

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

... Mary Hefling

being duly sworn, deposes and says that he is the

... Record Clerk

of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the

... Notice of County Ordinance

... Bill No. 534, Ordinance No. 365

NOTICE OF COUNTY ORDINANCE
Notice is hereby given that Bill No. 534, Ordinance No. 365, an ordinance amending Washoe County Ordinance No. 299 entitled "AN ORDINANCE ESTABLISHING PROCEDURES AND CRITERIA TO BE UTILIZED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY IN CONSIDERING APPLICATIONS FOR OPEN SPACE USE ASSESSMENT ON REAL PROPERTY IN WASHOE COUNTY, NEVADA AND OTHER MATTERS PROPERLY RELATING THERETO" BY REVISING SAID PROCEDURES AND CRITERIA, was adopted on January 3, 1978, by Commissioners Gaunt, Nelson, Rusk, Farr, and Stoess. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

(S) ALEX COON
WASHOE COUNTY CLERK

Publish: January 11, 18, 1978.
Sparks Tribune No. 78847

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated

... January 11, 19 78.

and was published in each of the following issues

thereafter:

the date of the last publication being in the issue

of ... January 18, 19 78.

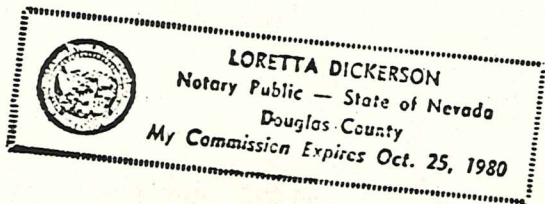
Mary Hefling
.....

Subscribed and sworn to before me this, the

18th day of January, 19 78.

Loretta Dickerson
.....
Notary Public in and for the County of ~~Washoe~~ Douglas,
State of Nevada.

My Commission expires: October 25, 1980



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ALEX COON, WASHOE COUNTY CLERK

Remove

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Please publish in the Sparks Tribune
on January 11 and 18, 1978
Please Furnish Proof of Pub and Bill

Washoe County Clerk
P. O. Box 11130
Reno, Nevada 89520
Attn. C. Tuttle

*Final Review
12/20/99*

SUMMARY: Amends Washoe County Ordinance No. 299 by revising the procedures and criteria for consideration of applications for open space use assessment of real property.

BILL NO. 534

ORDINANCE NO. 365

AN ORDINANCE AMENDING "AN ORDINANCE ESTABLISHING PROCEDURES AND CRITERIA TO BE UTILIZED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY IN CONSIDERING APPLICATIONS FOR OPEN SPACE USE ASSESSMENT ON REAL PROPERTY IN WASHOE COUNTY, NEVADA, AND OTHER MATTERS PROPERLY RELATING THERETO" BY REVISING SAID PROCEDURES AND CRITERIA.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1.

Section 2 of Washoe County Ordinance No. 299 is hereby amended to read as follows:

SECTION 2. Filing and Processing of Applications. Applications for open space use assessment of real property shall be filed and processed in accordance with the provisions of Chapter 361.A of Nevada Revised Statutes.

SECTION 2.

Section 3 of Washoe County Ordinance No. 299 is hereby amended to read as follows:

SECTION 3. Procedure for Consideration of Application.

- A. Public Hearing. The Board shall consider each application for open space use assessment in a public hearing. At least ten (10) days' notice of the time and place of such public hearing or hearings to be held shall be given by publication at least once in a newspaper of general circulation in Washoe County. Ten (10) days' written notice of the time and place of such hearing or hearings shall be given by mail to the applicant at the applicant's address stated on his application. An affidavit of mailing shall be executed by the County official or employee who mails such notice to the applicant.
- B. The public hearing on each application shall be recorded verbatim by electronic or such other means as may be authorized by the Board. The signed application of the applicant and the affidavit of mailing notice of the hearing to the applicant shall be entered into the record of the hearing. The recommendation for approval or disapproval of the governing body of any incorporated city in which the property is located shall be made part of the record of the hearing. The applicant, his designated representative, or his attorney may speak on behalf of the application. Residents of Washoe County or other individuals who are determined by the Board to have an interest in the application who desire to oppose an application, subject to such reasonable

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*12/20/99
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time limitations as may be imposed by the Chairman, shall be allowed to speak against the granting of an application. Redundant or repetitive testimony may be prohibited and restricted by the Chairman. Written evidence, photographs, or other evidentiary material may be offered in support of or in opposition to an application, and such materials shall become a part of the record of hearing. Formal rules of evidence shall not be applicable to the conduct of the hearing or the deliberations of the Board concerning any application.

- C. Findings. The Board shall make written findings with respect to each application considered within thirty (30) days after the public hearing held to consider such application, but in no event later than May 31, succeeding the year in which the application was filed. The following findings shall be made:
1. Whether the application was properly executed, timely filed, and properly processed.
 2. Whether the application complies or does not comply with each of the criteria set forth in Section 4 of this ordinance.
 3. Whether the governing body of the incorporated city in which the property is located, if applicable, has recommended approval or disapproval of the application in accordance with all applicable legal requirements respecting such recommendations set forth in Nevada Revised Statutes or this ordinance.
- D. Approval or Disapproval of Application. If an application is properly executed, timely filed, and properly processed and meets criteria A, B, and C or D as appropriate and as set forth in Section 4 of this ordinance, the Board shall enter an order either approving or disapproving the application. In its consideration of an application, the Board shall weigh the benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from approving the application. The Board may approve the application with respect to only part of a property the subject of the application, but if any part of the application is denied, the applicant may withdraw the entire application. If an application does not meet each of the criteria set forth in Section 4 of this ordinance, the Board shall enter an order disapproving the application unless an approval of only a part of the application is made as set forth above, in which case an order disapproving the application with respect to only part of the property the subject of the application shall be entered. The Board may set such conditions as it reasonably may require upon its approval of the application or any part of the application, including, but not limited to, conditions regarding accessibility of the property to the general public.

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E. Within ten (10) days after the Board approves an application for open space use assessment, it shall:

- 1. Send copies of the order of approval to the County Assessor and this applicant.
- 2. Record the order of approval with the County Recorder.

F. When the Board denies an application, it shall, within ten (10) days after denial, send an order of denial to the applicant listing its reasons for denial. The Board shall also notify the Regional Planning Commission of Reno, Sparks, and Washoe County of all denials for parcels having an O-S Open Space classification and shall forward to the Regional Planning Commission any written requests to retain O-S Open Space classification.

SECTION 3.

Section 4 of Washoe County Ordinance No. 299 is hereby amended to read as follows:

SECTION 4. Criteria.

Real property located in Washoe County granted open space use assessment status shall:

- A. Contain no structures or other man-made improvements thereon except those required for the public health, education, convenience or necessity. Any such structures shall be designed for public health, education, convenience or necessity based upon value to the public of the open space or educational qualities of the lot or parcel and shall include, but not be limited to, parks, sidewalks, parking areas, restrooms, bath houses, underground utilities, historic buildings and other similar structures.
- B. Be landscaped and/or maintained in a natural or parklike state.
- C. If within an incorporated city in the County, be within a designation or classification (as specified by the governing body of such incorporated city by formal resolution) under the master plan of that incorporated city designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- D. If within the unincorporated area of Washoe County, be within a designation or classification (as specified by the Board of County Commissioners of Washoe County by formal resolution) under the Master Plan of Washoe County designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

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SECTION 4.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by

NRS 244.100.

Proposed on the 27th day of December, 1977.
Proposed by Commissioner Gaunt, Nelson, Farr and Stoess.
Passed on the 3rd day of January, 1978.

Vote:

Ayes: Commissioners: Gaunt, Nelson, Rusk, Farr and Stoess.
Nays: Commissioners: None
Absent: Commissioners: Absent

Ken Gaunt
Chairman of the Board

ATTEST:

Alex Coon, County Clerk
by L. Wilson, Deputy Clerk
County Clerk

This ordinance shall be in force and effect from and after
the 18th day of January, 1977.

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