slopes within the Specific Plan using a contour interval of two feet, or at a contour interval appropriate for the area and agreed to by the Director;
- (f) **Soil.** An analysis of the soil characteristics within the Specific Plan using Soil Conservation Service (SCS) information;
- (g) **Natural Drainage ways.** Identification of natural and man-made drainage ways on and adjacent to the Specific Plan;
- (h) **Wetlands and Water Bodies.** Identification of existing or potential wetlands and water bodies within the Specific Plan;
- (i) **Flood Hazards.** Identification of existing and potential flood hazards within the Specific Plan using Federal Emergency Management Agency (FEMA) information;
- (j) **Seismic Hazards.** Identification of seismic hazards on or near the Specific Plan, including location of any Holocene faults;
- (k) **Avalanche and Landslide Hazards.** An analysis of avalanche and other landslide hazards affecting the Specific Plan;
- (l) **Sensitive Habitat and Migration Routes.** An analysis of sensitive habitat areas and migration routes affecting the Specific Plan;
- (m) **Significant Views.** A description and analysis of all significant views;
- (n) **Appropriate Access Points.** An analysis of appropriate access points based upon existing and proposed streets and highways and Specific Plan opportunities and constraints; and
- (o) **Other Information.** All other information deemed appropriate and necessary by the Director.

Section 110.442.35 Standards for the Creation and Maintenance of Common Open Space. No area within a Specific Plan may be approved as common open space under the provisions of this article unless it meets the following standards. Provisions for any associated common open space development shall be conditioned upon approval of a tentative subdivision or parcel map submitted as a plan component. All tentative, final recorded, and parcel maps must clearly denote the dedicated common areas. All tentative, final recorded, and parcel maps must clearly denote the Specific Plan project boundary and the map's location within it. Common open space must be used as a natural amenity or for recreational purposes. The uses approved for common open space must be appropriate to the scale and character of the Specific Plan, considering its size, overall residential density, expected population, topography and the number and type of residential units to be provided. As provided in NRS 278A.120, any common open space resulting from the application of standards for density or intensity of land use must be set aside for the use and benefit of the residents or owners of property within a specific plan. The amount, location,

improvement, and maintenance of any open space are determined in accordance with the following.

1. Common open space must be suitably improved for any approved uses but common space containing natural features worthy of preservation may be left unimproved. Buildings, structures and improvements permitted in common open space must be appropriate to the uses which are approved as part of the Specific Plan's DSM for the common open space, and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
2. **Three-Year Maintenance Plan.** The proposed Specific Plan must include a maintenance plan for any common open space areas. The maintenance plan shall, as a minimum, provide for maintenance of the following components:
 - (a) Vegetation;
 - (b) Watershed;
 - (c) Debris and litter removal;
 - (d) Fire access and suppression;
 - (e) Public access and any limitations to public access;
 - (f) Noxious weeds; and
 - (g) Other factors deemed necessary by the Director.
3. **Permanent Preservation and Maintenance.** Provisions shall be made for the permanent preservation and ongoing maintenance of the common open space and other common areas using a legal instrument acceptable to the County and meeting the requirements of NRS 278A.120 through NRS 278A.190.
4. **Screening and Buffering of Adjoining Development.** The proposed Specific Plan shall include adequate screening and buffering measures for existing and proposed land uses adjacent to any proposed common open space areas.
5. **Common Open Space Restrictions.** Proposed common open space areas shall not include areas devoted to public or private vehicular streets or any land which has been, or is to be, conveyed to a public agency through a purchase agreement for such uses as parks, schools or other public facilities.
6. PER 278A.130 Washoe County may accept the dedication of land or any interest therein for public use and maintenance but Washoe County will not require, as a condition of the approval of a specific plan, that land proposed to be set aside for common open space be dedicated or made available to use by the general public.

Section 110.442.40 Flexibility of Subdivision Standards. Flexibility of design standards and criteria within Division Six, Subdivision Regulations, of the Development Code may be allowed as part of an approved Specific Plan DSM, provided that the Director has determined the evaluation criteria in Section 110.442.50, Evaluation Criteria and Conditions of approval, are satisfied.

Section 110.442.45 Flexibility of Standards Applied by Other Agencies. Flexibility in the development standards of other reviewing agencies including but not limited to, the Washoe County Health District, the applicable fire district, the applicable water, wastewater or other utilities providers, will be permitted only with the expressed consent of that agency.

Section 110.442.50 Specific Plan Evaluation Criteria and Conditions of Approval. Based on the best planning practices available at the time of a Specific Plan regulatory zone amendment

submission, the Commission will make the initial determination of the suitability and appropriateness of the proposed Specific Plan, and make an appropriate recommendation to the Board. The BCC will make the final determination of suitability and appropriateness for the Specific Plan proposal as provided in NRS chapter 278A and this article. A proposed Specific Plan will be evaluated by the Commission and the Board against the specific minimum standards enumerated in this Article, the factors set forth in NRS chapter 278A including those in 278A.470 as applicable, as well as the following review criteria:

1. **Consistent with Master Plan.** The Specific Plan advances Washoe County's Master Plan goals and policies, including both county wide and area plan specific language.
2. **Integrated with Surrounding Uses.** The Specific Plan is planned and designed to be compatible with existing or proposed development in the areas nearby and adjacent to the Specific Plan.
3. **Protects and Unifies Natural Systems.** The Specific Plan creates an effective and unified treatment of the development and preservation possibilities within its area. The Specific Plan must preserve or create unique amenities such as natural streams, stream banks, rough terrain, man-made landforms or landscaping, and similar areas, as appropriate.
4. **Single Ownership.** The land within the Specific Plan is under single ownership or control.
5. **Health, Safety and Welfare.** The Specific Plan is not detrimental to the health, safety and welfare of the surrounding neighborhoods and community.
6. **Master Plan Implementation.** The Specific Plan more closely meets Master Plan goals and policies than would occur if the general standards and development regulations of the development code were applied for the area.
7. **Adapts to Physical Setting.** The Specific Plan better adapts to the physical and aesthetic setting of the area within the Specific Plan and with the surrounding land uses than could otherwise be achieved or developed using the general standards of and development regulations the development code.
8. **Area-wide Benefit.** The Specific Plan benefits the surrounding neighborhoods and community to a greater degree than development allowed within another regulatory zone, including improved pedestrian or transit access to jobs, goods, and services.
9. **Higher Quality of Development.** The Specific Plan provides mixed land uses and/or site design flexibilities while enhancing the area within the Specific Plan or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur using the general standards and development regulations of the development code.
10. **Appropriate Use of Common Open Space.** The Specific Plan ensures the concentration of open space into more workable or usable areas, and better preserves the area's natural resources than would otherwise occur using the general standards and development regulations of the development code.
11. **No Undue and Adverse Impact.** The Specific Plan will not have an undue and adverse impact on the reasonable enjoyment of neighboring properties and will not be detrimental to existing surrounding uses.

12. **Impact on Public Facilities.** The Specific Plan will not create an excessive burden on parks, schools, streets, and other public facilities which serve, or are proposed to serve, the area within the Specific Plan.
13. **Internal Consistency.** The Specific Plan is designed in such a manner as to form a desirable and unified environment within its own boundaries.
14. **Whole Phases.** Each phase of the Specific Plan is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible in the context of the Specific Plan in its entirety, and that provision and construction of non-residential uses, residential units and common open space are balanced and coordinated. Each phase shall be identified and approved as part of the DSM.

Section 110.442.55 Application and Tentative Approval of Specific Plan.

1. **Regulatory zone Amendment, Governing Law and Definitions.** An application for approval of a Specific Plan shall be processed as a regulatory zone amendment in accordance with Article 821, Regulatory Zone Amendment, of this code except to the extent that a provision in Article 821, Regulatory Zone Amendment conflicts with this Section. The tentative approval of a Plan by the Board shall constitute tentative approval of a regulatory zone amendment of the property included in the Plan to “Specific Plan” to become effective without further action by the Board on final approval of the Plan by the director.
2. **Concurrent processing of a tentative subdivision map.** An application for tentative approval of a subdivision map in accordance with Article 608 Tentative Subdivision Maps, of this code may be processed concurrently with an application for tentative approval of a Specific Plan, with the following adjustments:
 - (a) **Timelines.** Since the tentative map is part of the overall Specific Plan application, the application for approval of the tentative map is not to be deemed received for purposes of the 60 day deadline under Section 110.608.15 of this code until the Specific Plan application package is deemed complete.
 - (b) **PC takes Final Action.** The approval of the Tentative Subdivision Map shall be by a separate motion at the Commission in connection with the Specific Plan approval. Approval is a final action as provided in Section 110.608.15, of this code. Unless needed for informational purposes only, the approved tentative map will not be forwarded to the Board with the rest of the Specific Plan materials. The tentative map may be approved by the Commission but final maps will not be approved until the regulatory zone amendment creating the Specific Plan is final.
3. **Application and fees.** Applicants are encouraged to meet with the Director to discuss application and processing requirements. An initial application shall be submitted in two copies to the Director together with an application fee in the amount established by resolution of the Board.
4. **Form and Content of Application.** The application must be on a form or in a format set out by the Division. In addition to the application submittal requirements required by the Director for all regulatory zone amendments, all applications for a Specific Plan regulatory zone amendment must include a draft of the DSM that is in recordable form. See Section 110.442.30 Specific Plan Development Standards Manual for the required contents of the Application.

5. **Initial Review.** The Director shall review the initial application to determine if it complies with this Article and is complete enough to present to the Commission. The Director may require corrections and resubmittal of all or portions of the application and plan until it is determined that the application and plan are complete enough for presentation to the Commission.
6. **Agency Review.** When the Director determines that the application is complete, copies shall be circulated to all agencies who review regulatory zone change requests as determined by the Director. Comments and proposed conditions from reviewing agencies shall be included in the staff report. The Director may schedule meetings with participating agencies and the applicant to work through issues.
7. **Submittal for Commission; scheduling of public hearing** When an application is ready for review by the Commission, it shall be submitted in electronic form as well as ten paper copies. The electronic form and one copy shall be filed with the Commission Secretary for public inspection and distribution. The Director shall schedule a public hearing no later than the second regular meeting of the Commission after the application is deemed complete by the Director.
8. **Notice of Hearing.** Notice of the public hearing before the Commission shall be prepared, mailed, distributed, and published in the same way as a notice for a regulatory zone amendment in Section 110.821.20 of this Code. The notice shall indicate that a copy of the application and plan are on file with the Secretary.
9. **Public Hearing at Commission.** A public hearing shall be conducted in accordance with the rules of the Commission. The hearing may be continued subject to the requirements of NRS 278A.480 (2). Written consents to extension of time may be approved and signed by the Chair of the Commission.
10. **Findings.** Consistent with NRS 278A.500 and in addition to making all the findings required by Section 110.821.15 of this code for regulatory zone amendments, the commissioners shall consider and set forth in the minutes of the meeting (either as a part of the motion or by individual comments) with particularity in what respects the Plan would or would not be in the public interest, including, but not limited to findings on the following:
 - (a) **Consistency with Specific Plan Standards.** In what respects the plan is or is not consistent with the statements of objectives of a Specific Plan set forth in this Article;
 - (b) **Departures from regulatory zone requirements are in public interest.** The extent to which the plan departs from regulatory zone and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest;
 - (c) **Residential/nonresidential ratio.** The ratio of residential to nonresidential use in the planned development;
 - (d) **Adequacy of common open space.** The purpose, location and amount of the common open space in the development and the adequacy or inadequacy of the amount and purpose of common open space as related to the proposed density and type of residential development.
 - (e) **Maintenance of Common Open Space.** The reliability of the proposals for the maintenance and conservation of the open space.

- (f) **Adequacy of public services, traffic and amenities.** The physical design of the plan and the manner in which design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
 - (g) **Relationship to neighborhood.** The relationship, beneficial or adverse, of the proposed Specific Plan to the neighborhood in which it is proposed to be established.
 - (h) **Schedule sufficiency.** If the development is to be built over a period of years, the sufficiency of the terms and conditions in the plan intended to protect the interests of the public, residents and owners of the development in the integrity of the plan.
11. **Actions by Commission.** Based on its determinations and findings, on a motion approved by a majority of commissioners present at the meeting, the Commission may:
- (a) **Recommend Approval.** The Commission may, by resolution, recommend tentative approval of the Plan and regulatory zone change as submitted or subject to conditions not included in the Plan as it was submitted. The resolution must specify the Plan being tentatively approved, recommend the form of performance bond that shall accompany an application for final approval as provided in NRS 278A.490, and must recommend the time within which an application for final approval of the Plan must be filed, or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part as provided in NRS 278A.510. The resolution must also describe the proposed amendment to the appropriate regulatory zone map. A copy of the resolution shall be mailed to the applicant and any party who requests a copy and when mailed, the period of time for all appeals starts.
 - (b) **Deny.** If a motion to adopt a resolution recommending tentative approval of the plan and regulatory zone amendment fails, or if a motion to deny the application is approved, the application is denied, which is a final action and the application will not be forwarded to the Board unless the denial is appealed to the Board in accordance with section 110.912.20 of this code. The Commission may (by separate motion if necessary) determine if the denial is without prejudice. A minute order shall be prepared by the Secretary stating the denial and the basic reason(s) for the denial which shall be mailed to the applicant and anyone who requests a copy, and when so mailed, the time period for all appeals begins to run.
 - (c) **No action.** If no action is taken on an application (i.e. no motion is made, all motions die for lack of a second, or a tie vote occurs and the applicant has not asked for a postponement under Commission Rules), any person aggrieved by the non-action may appeal to the Board under Section 110.912.20 of this code. A minute order shall be prepared by the Secretary stating what happened, and, if possible, any reason for the non-action, which shall be mailed to the applicant and anyone who requests a copy, and when so mailed, the time period for all appeals begins to run.
12. **Minutes.** The Secretary shall forthwith prepare a draft of minutes of the Specific Plan proceeding (for inclusion in the overall minutes of the meeting) describing events and setting forth the testimony and discussions, and with particularity discussing the findings adopted, and discussions regarding in what respects the

plan would or would not be in the public interest as provided in NRS 278A.500. Because of appeal deadlines, a copy of the draft minutes must be forthwith mailed to the landowner, and when the full meeting minutes are approved, a copy of the approved minutes shall also be mailed to the owner as provided in NRS 278A.520.

13. **Action by the Board, Scheduling of hearing and notice.** If the Commission recommends adoption of the Plan and regulatory zone amendment, the County Clerk shall schedule a public hearing before the Board to occur within 60 days of the filing of the Commission's resolution, and notice of the hearing shall be given in accordance with Section 110.821.20 of this code. Following the public hearing, the Board may take one of the following actions. Either action is a final action for the purposes of judicial review.
 - (a) **Tentatively adopt the plan and regulatory zone amendment.** The Board shall consider the findings made by the Commission and adopt, modify or reject all or any of them and based on that consideration may, by resolution, tentatively adopt the Plan and regulatory zone amendment as submitted or subject to conditions not included in the Plan as it was submitted. The resolution must specify the Plan being tentatively approved, set forth the form of performance bond that shall accompany an application for final approval as provided in NRS 278A.490, and state the time within which an application for final approval of the Plan must be filed, or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part as provided in NRS 278A.510. The resolution must also describe the proposed amendment to the appropriate regulatory zone map and state that the regulatory zone amendment is tentatively approved and shall become effective (without further action by the Board) if and when the Plan is finally approved as provided in NRS chapter 278A and this article. A copy of the resolution shall be filed with the County Clerk and copies shall be mailed to the landowner and any party who requests a copy and when mailed, the period of time for judicial review starts; or
 - (b) **Deny the plan and regulatory zone amendment.** If a motion to adopt a resolution to tentatively approve the Plan and regulatory zone amendment fails, or if a motion to deny the application is approved, the application is denied, which is a final action. The Board may (by separate motion if necessary) determine if the denial is without prejudice. A minute order shall be prepared by the Clerk stating the denial and the basic reason(s) for the denial which shall be filed with the Clerk and mailed to the landowner and anyone who requests a copy, and when so mailed, the time period for judicial review begins to run.
14. **Minutes.** The minutes of the meeting shall describe events, the testimony and discussions, and with particularity state the findings adopted by the Board, and discussions regarding in what respects the Plan would or would not be in the public interest as provided in NRS 278A.500. A copy of the minutes, when approved, must be forthwith mailed to the landowner as provided in NRS 278A.520.
15. **Status of tentatively approved plan and regulatory zone amendment.** NRS 278A.520 governs a tentatively approved Plan. The tentatively approved regulatory zone amendment shall not be adopted prior to final approval of the proposed Specific Plan.

Section 110.442.60 Final Approval and Implementation of Plan.

1. **Application and approval.** An application for final approval of all or a part of the Plan shall be prepared in accordance with NRS 278A.530 and filed with the Director within the time frames established in the resolution granting tentative approval. Unless otherwise specified in the approving resolution, the Director may make the determination and approve and process the application as provided in NRS 278A.530 through 278A.570. Actions and decisions of the Director regarding final approval of a plan are subject to judicial review as provided in NRS278A.590.
2. **Certification and recording of finally approved Plan.** A final plan approved by the County shall be recorded and has the effect set forth in NRS 278A.570.
3. **Implementation of regulatory zone amendment.** Upon final approval of all or any part of the Plan, the tentatively approved regulatory zone amendment for all the property described in the tentative approval and subject to the particular application for final approval shall become a final approval and be implemented without further action by the Board.
4. **Abandonment or failure to implement of Plan.** If the plan is abandoned or fails to be timely implemented, as provided in NRS 278A.580, no further development may take place on the property included in the plan until the property is resubdivided and is rezoned by following the provisions of Article 821, amendment of Regulatory zone, of this code.

Section 110.442.65 Enforcement and Modification of Approved Plan. The plan and implementing documents (such as recorded covenants, conditions and restrictions) shall provide for the enforcement and modification by residents and the County as provided in NRS 278A.380 through NRS 278A.420. Modifications or amendments on behalf of the County may be initiated by the Director or the Board and shall follow the procedures set forth above for tentative and final approval. Enforcement actions may be taken directly to the Board.

SECTION 3. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application

thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This ordinance was proposed on _____ by Commissioner _____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

David Humke, Chairman
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk